KPU | KWANTLEN POLYTECHNIC UNIVERSITY

HR21 Respectful Workplace Policy

Category: HR (Human Resources)
Effective Date: April 17, 2025
Approving Jurisdiction: Board of Governors
Administrative Responsibility: Vice President Human Resources

A. Context and Purpose

To ensure that Kwantlen Polytechnic University is a working environment where all employees are treated with dignity and respect and are free from discrimination, bullying and harassment.

B. Scope and Limits

This Policy applies to all Kwantlen Polytechnic University employees while they are engaged in any University-related activity.

Statutory and Collective Agreement Rights

This Policy and the Respectful Workplace Complaint Resolution Procedure should not be interpreted, administered or applied in any manner which contravenes statutory rights or obligations, or any existing rights or obligations arising out of any collective agreement. To ensure this end, the provisions set out in the Respectful Workplace Complaint Resolution Procedure may require modification in specific situations as reasonably necessary.

Management Rights

This Policy is not to be interpreted, administered, or applied in such a way as to detract from the right and obligation of those in supervisory roles to manage and discipline employees in accordance with the University's collective agreements, policies and procedures. The reasonable exercise of the University's management rights for operational requirements, performance management or progressive discipline are not subject to complaint under this policy.

C. Statement of Policy Principles

1. **Employee Rights and Responsibilities**

    1.1. All employees of the University have the right to be treated and are expected to

treat others with dignity and respect, refraining from engaging in discrimination or bullying and harassment. Discrimination or bullying and harassment in our workplace are unacceptable and will not be tolerated.

1.2. All employees of the University have the right to be treated equitably under this Policy.

1.3. Contractors, their employees and agents, visitors to the University, University Board Members, students and other third parties are expected to treat University employees in a respectful manner, consistent with this Policy.

2. The University's Responsibility

2.1. The University has a responsibility to provide a working environment where discrimination or bullying and harassment will not be tolerated and to that end, it may invoke a range of disciplinary or corrective measures.

3. Relation of this Policy to Other Rights and Responsibilities

3.1. Academic Freedom

This Policy should not be interpreted, administered, or applied to infringe on the academic freedom of employees, as described in the University's Principles of Academic Freedom and Responsibility Policy and the collective agreement between the University and the Kwantlen Faculty Association.

3.2. Student Conduct (Non-Academic) Policy

Complaints made by employees which contain allegations of bullying and harassment by students will be dealt with under the University's Student Conduct (Non-Academic) Policy as appropriate.

4. Education and Awareness

4.1. Recognizing that education and awareness are keys to understanding, preventing and eliminating discrimination or bullying and harassment, the University will offer educational and training programs designed to support the administration of this Policy and to ensure that all employees are aware of their rights and responsibilities under this Policy.

5. **Confidentiality**

5.1. **Complainant and Respondent Confidentiality**

5.1.1. Confidentiality is required so that those who may have experienced or observed discrimination or bullying and harassment will come forward, and so that the reputations and interests of Complainants and Respondents are protected.

5.1.2. Confidentiality must be distinguished from anonymity. For a complaint to proceed, the identity of the Complainant(s) and the details of the complaint must be released to the Respondent(s) and those involved in any investigation and disposition of the complaint. The Complainant(s) and Respondent(s) must therefore be prepared to be identified.

5.2. **Confidentiality of Information**

Dealing with complaints will require the collection, use, and disclosure of sensitive personal information. Except for disclosure which is required by law or is necessary in order to investigate and resolve a complaint of discrimination or bullying and harassment, the University will keep confidential any information pertaining to that complaint.

5.3. **The Responsibility to Maintain Confidentiality**

All members of the University community are required to maintain the confidentiality of any information that they may receive during the course of the complaint resolution process, particularly within the work or study area in question and in shared professional or social circles.

5.4. **Breach of Confidentiality**

Any person involved in a complaint process who breaches confidentiality may be subject to disciplinary measures.

5.5. **Confidentiality of Records**

All recorded personal information will be treated as "supplied in confidence" for the purposes of compliance with the BC *Freedom of Information and Protection of Privacy Act* and responding to access requests under that legislation.

6. **Assurance of Due Process**

6.1. All matters arising under this Policy will be dealt with in a fair, unbiased and timely manner.

7. **The Burden of Proof**

7.1. The burden is on the Complainant to establish a prima facie case of discrimination and/or bullying and harassment. In other words, the Complainant must allege facts which, if proven, would satisfy the definition of discrimination and/or bullying and harassment. If the Complainant's allegations meet this threshold, the complaint will be investigated and the Senior Administrator will determine, on a balance of probabilities based on all the evidence gathered during the investigation, whether discrimination and/or bullying and harassment occurred.

8. **Protection from Retaliation**

8.1. The filing of a complaint under this Policy, in good faith, is the right of every University employee and must be exercised without fear of reprisal.

8.2. Retaliation against any person who, in good faith, files a complaint or is otherwise involved in a complaint of discrimination or bullying and harassment under this Policy will not be tolerated by the University and may result in disciplinary measures.

9. **Frivolous or Malicious Complaints**

9.1. Complaints of discrimination or bullying and harassment are serious matters. Persons who are found to have made frivolous, vexatious, or malicious complaints of discrimination or bullying and harassment may be subject to disciplinary measures.

10. **Multiple Filing of Complaints**

10.1. If a Complainant pursues a course of action outside this Policy, such as filing a complaint under another policy or process, the Senior Administrator may decide to suspend the complaint process under this Policy pending the conclusion of the other proceeding.

10.2. If the Senior Administrator determines that the substance of the complaint was appropriately dealt with in another proceeding, the Senior Administrator may dismiss or reject the complaint under this Policy.

11. **Annual Review**

11.1. This *Respectful Workplace Policy* will be reviewed annually.

D. Definitions

Refer to HR21 Respectful Workplace Procedure for a list of definitions in support of this policy.

E. Related Policies and Legislation

HR21 Respectful Workplace Procedure

AD2 Complaints About Instruction, Services, Employees Policy
EI1 Diversity & Inclusiveness Policy / Procedure
HR18 Job Accommodations for Employees Policy / Procedure
IM2 Freedom of Information Policy / Procedure
IM4 Confidentiality Policy / Procedure
IM8 Privacy Policy
SR8 Emergency Response to Inappropriate, Disruptive or Threatening Behaviour Policy
SR9 Violence in the Workplace Policy
ST7 Student Conduct (Non-Academic) Policy / Procedure

Also Reference:

BCGEU Collective Agreement
KFA Collective Agreement
BC Human Rights Code

F. Related Procedure

HR21 Respectful Workplace Procedure