

POLICY

No. D.10

HARASSMENT

*Adopted: 97-03-10
Amended: 00-03-13
Reviewed: 06-03-02
Reviewed: 09-11-10
Amended: 11-03-08
Reviewed: 12-02-14
Reviewed: 13-01-08*

Policy

Employees and students have the right to be free from personal or sexual harassment. This right is established through legislation, jurisprudence, administrative law, or collective agreements.

The Board of Education believes that the relationships and interactions between all employees, students and public must be based upon courtesy and respect and should clearly model acceptable behaviour for students in the District. It is, in part, through these considerate and respectful interactions of employees, students and public, at all levels and in all circumstances, that schools can develop a positive and safe environment supporting student learning and positive relations. A failure to meet the standard of a harassment-free work environment seriously impacts upon the reputation of the School District and upon the ability of the District to carry out its educational mandate.

The Board of Education expects all employees to conduct themselves in the workplace in such a manner as to ensure that no other employee experiences personal or sexual harassment. Behaviour, which is identified as being personally or sexually harassing in nature, is unacceptable and will not be tolerated. Students are to be equivalently protected from harassment in the school or at school-sponsored activities.

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Regulation

1. For the purpose of this policy, harassment is defined as including:
 - a. sexual harassment;
 - b. or any improper behaviour that is directed at or offensive to any person, is unwelcome, and which the person knows or ought reasonably to know would be unwelcome;
 - c. or objectionable conduct, comment, materials or display made on either a one-time or continuous basis that demeans, belittles, intimidates, or humiliates another person;
 - d. or the exercise of intrapersonal behaviour, power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate;
 - e. or misuses of intrapersonal behaviour, power or authority such as intimidation, threats, coercion and blackmail.
2. The definition of "sexual harassment" shall include:
 1. any comment, look, suggestion, physical contact, or real or implied action of a sexual nature which causes an uncomfortable working environment for the recipient, made by a person who knows or ought reasonably to know such behaviour is unwelcome;
 2. or any circulation or display of visual material of a sexual nature that has the effect of creating an uncomfortable working environment;
 3. or an implied promise of reward for complying with a request of a sexual nature;
 4. or a sexual advance made by a person in authority over the recipient that includes or implies a threat or an expressed or implied denial of an opportunity which would otherwise be granted or available and may include a reprisal or a threat of reprisal made after a sexual advance is rejected.
3. Any complaint made by a parent or by a member of the public against an employee must be made in writing to the Superintendent of Schools/Secretary-Treasurer. If the complaint is against the Superintendent of Schools/Secretary-Treasurer, the complaint must be made in writing to the Board Chairperson. Accusations of harassment will be dealt with as quickly as possible.
4. Accusations of harassment involving unionized employees will be dealt with under the terms and conditions of the employees' collective agreements.

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5. Accusations of harassment involving students will be dealt with under Policy E.24, *Student Discipline*.
6. Other accusations of harassment will conform to any requirements contained within contracts of employment or other regulations.
7. Complainants must make reasonable efforts to resolve concerns about harassment at the school or worksite level through discussion and open dialogue prior to making a formal complaint. The advice and support of supervisors, colleagues or advocates should be sought in this process.
8. In the case of a formal complaint of sexual harassment, the complainant and respondent will be required to attend investigative hearings. The School District will receive such a complaint uncritically, without bias and in a manner such as not to oblige the complainant to prove the allegations beyond a doubt. Rather, the version of the facts given by all parties involved will be carefully considered and a decision as to whether a complainant has been sexually harassed will be based on the likelihood that the incident occurred. In the interest of all concerned, confidentiality of any notification, information or investigation will be preserved. Information will be kept in a special file in the District Office, pending conclusion of the investigation.
9. Where the behaviour of a person who is not an employee interferes with or interrupts the proceedings of a school, the *School Act* will be invoked.
10. On receipt of the complaint of harassment, the Superintendent of Schools/Secretary-Treasurer will undertake a preliminary investigation to make a determination as to whether the complaint falls within the definitions of harassment and warrants further investigations. If determined that the complainant does not fall within the definition, the complainant will be so notified in writing. The person against whom the complaint of harassment has been made will also receive written notification of the Superintendent of Schools/Secretary-Treasurer's determination. Appeals from a decision may be made, where deemed necessary, through the Board of Education Appeals By-law No. 2.
11. If the Superintendent of Schools/Secretary-Treasurer determines that the complaint falls within the definition of harassment, he or she will:
 - a. notify the complainant of his/her determination of the complaint;
 - b. notify the person against whom the complaint has been made, providing a general statement about the nature of the complaint;
 - c. where the complaint is made against a teacher or support worker, advise the appropriate union that a complaint about a member has been made, with a general statement as to the nature of the complaint;
 - d. where appropriate, and where the complainant consents, arrange a meeting with the alleged harasser with a view to resolving the dispute on the basis of a resolution that is satisfactory to the complainant and harasser;
 - e. conduct the investigation as expeditiously and thoroughly as possible;
 - f. share the results of the completed confidential report with those who need to know the result of the report.

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12. The Superintendent of Schools/Secretary-Treasurer may refer the report, where appropriate, to legal advisors, or others, to assist in determination of appropriate action to be taken in respect to the complaint. Where the Superintendent of Schools/Secretary-Treasurer determines that the matter should go to the Board of Education for consideration and resolution, the Superintendent of Schools/Secretary-Treasurer will refer the matter to a closed meeting of the Board.
13. The Superintendent of the Schools/Secretary-Treasurer or the Board of Education will then decide the disposition of the complaint and any discipline that might follow. It may impose any of the following where it finds that harassment has occurred:
 - a. education and training of individuals and/or groups;
 - b. monitoring the behaviour of individuals or groups in the workplace;
 - c. changes in the workplace including but not limited to transfers, reassignments and schedule changes;
 - d. corrective and/or disciplinary action ranging from warnings up to and including dismissal;
 - e. where necessary, banning non-employees from the premises;
 - f. other strategies designed to eliminate and/or prevent harassment; and
 - g. any other remedies or penalties appropriate to the particular circumstances of the situation.
14. At any time during the course of the investigation the parties may reach resolution or settlement of the matter. Where both parties agree, mediation may be used to facilitate resolution. Any resolution or settlement agreement reached shall be put in writing and signed by both parties. At this point, the process is discontinued.
15. All those involved shall keep all stages of the complaint investigation and subsequent processes confidential.
16. No one governed by this policy shall be subject to reprisal, threat of reprisal or discipline for making a complaint that the individual reasonably believed to be valid.