



BOUCHER INSTITUTE
of Naturopathic Medicine

BOUCHER INSTITUTE POLICY

Policy Title: Respectful Working and Learning Environment

Date of Initial Board Approval: Aug 14, 2001 (Replaces Human Rights, Harrassment and Bullying Policy)

Date of Last Approved Revision: January 28, 2019

Person(s) Responsible for Implementation & Adherence: President and HR Director

Related Procedures: Respectful Working and Learning Environment Complaint Procedure

Policy Statements

The Boucher Institute of Naturopathic Medicine is committed to providing a safe working and learning environment that allows for full and free participation of all members of the BINM Community.

Discrimination, Bullying and Harassment are strictly prohibited under this Policy.

A breach of this Policy by a member of the BINM Community represents serious misconduct, and may be cause for disciplinary sanctions including, where appropriate, suspension, dismissal or expulsion.

The Institute recognizes its responsibility to increase awareness of Discrimination, Bullying and Harassment, to prevent its occurrence within the BINM Community, to provide procedures to handle Complaints, and to remedy situations where Discrimination or Bullying and Harassment has been found to have occurred.

The Institute will respond to Complaints in a manner that supports all persons involved in the Complaint, consistent with Institute policies and principles of procedural fairness.

Purposes of this Policy

The purposes of this Discrimination, Bullying and Harassment Policy and the Discrimination, Bullying and Harassment Procedure are to:

- provide a safe and secure learning and working environment that is free from Discrimination, Bullying and Harassment;

- define the roles and responsibilities of individuals in implementing and carrying out programs and practices towards the prevention of, and in response to, Discrimination, Bullying and Harassment; and
- create a procedurally fair mechanism for handling Complaints of Discrimination or Bullying and Harassment.

Scope and Jurisdiction

This policy applies where

- an incident of Discrimination or Bullying and Harassment is alleged to have occurred on Institute property, or off Institute property (including online) in connection with an event or activity sponsored by or under the auspices of the Institute, and
- the alleged Discrimination or Bullying and Harassment involves a member of the BINM Community, or a person who was a member of the BINM Community at the time of the incident.

If an incident of Discrimination or Bullying and Harassment does not meet the above criteria, the Institute may still take steps to mitigate the impact of the incident on the learning or working environment.

The Institute does not have jurisdiction to take disciplinary action against a person who is not a member of the BINM Community or who is not currently affiliated with the Institute. However, under certain circumstances the Institute may be able to take other action, such as revoking a person's access to Institute property or a Institute event.

This policy is separate from any criminal or civil proceedings. The Institute is not responsible for determining violations of criminal or civil law.

Other Institute policies that pertain to Discrimination, Bullying and Harassment include, but are not limited to, the Sexual Violence and Misconduct Policy, the Standards of Student Conduct Policy, and the Safety Policy.

Definitions

“BINM Community”: All Institute employees, faculty members, Students, contractors and volunteers, and any other person who is contractually obligated to comply with this Policy.

“Bullying and Harassment”: Means

- any inappropriate conduct or comment by a member of the BINM Community towards an Employee or Student that the person knew or ought reasonably to have known would cause that person to be humiliated or intimidated, or

- any other form of unwelcome verbal or physical behaviour which, by a reasonable standard, would be expected to cause insecurity, discomfort, offence or humiliation to one or more Employees or Students, and has the purpose or effect of interfering with an Employee's work performance or a Student's learning, or creating an intimidating, hostile or offensive working or learning environment.

However, Bullying and Harassment excludes any reasonable action taken by an authorized BINM administrator, supervisor or faculty member, relating to the management and direction of Employees, or the regulation of academic and non-academic conduct of Students or the working or learning environment.

Examples of Bullying and Harassment include, but are not limited, to the following:

- words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- spreading malicious rumours;
- threats or intimidation;
- vandalizing personal belongings;
- physical assault or violence; and/or
- persistent rudeness, bullying, taunting, patronizing behaviour, or other conduct that adversely affects the learning or working environment.

It is NOT Bullying and Harassment to:

- comply with professional, managerial or supervisory responsibilities to evaluate and report on the performance, conduct or competence of Employees or Students;
- express reasonable opinions freely and courteously; or
- respectfully engage in honest differences of opinion.

“Complainant”: A person who files a Complaint. In some instances, the Institute may act as a Complainant where it becomes aware of allegations of Discrimination, Bullying and Harassment that, if true, would violate this Policy but no person comes forward with a Complaint, or where an investigation is required by law.

“Complaint”: A formal written complaint containing allegations of Discrimination, Bullying and Harassment or other violation(s) of this Policy.

“Discrimination”: Discrimination within the meaning of the BC Human Rights Code, based on a person's sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, age, or criminal conviction which is unrelated to the person's employment. Discrimination permitted by the BC Human Rights Code is not a breach of the Policy (i.e., where a bona fide occupational requirement or bona fide and reasonable

justification is established, or where the alleged discrimination relates to a bona fide pension plan or group insurance plan). Discrimination includes Sexual Harassment, as defined below.

“Employee”: An employee of the Institute, including administrators, faculty and staff.

“Institute”: The Boucher Institute of Naturopathic Medicine.

“Investigator”: A person appointed by the Institute to investigate a Complaint.

“Respondent(s)”: A person or persons alleged to have engaged in conduct that violates this Policy.

“Responsible Administrator”: An executive or Board member of the Institute, or an administrator responsible for the operations of a Institute department, faculty, or service area.

“Retaliatory Action”: Any adverse action taken against a person because that person seeks advice on making a Complaint, makes a Complaint, or cooperates in an investigation of a Complaint.

“Sexual Harassment”: Conduct or comments of a sexual nature that is unwelcome, and that detrimentally affects the working or learning environment or leads to adverse employment or education-related consequences.

Examples of Sexual Harassment include, but are not limited to, the following:

- unwanted touching;
- unwelcome sexual flirtations, advances or propositions;
- sexually suggestive, obscene or degrading comments or gestures;
- offensive jokes of a sexual nature;
- leering or staring;
- displaying or circulating pictures or other material of a sexual nature; or
- unwelcome questions or remarks about a person’s sex life, appearance or clothing.

“Student”: A person who is enrolled as a student at the Institute in credit or non-credit courses.

Rights and Responsibilities

The Institute is committed to addressing Discrimination, Bullying and Harassment by

- implementing and actively promoting awareness and training programs to educate the BINM Community regarding Discrimination, Bullying and Harassment and the issues addressed in this Policy;
- promoting working and learning conditions that seek to eliminate the potential for incidents of Discrimination or Bullying and Harassment to occur within the Institute's facilities or operations;
- reducing barriers to filing Complaints regarding Discrimination or Bullying and Harassment; and
- responding to Complaints in a procedurally fair, efficient and consistent manner.

The Institute reserves the right to initiate an investigation and/or to inform the relevant law enforcement agency without the consent of the person filing a Complaint regarding an incident of Discrimination or Bullying and Harassment, if the Institute has a reasonable belief that the safety of a member of the BINM Community is at risk.

The Institute reserves the right to implement interim measures as it considers appropriate, to protect the safety of the BINM Community or any of its members during an evaluation of a Complaint, or pending the completion of an investigation. Such measures may include, but are not limited to: directing the Complainant, Respondent, witnesses or other parties to cease and desist from engaging in a particular type of behaviour; restricting access to Institute property or specific areas within the Institute; alteration of the learning or work schedule of an individual; imposing a no-contact directive; and/or temporary, non-disciplinary leave of an individual.

A member of the BINM Community has the right to pursue other processes external to the Institute in connection with alleged Discrimination or Bullying and Harassment, such as reporting the matter to the police, initiating a civil action, or filing a complaint under the BC Human Rights Code. If an external course of action is pursued, the Institute may elect to continue with the process under this policy, or to suspend the process under this policy pending the outcome of the external process.