



## HARASSMENT

### Background

The Division is committed to providing an environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional workplace without harassment or discriminatory practices.

The Division will not tolerate harassment, whether engaged in by employees, volunteers, parents, or students. The Division acknowledges its responsibility to support and assist any employee, student or volunteer who is subjected to harassment.

### Definitions

Harassment is defined as any incident or repeated incidents of objectionable or unwelcome verbal or physical conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will cause offence or humiliation to a person or adversely affects the person's health and safety, this includes conduct, comments, bullying or actions because of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

Harassing behaviour can include:

- Unwelcome conduct, comments, gestures or contact which causes offence or humiliation (e.g., name calling, harassing phone calls, spreading rumors);
- Deliberate misgendering;
- Physical or psychological bullying which creates fear or mistrust or which ridicules or devalues the individual;
- Exclusion or isolation of individuals;
- Intimidation;
- Cyber bullying (e.g., posting or sending offensive or intimidating messages through social media or email);
- Deliberately setting the individual up to fail (e.g., making unreasonable demands, setting impossible deadlines, interfering with work);
- Intentionally withholding information or giving the wrong information;
- Taking away work or responsibility without cause, and;
- Displaying or circulating offensive pictures or materials in print or electronic form.

Sexual harassment is unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or;
- Submission to or rejection of such conduct by an individual affects that individual's employment.

Sexual harassment can include such things as pinching, patting, rubbing, leering, "dirty" jokes, pictures, or pornographic material, comments, suggestions, innuendos, requests or demands of a sexual nature.

Reasonable actions taken by the employer or supervisor while managing and directing workers are not considered harassment.

No action shall be taken against an individual for making a complaint unless the complaint is made maliciously without reasonable and probable grounds.

## **Procedures**

### *1. Work-Related Harassment*

Harassment can occur in places other than the school, Division office or other work locations. It can also occur:

- At school related social functions; or
- On school-related travel or field trips; or
- Elsewhere where the individuals involved have a work-related or school-related relationship, including social media and other online interactions.

### *2. Individuals Covered*

- 2.1 This administrative procedure applies to all individuals working or volunteering for the Board, students attending Board schools, and parents or other community members interacting with staff and/or students.
- 2.2 Complaints of harassment by a student will be managed by their teacher or principal using regular student discipline measures.

### *3. Confidentiality*

- 3.1 The Division recognizes the difficulty of reporting harassing behaviour and understands that confidentiality is important.
- 3.2 Confidentiality will be maintained throughout the complaint procedure. Information relating to the complaint will only be disclosed to the extent necessary to investigate the complaint.

### *4. Responsibility*

The Division is responsible for providing a work and learning environment free from harassment. The Superintendent will implement procedures that will inform all employees, volunteers, students, and parents/community members about the Division's harassment procedures and the procedures for investigating complaints.

### *5. Reporting of Complaints*

- 5.1 Those who have experienced harassment are encouraged to:
  - 5.1.1 Keep a written record of dates, times, the nature of the behaviour, the names of people who may have witnessed the incidents, and the actions taken to stop the harassment;
  - 5.1.2 If possible, advise the offender, either verbally or in writing, that his/her behaviour is unacceptable and unwelcome and ask him/her to stop; and
  - 5.1.3 Promptly report the incident(s) to a teacher, Principal, Supervisor, or the Superintendent.
- 5.2 Any employee or student who believes that a colleague has experienced or is experiencing harassment or retaliation, is encouraged to notify the Principal, Supervisor or the Superintendent.
- 5.3 This administrative procedure does not preclude the complainant from reporting harassment complaints to the Alberta Human Rights Commission or Alberta Occupational Health and Safety, or if the matter is perceived to be of a criminal nature, to the police.

## 6. *Resolution of Complaints*

- 6.1 Where harassment is reported to a teacher, the teacher may, if he/she considers the harassment to be minor, attempt to resolve the complaint. If the teacher considers the complaint to be major, he/she will report the complaint to the Principal except where the Principal is the alleged harasser and, in that case, the complaint shall be reported to the Superintendent.
- 6.2 All complaints will be dealt with in the manner as outlined in these procedures.

## 7. *Complaint Process*

- 7.1 Students, employees, or volunteers who believe they have been subjected to harassment may discuss the situation with a teacher, the Principal, Supervisor, or the Superintendent and can expect to be provided with support and guidance with the process, which may include:
  - 7.1.1 Keeping a written record and advising the offender that his or her behaviour is unwelcome and asking him/her to stop.
  - 7.1.2 Informal resolution by mediation with both parties.
  - 7.1.3 The teacher, principal, supervisor or superintendent taking action on the complaint or requesting additional written information.

## 8. *Formal or Written Complaints*

- 8.1 Those who believe they have been harassed may submit a written complaint to a teacher, Principal, or Supervisor. A letter of complaint is to contain the following information: who the alleged harasser was/is, where the alleged harassment took place, when the alleged harassment took place, the nature of the alleged harassment, and witnesses (if any).
- 8.2 The teacher shall notify the Principal except in the case where the Principal is the alleged harasser in which case the Deputy Superintendent or designate shall be notified. The Principal, in consultation with the reporting teacher, will determine the severity of the charge and will, depending on the severity of the case, either attempt to resolve the complaint or refer it to the Deputy Superintendent or designate.
- 8.3 The Deputy Superintendent or designate will investigate the details of the complaint, hear evidence from the parties involved, and recommend solutions to identified problems. The Deputy Superintendent or designate may take whatever appropriate action he/she deems necessary.
  - 8.3.1 All documents and evidence submitted by the complainant shall be made available to the alleged harasser. All documents and evidence submitted by the respondent shall be made available to the complainant;
  - 8.3.2 The Deputy Superintendent or designate may wish to secure additional information from files, records, etc.;
  - 8.3.3 Significant information secured from files will be provided to both parties and both parties will have the opportunity to respond to such additional information, and;
  - 8.3.4 The time period between the initial contact by the complainant and a resolution/decision by the Deputy Superintendent or designate is not to exceed two months.
- 8.4 Should the complainant so request, the investigation will be stopped at any point except where the alleged harasser requests that the investigation continue. (This might arise where an investigation had involved obtaining records, etc., and where the person(s) against whom the complaint had been made wished to "clear their names"). In such circumstances the request will be considered by the Deputy Superintendent or designate.

- 8.5 At any time, the Deputy Superintendent or designate may choose to continue with the investigation or close it. Such a decision may be appealed to the Superintendent.

*9. Decision of the Deputy Superintendent or designate*

- 9.1 At the conclusion of the Deputy Superintendent or designates investigation the Deputy Superintendent or designate will make a full report including:
- 9.1.1 Whether the alleged harasser is guilty or not guilty of harassment;
  - 9.1.2 The discipline or other action to be taken if the alleged harasser is judged guilty;
  - 9.1.3 Whether the matter has been referred to an appropriate outside agency (e.g., the Alberta Human Rights Commission, Alberta Occupational Health, and Safety);
  - 9.1.4 What administrative or other changes will be made in order to avoid re-occurrence of a similar case;
  - 9.1.5 The specific sanctions to be imposed on the complainant if the complainant is judged to have deliberately and knowingly made false allegations in an attempt to cause harm to the alleged harasser.
- 9.2 The Deputy Superintendent or designate will communicate the decision to the complainant and respondent. Any sanctions imposed by the Deputy Superintendent or designate will be set out in the written notification.

**10. Complaints against the Superintendent**

- 10.1 If the alleged harasser is the Superintendent and if an informal solution is not possible or acceptable the complainant is asked to file a complaint with the chair of the Golden Hills Board of Trustees.

*11. Complaints of Sexual Abuse Involving Children*

- 11.1 Complaints of sexual abuse to a child shall be handled as outlined in Administrative Procedure 325 – Child Abuse.

*12. Supports for Employees Involved in Harassment*

- 12.1 Employees who are the victims of harassment should consider consulting a healthcare professional or contacting the Golden Hills Employee Family Assistance Program.

Reference: Section 33, 52, 53, Education Act  
Canadian Human Rights Act  
Child Welfare Act  
Criminal Code  
Individual's Rights Protection Act  
Alberta Occupational Health and Safety Act, Regulations and Code