

	Abbotsford Police Department Policy and Procedure	
	Administration	Personnel Management
	I.B.280	Sexual Harassment

TABLE OF CONTENTS

PREAMBLE	2
STANDARDS	2
PURPOSE.....	2
PRIMARY DEFINITIONS AND CONDITIONS.....	3
SUPPLEMENTARY DEFINITIONS	4
SCOPE	5
POLICY	5
Responsibilities.....	5
Fairness	6
Confidentiality	6
Retaliation And Reprisal	7
PROCESS FOR COMPLAINT SUBMISSION	8
Special Handling Procedures.....	8
Complaint Submission for All Other Workers	8
Investigation.....	9
Interim Measures.....	9
Time Limits	9
Withdrawal of a Complaint.....	9
Appeals.....	10
Alternate Complaint Procedures or Resolution Methods	10
Outcomes	11
Unfounded Complaints	11
Malicious/Vexatious/Frivolous Complaints or Complaints Filed In Bad Faith	12

PREAMBLE

The Abbotsford Police Department (AbbyPD) is committed to providing a work environment in which all individuals, including Workers, volunteers, contractors and visitors are treated with civility, respect and dignity. Sexual Harassment in the Workplace is not acceptable and will not be tolerated.

AbbyPD is obliged to investigate allegations of Sexual Harassment alleged to have occurred in the Workplace, during employment, or in locations or via modalities defined as Extensions of the Workplace.

All persons covered by this Sexual Harassment Policy and Procedure (the "Policy") are accountable for demonstrating inclusive and non-discriminatory behaviour and must conduct themselves respectfully, and cooperatively in the Workplace and Extensions of the Workplace.

STANDARDS

- (1) This Policy is governed by all relevant organizational policies, professional and ethical standards that govern the conduct of Workers, contractors, volunteers and students, WorkSafeBC, the British Columbia *Human Rights Code*, and applicable Collective Agreements. It is guided by trauma-informed organizational best practices.

PURPOSE

- (2) This Policy establishes practices and procedures that promote an environment of respect, safety, and inclusiveness for all Workers, contractors, volunteers, students and visitors. AbbyPD is committed to ensuring that Workers are treated with dignity and respect, free from Sexual Harassment, incivility, and discrimination, and to have information and mechanisms to submit Complaints in a safe and supportive environment.
- (3) This Policy affirms rights and responsibilities related to Workplace conduct, assigns accountabilities for maintaining a respectful Workplace, and provides Complaint resolution procedures specific to Sexual Harassment.
- (4) Every person working or engaged by AbbyPD has the right to be treated fairly, courteously, and respectfully. AbbyPD's mission and values provide the foundation for creating a respectful Workplace culture by:
 - (a) fostering a safe, healthy, and inclusive Workplace that supports Workers' physical, psychological, and social well-being;

- (b) ensuring that Workers are treated with dignity, respect, and civility; free from discrimination and all forms of harassment; and
- (c) providing an environment that models and promotes courtesy, tolerance, and personal dignity.

PRIMARY DEFINITIONS AND CONDITIONS

- (5) **Sexual Harassment** - conduct or comment of a sexual nature that is unwelcome, and that detrimentally affects the work environment or leads to adverse job-related consequences. Sexual Harassment includes, but is not limited to, conduct or comment related to a person's sex, sexual orientation, sexual preferences, gender identity, gender expression or sexual activities.

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

- conduct or comment of a sexual nature made by a person who knows or ought reasonably to know that such conduct or comment is unwanted or unwelcome;
- conduct, behaviour, action, or comment intended to, or having the effect of, creating an intimidating or hostile work environment;
- expressed or implied promise of a reward for complying with a request of a sexual nature;
- reprisal, or an expressed or implied threat of reprisal, for refusal to comply with a request of a sexual nature;
- denial of opportunity, or an expressed or implied threat of denial of opportunity, for refusal to comply with a request of a sexual nature;
- remarks or insinuations regarding an individual's body, appearance, or sexual activity;
- unwelcome questions or sharing of personal information regarding a person's marital status, sexuality, sexual activity, sexual orientation, or gender expression;
- persistent, unwelcome invitations or requests;
- displaying sexually graphic or derogatory pictures, or other materials whether on work or personal electronic device;
- use of electronic communications such as email, text messaging, or social networking to initiate or participate in any of the above behaviours;
- leering, ogling, or sexually suggestive gestures;
- inappropriate and unnecessary touching;

- sexual assault; and/or
- stalking.

Intent does not determine whether a behaviour is Sexual Harassment. A person cannot excuse their behaviour by claiming they did not intend it to be Sexual Harassment.

SUPPLEMENTARY DEFINITIONS

- (6) **Bystanders** - third parties who have witnessed behaviour(s) and/or action(s) which could reasonably constitute a violation of this Policy (e.g., having heard, seen, or received via electronic means).
- (7) **Complainant** - the person making a complaint (a "Complaint") or seeking recourse under this Policy.
- (8) **Designate** – the person to whom a Complaint is submitted pursuant to paragraphs (29), (30), (31) or (34) of this Policy.
- (9) **Extension of the Workplace** - a location where, or modality by which, a person's behaviour or action may have subsequent impact on, or be related to, working relationships, the working environment, and/or the performance of work. Examples include employer-sponsored, employee-organized, or peer-coordinated events and activities and peer-to-peer electronic communication.
- (10) **Parties** - the Complainant(s) and Respondent(s).
- (11) **Respondent** - for the purposes of this Policy, the person against whom a Complaint is submitted.
- (12) **Witnesses** – individuals (including Bystanders) who may have direct knowledge of, or involvement in, any matter or incident relating to a Complaint brought forward under this Policy.
- (13) **Worker** - for the purposes of this Policy, includes all AbbyPD employees, volunteers, or contractors regardless of rank, position, or responsibility.
- (14) **Workplace** - for the purposes of this Policy, includes but is not limited to:
 - (a) any location or venue where, or in which, an AbbyPD worker carries out work-related duties;
 - (b) any event or gathering that is related to the performance of work-related duties, including conferences, commemorative activities, and other public events;

- (c) any location or venue where, or in which, an AbbyPD-sponsored event occurs; and.
- (d) travel to AbbyPD-sponsored events.

SCOPE

- (15) All AbbyPD Workers are required to abide by this Policy.
- (16) Subject to the policies of the Office of the Police Complaint Commissioner, complaints or information received regarding the conduct of a municipal constable or special municipal constables may be reported to the Office of the Police Complaint Commissioner without the prior consent of a complainant or any other impacted person. Where any conduct becomes an admissible complaint, an internal discipline matter, or an ordered investigation under Part 11 of the *Police Act* the matter will be dealt with within the provisions of the *Police Act*. Internal Discipline matters may be addressed in accordance with this Policy as determined by the Internal Discipline Authority. All other Complaints will be addressed in accordance with this Policy.

POLICY

RESPONSIBILITIES

- (17) AbbyPD has an overall responsibility to provide a safe and respectful Workplace. This includes conducting investigations where appropriate to the circumstances.
- (18) Supervisors must take steps to prevent Workers from engaging in Sexual Harassment.
- (19) Every Worker must take reasonable steps to maintain a respectful Workplace. These include:
 - (a) understanding the definition of Sexual Harassment;
 - (b) assuming accountability for their own conduct and its impact upon others;
 - (c) not engaging in Sexual Harassment;
 - (d) reporting experienced or observed incidences of Sexual Harassment;
 - (e) cooperating in any investigation in which the Worker is a Party, Bystander or Witness, including by keeping information learned through the investigation process confidential;

- (f) refraining from retaliation against Parties, Witnesses and Bystanders who are involved in a Complaint or who participate in an investigation; and
- (g) applying and complying with this Policy and related policies such as [I.B.060 Respectful Workplace](#).

FAIRNESS

- (20) Parties, Bystanders and Witnesses have a right to fair treatment in the consideration and investigation of Complaints and concerns under this Policy. Fair treatment includes the right to:
- (a) bring forward their concerns under this Policy within a timely manner;
 - (b) be informed in a timely manner of Complaints made against them;
 - (c) an impartial and objective consideration and evaluation of the circumstances, through informal or formal intervention;
 - (d) confidentiality to the extent possible in the circumstances, including the avoidance of gossip, rumours and speculation by any Party, Witness, Bystander or other individual;
 - (e) reasonable protection from retaliation for participation in processes under this Policy;
 - (f) be informed of the outcome of any formal intervention as applicable to the extent possible, having regard for others' rights to privacy;
 - (g) union representation for unionized Workers; and
 - (h) other representation, if requested, for exempt Workers, such as a colleague or third-party representative who is not in any way involved in the matter being investigated. Costs related to third-party representation will be borne by the exempt Worker.

CONFIDENTIALITY

- (21) All Parties, Witnesses and Bystanders involved in a Complaint or in the resolution of a Complaint must keep matters related to the Complaint confidential. Senior Leadership Team (SLT), managers and supervisors who are privy to the Complaint or Complaint resolution process are also expected to keep matters related to a Complaint confidential. The Director of Human Resources (Director HR) will provide direction to all Parties, Witnesses and Bystanders regarding the sharing of information related to the Complaint.

- (22) An established breach of confidentiality regarding a Complaint or Complaint resolution process will be considered an independent violation of this Policy and procedure and may result in discipline.
- (23) Any allegation or Complaint under this Policy will be considered personal information pursuant to the *Freedom of Information and Protection of Privacy Act*. The names of those involved in the Complaint will not be disclosed to any person except where necessary for the purpose of Complaint investigation and outcome determination or where authorized or required by law.
- (24) The substance of investigative reports and meetings held by authorized investigators and decision-makers will be protected from disclosure to third parties in accordance with the *Freedom of Information and Protection of Privacy Act*.
- (25) All Complaint files will be retained by Human Resources (HR) in separate files. Any resulting discipline imposed upon a municipal constable or special municipal constable will be recorded and maintained by the AbbyPD Professional Standards Section (PSS) on the Worker's Service Record of Discipline (SROD).

RETALIATION AND REPRISAL

- (26) No Party, Witness, Bystander, or other individual involved in matters under this Policy shall be subject to any retaliation or reprisal, indirect or direct. Retaliation includes but is not limited to any negative conduct, comment, decision, or communication that reasonably appears to have been made:
 - (a) in response to a filed Complaint; or
 - (b) in response to a Worker, Witness or Bystander's participation in a Complaint resolution process; or
 - (c) in an attempt to dissuade, influence or otherwise coerce individuals into taking specific action or refraining from acting in relation to this Policy.
- (27) Any established retaliation or reprisal against any Party, Bystander, Witness, or other individual involved in a resolution process under this Policy will be considered an independent violation of this Policy, regardless of the merits or outcome of the initial concern or Complaint and may result in discipline.

PROCESS FOR COMPLAINT SUBMISSION

- (28) An investigation initiated under this Policy will be coordinated and managed by HR. HR will determine whether an internal or external investigator will conduct the investigation of the Complaint.

SPECIAL HANDLING PROCEDURES

- (29) Complaints filed against or by the Director HR should be submitted, in writing or verbally, to the Deputy Chief Constable Administration (DCC-Admin).
- (30) Complaints filed against a Deputy Chief Constable should be submitted, in writing or verbally, to the Chief Constable.
- (31) Complaints filed against the Chief Constable should be submitted, in writing or verbally, to the Chair of the Abbotsford Police Board.
- (32) Complaints filed against the Chief Constable, Deputy Chief Constables or Director HR may be assigned to an external investigator, depending on the circumstances.
- (33) If a Complaint is made against more than one Respondent noted in paragraphs (29) to (31), the highest level of review will be applied to all Parties.

COMPLAINT SUBMISSION FOR ALL OTHER WORKERS

- (34) A Worker who believes that they have experienced Sexual Harassment should submit their concern, in writing or verbally, to the Director HR.
- (35) The Director of Human Resources will review the Complaint to determine whether a prima facie case of Sexual Harassment has been established. Where the Respondent is a municipal constable or a special municipal constable, Professional Standards Section (PSS) will be advised as soon as practicable of the Complaint.
- (36) Once a decision to investigate has been made, the Complainant will be asked to submit their Complaint in writing on form [AbbyPD-305 Respectful Workplace – Confidential Report](#) directly to the Director of Human Resources via either internal mail marked “Confidential” or email indicating “Confidential” in the subject line.

INVESTIGATION

- (37) Once a Complaint has been submitted, the Complaint will be reviewed to ascertain whether a *prima facie* case of Sexual Harassment has been established based on the allegations if assumed to be true. If a *prima facie* case is not established, no investigation will be conducted.
- (38) Even if a *prima facie* case has been established, the filing of a Complaint does not mean that a formal investigation will be automatically conducted. The manner in which a Complaint is resolved will be determined by the AbbyPD and will depend on a number of factors, including the nature, extent and severity of allegations brought forward by the Complainant.
- (39) Following this review, the Complaint may be assigned to an internal or external investigator to conduct a formal investigation of the Complaint.

INTERIM MEASURES

- (40) It may be necessary to take interim measures, such as requiring transfers, leaves, or imposing restrictions regarding contact or communication between the Parties while a Complaint is being investigated. Such measures will be assessed on a case-by-case basis.

TIME LIMITS

- (41) Complaints should be filed as soon as possible after the incident but no later than one year from the incident (or, in the case of a series of incidents, from the last incident in the series). AbbyPD recognizes, however, that the events, experience(s), and effects associated with the Complaint process may delay reporting. In these cases, the time limit may be extended at the discretion of the Director HR or DCC-Admin, or otherwise in accordance with any applicable collective agreements.

WITHDRAWAL OF A COMPLAINT

- (42) At any time during an investigation, the Complainant may choose to withdraw the Complaint. Such a withdrawal will be without penalty upon AbbyPD's satisfaction that the withdrawal has not been coerced and the original Complaint had been filed in good faith. Human Resources may choose to continue the investigation despite the Complainant's wish to withdraw the Complaint. If the investigation is discontinued, there will be no indication of the Complaint in the personnel files of either the Complainant or Respondent.

APPEALS

- (43) Within 15 days of receiving a summary of the investigative report, either Party may file an appeal with the Chief Constable or their delegate. If the Chief Constable is the Respondent, the appeal is to be filed with the Chair of the Abbotsford Police Board.
- (44) The appeal will be restricted solely to allegations that the investigative process was unfair. The appellant will be required to articulate the way(s) in which the investigative process is alleged to have been unfair. The appeal will not constitute an avenue in which to “re-investigate” the merits of the Complaint.
- (45) The Chief Constable, Chair of the Abbotsford Police Board, or designate will review the investigative report to evaluate the fairness of the process.
- (46) If the Chief Constable or Chair of the Abbotsford Police Board has any concerns with the investigative process, they may, at their sole discretion:
 - (a) remit the matter back to the investigator, with specific questions or areas requiring clarification; or
 - (b) refer the Complaint to a new investigator, depending on the nature and extent of procedural concerns as determined by the reviewer.
- (47) The decision of the Chief Constable or Chair of the Abbotsford Police Board is final.

ALTERNATE COMPLAINT PROCEDURES OR RESOLUTION METHODS

- (48) A Complainant may request, through the Designate, that said Designate engage with the Respondent to attempt to resolve the issue through education and expectations setting. The Designate will determine whether resolving the issue in this manner is appropriate to the circumstances and, if deemed appropriate, attempt to accommodate the Complainant’s request.
- (49) AbbyPD, at its sole discretion, may decline or continue to investigate any Complaint under this Policy.
- (50) Complaints containing potentially criminal behaviour such as assault, sexual assault, criminal threats, criminal harassment or attempts at extortion will be dealt with through the criminal complaint and investigative process.

OUTCOMES

- (51) In conjunction with Human Resources, management will determine and implement specific outcomes that are reflective of and relevant to the findings and conclusions of the investigative report ("Implementation Plan") within a reasonable period of time after receipt of the investigation report. If the Respondent is a municipal constable or special municipal constable, PSS must be advised of the investigative outcome and provided with a copy of the investigation report. The PSS will work with Human Resources to ensure compliance with AbbyPD policy [I.C.100 Public Trust Complaints, Ordered Investigations, and Internal Discipline Investigations](#) where applicable.
- (52) Outcomes that may form part of the Implementation Plan could include one or more of the following:
- (a) oral and/or written apology from the Respondent(s);
 - (b) operational or physical adjustments to the Workplace environment;
 - (c) Employee and Family Assistance Plan referrals;
 - (d) coaching of expectations – verbal or in writing;
 - (e) assessment referrals as appropriate;
 - (f) training and education;
 - (g) transfers to a different shift/section; and/or
 - (h) institution of formal discipline and disciplinary processes, up to and including termination of employment, engagement or other contract as applicable.
- (53) If the Respondent is a contractor or employee of another police agency, AbbyPD will consult with appropriate personnel within the external agency to determine the appropriate remedy.
- (54) Once the appeal period has expired or concluded, AbbyPD will, in compliance with applicable privacy legislation, inform the Complainant and Respondent of certain details the Implementation Plan.

UNFOUNDED COMPLAINTS

- (55) Where a Complaint is unfounded, the Complaint will be dismissed.
- (56) If a Complaint is dismissed, there will be no record of the Complaint on the Respondent's file.

MALICIOUS/VEXATIOUS/FRIVOLOUS COMPLAINTS OR COMPLAINTS FILED IN BAD FAITH

- (57) Where a Complaint is found, at any stage, to have been made in bad faith or determined to be threatening, malicious, vexatious, or frivolous, the Complainant may face discipline, or other similar outcomes as set out above under the section of this Policy dealing with outcomes.
- (58) A Complaint, or threatened Complaint, will be deemed in bad faith when, considering the totality of the circumstances, including timing and context, its filing is determined a misuse of this Policy, including, but not limited to, where the Complaint is found to have been filed primarily in an attempt to:
- (a) influence, resist or overturn decisions of AbbyPD related to either Party's employment;
 - (b) intimidate, threaten, or purposefully cause problems for the Respondent;
 - (c) create a hostile or intimidating Workplace environment for others, including the Respondent; or
 - (d) create a potential personal benefit or entitlement to the Complainant unrelated to the fulfillment of the purposes of this Policy.

The above approved by the Police Board on April 23, 2025.