



HARASSMENT AND VIOLENCE

Background

Every student, employee, parent, volunteer and community member has the right to fair and equitable treatment regardless of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation.

The Division is committed to providing a welcoming, caring and safe learning and working environment for students, employees, parents, volunteers and community members. Any act that can cause harm to an employee's physical, psychological or social well-being is unacceptable and will not be tolerated.

Definitions

Harassment: any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonable to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety, and includes

- (i) conduct, comment, bullying or action because of race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and
- (ii) a sexual solicitation or advance (can include, but is not limited to, unwanted or inappropriate physical contact, unwelcome or inappropriate remarks or compromising invitations, verbal abuse, display of sexually suggestive pictures, leering, whistling, innuendoes or jokes, gestures of a sexual nature, or demands for sexual favours).

but excludes any reasonable conduct of an employer or supervisor in respect of their management of the worker or work site;

Workplace Violence: threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm, and includes domestic or sexual violence: Examples of workplace violence include the following:

- (i) threatening behaviour such as shaking fists, destroying property or throwing objects;
- (ii) verbal or written threats (any expression of intent to cause harm);
- (iii) physical attacks such as hitting, shoving, pushing or kicking.



Procedures

1. Students, employees, parents, volunteers and community members who subject a student, employee, parent, volunteer or community member to harassment or violence, may be subject to disciplinary action as is deemed to be appropriate, including dismissal from employment, expulsion from school or prohibition order.
2. Appropriate action may be taken against others whose conduct has resulted in harassment or violence of Division students, employees or representatives of the Board.
3. All students, staff and visitors have a responsibility in the prevention of harassment and violence behaviour.
4. All cases of harassment and violence will be taken seriously and complaints must be lodged in good faith. A false complaint may result in repercussions to the complainant.
5. The complainant is to keep a record of specific incidents, dates and any witnesses.
6. Individuals are encouraged to attempt to stop harassment or violent behaviour by informing the alleged offender that his/her behaviour is unwelcome and must stop. This is not mandatory and is not a requirement prior to lodging an official complaint.
7. Prohibition order may be issued, pursuant to section 27 of the *Education Act*, which states:
No person shall:
 - (a) disturb or interrupt the proceeding of a school;
 - (b) disturb or interrupt the proceedings of a school meeting, Board meeting, or
 - (c) loiter or trespass in a school building or on property owned by a Board.
8. In the event of a complaint, the individual may pursue either a formal or informal process.
9. Complaints are to be filed within a reasonable amount of time from when the alleged harassment or violent act has occurred.
10. No action shall be taken against an individual for making a complaint unless the complaint is made maliciously or without reasonable and probable grounds.
11. Reasonable actions by principals to help manage, guide or direct workers or the workplace are not harassment.
12. Appropriate worker performance reviews, counselling or discipline by a principal is not harassment.



13. Informal Process

- 13.1 The complainant may submit, in verbal or written form, the particulars of the harassment complaint to a teacher, school counsellor or Principal, hereinafter referred to as the mediator.
- 13.2 Under usual circumstances the mediator has thirty (30) calendar days in which to mediate and/or resolve the complaint. The mediator may also choose to recommend an alternate mediator if his/her own involvement is considered inappropriate.
- 13.3 If either the respondent or the complainant does not wish to proceed with the informal process, or if the mediator is unable to satisfactorily resolve the issue, the mediator will advise the parties to pursue a more formal process.

14. Formal Process

- 14.1 Formal complaints are to be submitted, in writing, to the Superintendent or designate.
- 14.2 Within ten (10) school days from receiving the formal complaint, an investigation committee will be constituted.
- 14.3 Under usual circumstances, the committee shall report to the Superintendent, within thirty (30) calendar days, its findings and recommendations.
- 14.4 Based on the recommendations and evidence contained in the committee's report, the Superintendent will take appropriate action.
- 14.5 Appeals of the Superintendent's action must be made, in writing to the Board, within thirty (30) days of notification of the action taken.
- 14.6 The Board will review the investigation and either:
 - 14.6.1 Confirm the recommendations and action taken; or
 - 14.6.2 Prescribe a new course of action.

- 15. If an employee receives treatment for work related violence or harassment, the employer must ensure the employee does not lose pay or benefits when receiving treatment.

Reference: Section 33, 52, 53, 197, 204, 222 Education Act
Occupational Health and Safety Code Explanation Guide
Canadian Charter of Rights and Freedoms
Canadian Human Rights Act
Child Youth and Family Enhancement Act
Criminal Code
Individual's Rights Protection Act