



NICFA CONDUCT POLICY

Policy Statement

The North Island College Faculty Association serves members responsibly, responsively, and in good faith. It is committed to fostering a respectful environment that values all individuals, recognizes their inherent dignity, and is free of bullying, harassment, discrimination, and/or disrespectful conduct. All members of the Association must treat colleagues in a fair and respectful manner; behaviours to the contrary will not be accepted or tolerated.

Policy Scope

This policy shall be used in response to circumstances relevant only to the Faculty Association and its activities. It does not involve conduct issues involving interpersonal dynamics in the regular employment context or in a personal context. Members with complaints about colleagues that occur in relation to their work or personal relationships are encouraged to address those using NIC's policies, the Collective Agreement or any other avenues that apply. Both complainants and respondents may consult with NICFA representatives for support, guidance, or information about the available avenue(s) - formal or informal - for conflict resolution. Members also have a right to union representation at meetings with the Administration, as requested.

Typically, only members of the Association may lodge complaints under this policy, although the Executive may consider complaints lodged by other parties in extraordinary circumstances at its sole discretion.

NICFA representatives may determine that inappropriate conduct should or must be reported to North Island College and/or outside authorities; it reserves the right to do so.

Members who believe they have been wronged by NICFA representatives in their execution of union responsibilities may use this policy to address concerns. They also have the right to lodge complaints under the BC Labour Code, Human Rights Code, or any other avenues that apply, whether or not they have utilized NICFA policies.

This policy is subordinate. If the employer decides the complaint is within its scope, this policy shall not apply. If the employer decides the matter is not within its scope, this policy may be utilized, if applicable. NICFA will likely cease its activities under this policy should a member have used, or elect to use, NIC or external complaint mechanisms.

Individuals who utilize this policy shall maintain confidentiality in process and outcome; failing to do so could result in correction or discipline.

Definitions

Bullying and harassment: Includes any inappropriate conduct or comment by a person towards a member that the person knew or reasonably ought to have known would cause that person to be humiliated or intimidated, but excludes any reasonable action taken by a union representative relating to the scope of their responsibilities.

Examples of conduct or comments that might constitute bullying and harassment include verbal aggression or insults, calling someone derogatory names, harmful hazing or initiation practices, vandalizing personal belongings, spreading malicious rumors, and online or phone-based forms of such behaviour ('cyber-bullying').

Discrimination: Occurs if a distinction, exclusion or preference is made that imposes disadvantages on a member that are not imposed on others, based on one or more of the following prohibited grounds: race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, gender identity, political belief or criminal or summary conviction unrelated to an individual's employment or intended employment.

Disrespectful Conduct: Represents any action that an individual knew or should have known would cause another person to feel diminished. This includes comments or actions that question another person's character, competence or motives or otherwise transgress social standards of respect for an individual's worth, without rising to the level of bullying or harassment.

Proper Conduct: Refers to the responsibility of NICFA representatives to execute the tasks and responsibilities associated with their role to the best of their ability, only within their authority, and in a manner consistent with statutory requirements.

This policy covers, but is not limited to, the following conduct examples:

All members

- Disrespectful behaviour at a union meeting or event (may implicate NIC policies)
- Theft of, or fraud involving, union resources
- Failure to adhere to conditions imposed by the union
- Defamatory (slandorous or libelous) comments of the Faculty Association or its Executive members, beyond reasonable criticism
- Bad faith complaints intended to harm other members
- Crossing a NICFA-supported picket line at North Island College
- Anything else expressly prohibited by another policy

Members in NICFA positions¹

- Misrepresentation of one's union position or authority to members, management and/or the public
- Communicating on behalf of the union without permission to do so
- Misrepresentation to Executive or Council colleagues
- Continuous poor performance of NICFA position duties, including absenteeism
- Breaching union confidentiality and/or privilege
- Bullying, harassment, discriminatory, or disrespectful behaviours in the execution of one's union duties (may invoke use of NIC policies or other statutes)

Exceptions

Members shall not be denied representation should they engage in conduct contrary to this policy toward union representatives. The union reserves the right to take measures to address these behaviours while meeting its obligation

Responsibilities and Procedures

It is everybody's responsibility to ensure they conduct themselves properly in the context of union work and activities. Individuals who witness bullying, harassment, discrimination, disrespectful conduct or any misconduct must report this as soon as possible. These allegations shall be taken seriously and acted upon in a timely manner.

All individuals shall maintain strict confidentiality during this process. Only those with a need to know the details should be apprised in protection of people's privacy.

Investigation and resolution of NICFA conduct matters, including bullying, harassment, discrimination and/or conduct complaints shall be brought to the attention of the NICFA President or designate and shall occur in line with appropriate policy/policies. If the complaint involves the NICFA President, the Executive will appoint a different officer or member, agreed upon by any complainant, to assume this responsibility. Initial contact about the President's conduct can go to the Vice-President/Chief Steward or the Secretary.

Any NICFA representative can receive a conduct complaint and must elevate it within five business days.

1. When to Report

Incidents or complaints should be reported as soon as possible after a member experiences or witnesses a problem. This allows the occurrence to be reviewed and addressed promptly.

¹ NICFA positions include Council and any other representatives appointed or elected through the Association's processes (e.g. JOHSC or PD representatives). See NICFA Positions document.

2. How to Report

a. Informal:

Where appropriate, any person who believes that they have been subjected to or witnessed bullying, harassment, discrimination and/or inappropriate conduct is encouraged, if suitable, to discuss their concerns with the other party/parties as soon as possible and ask the offensive behavior to stop. Individuals are encouraged to document this process by notifying the NICFA President or designate about the experience even if the matter is deemed settled.

b. Formal:

Where such a discussion is inappropriate or unsuccessful, any person that feels they have been subjected to, or witnessed with another party engaging in inappropriate behaviour in the context of union activity, should immediately contact the NICFA President or designate to allow the incident to be considered and addressed promptly.

All complaints will be investigated promptly in a confidential and objective manner. They will take into consideration the perspectives of all parties involved, including potential witnesses to the behaviours. This may include proceeding to consensual mediation, and/or where the Executive deems necessary, retaining the services of an external investigator.

3. What to Include in a Report

A NICFA representative will support complainants in the initial disclosure of their concerns. They will help gather as much information as possible, such as the names of people involved, witnesses, where the events occurred, when they occurred, and what behavior and/or words led to the complaint. Any supporting documents, such as emails, handwritten notes, or photographs or physical evidence can also be submitted.

Supports for Parties

All parties to a complaint will have access to a support person who is either a member of the Council or Association member. Support persons will not be involved in outcomes decisions.

Interim Measures

Individuals may be temporarily subject to interim measures, including suspension of rights and/or limitations to union duties, pending the results of the investigation where their ongoing participation compromises safety, the integrity of the process, or could

prove damaging to the Association. Interim measures shall not constitute a finding of culpability and are inconsequential to the investigation. Where appropriate, the respondent and any complainants will be apprised of interim measures and their limits.

Outcomes

The outcome of any investigation will be shared in writing with the respondent(s). The outcome will include reasons for the finding, which may include reference to the allegations, statements from individuals involved, conclusions about credibility and other relevant facts, etc. The complainant may receive limited verbal information about the result. All parties shall maintain confidentiality of the process.

Any actions to address findings of wrongdoing will occur in line with NICFA's Correction and Discipline Policy.

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