

## Administrative Procedure 170

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# HARASSMENT

### Background

It is essential that all students, staff, volunteers and visitors to the school are provided with learning and working environments that are free from harassment.

### Definitions

The following definitions shall be used in the understanding of, and adherence to, these administrative procedures:

*Harassment* whether “personal” or “sexual” is behaviour that is directed at or is offensive to any person, is unwelcome and which the “harasser” knows or ought reasonably to know would be unwelcome. It may consist of objectionable conduct, comment, materials or display that demeans, belittles, intimidates or humiliates another person. Harassment could also arise in the form of misuse of power or authority—intimidation, threats, coercion and black mail—which serves no legitimate purpose in the school or workplace setting.

*Personal harassment* is any behaviour that in effect or in intent disparages, humiliates, or harms another person. It is behaviour that denies the individual dignity and respect, and is demeaning and/or humiliating to another person. Harassment may include, but is not limited to, references related to age, national or ethnic origin, religion, gender, sexual orientation, disability or race, sources of income or family status. The behaviour need not to be intended as harassing to be considered as personal harassment. It is sufficient that one knows or ought reasonably to know that their behaviour is offensive and unwelcome.

*Sexual harassment* is any unwelcome behaviour, which is sexual in nature. Such behaviour may directly or indirectly affect or threaten to affect in an adverse manner a person’s job security prospects, promotion, earnings, working conditions, or learning environment. The behaviour need not to be intended to be sexually harassing to be considered as sexual harassment. It is sufficient that one knows or ought reasonably to know that their behaviour is offensive and unwelcome. Sexual harassment can include but is not limited to:

- Unwanted physical contact.
- Unwelcome remarks or compromising invitations.
- Verbal abuse or display of suggestive pictures.
- Leering, whistling, innuendoes, jokes or other behaviours or gestures of a sexual nature.
- Demands for sexual favours.
- Stalking.
- Insulting remarks about sexual orientation, threats or intimidating behaviour.

- Bragging about sexual prowess for others to hear.
- Sexually insulting remarks about race, gender, ability or class.

The learning and working environment can and does extend beyond the immediate school or Division office. These sites can also extend to the playground, school bus, school or work related social activities, school or work related travel and field trips or other settings where the individuals involved are engaged in work-related or school-related activity such as field placement or a cooperative educational work term. The working and learning environment may also include various electronic media such as telephone, fax and computers.

Hostile or poisonous work environments are environments characterized by behaviour not necessarily directed at any one person in particular. However, the actions of one (1) or more people in this environment may contribute to an atmosphere that directly or indirectly affects a person's ability to work effectively.

### **Procedures**

1. It is the responsibility of all staff members, especially administrators and supervisors to take immediate and appropriate corrective action in situations involving personal and/or sexual harassment complaints.
2. It is the responsibility of all supervisory staff to make staff, students and parents aware of these procedures dealing with harassment.
3. An individual that believes they are being harassed is advised to keep a record of any incidents including dates, times, locations, possible witnesses, nature of the incidents, personal response and resulting outcomes.
4. In order to resolve any issues of harassment, the individual choose to initiate direct action to resolve the issue such as:
  - 4.1 Informing the harasser that the actions are unwelcome and must stop immediately.
  - 4.2 Requesting the involvement of a colleague, administrator, or supervisor to provide informal intervention.
5. In the event that the individual is unable to resolve the harassment in a satisfactory manner after following the steps identified in section 4 above, then the following shall apply:
  - 5.1 In the event that the harassment is between two students, the investigation will be undertaken at the school level in the following manner:
    - 5.1.1 The student being harassed will be required to make a complaint to a staff member and outline the nature of the harassment.
    - 5.1.2 The complaint will be assigned to a staff member to investigate the allegations and provide a resolution.
    - 5.1.3 The staff member shall advise the individual accused of the harassment that a complaint has been received.
    - 5.1.4 During the course of the investigation the staff member shall contact the parents of the students involved at an appropriate point.

- 5.1.5 Upon the completion of the investigation the staff member shall communicate the results to the students and their parents.
- 5.1.6 The staff member, in discussion with the Principal, shall determine the appropriate disciplinary action.
- 5.2 In the event that the harassment involves employees, the following steps shall be followed:
  - 5.2.1 The staff member being harassed shall submit the complaint to the Superintendent in writing as soon as possible following the incident.
  - 5.2.2 Staff members that are unable to submit a written complaint on their own may do so using a tape recorder, scribe or an individual of their choice.
  - 5.2.3 If after reviewing the written complaint the Superintendent deems a formal investigation is necessary, the Superintendent will:
    - 5.2.3.1 Advise the alleged harasser, in writing, of the nature and specifics of the allegation and that an investigation has been initiated.
    - 5.2.3.2 Advise the complainant of his/her rights under the administrative procedures and appropriate legislation.
    - 5.2.3.3 Provide the alleged harasser with a copy of the written complaint.
    - 5.2.3.4 Interview the complainant, the alleged harasser and any other individuals that may have knowledge of the circumstances.
    - 5.2.3.5 Appoint an individual to investigate the allegation and report back to the Superintendent.
    - 5.2.3.6 Select an individual to conduct the investigation that has not had any previous familiarity with either of the employees involved in the case.
    - 5.2.3.7 Review the details of the complaint with the alleged harasser who shall also be advised of the right to have counsel present.
    - 5.2.3.8 Require the investigator to submit a written report with the findings of the investigation and recommendations within thirty (30) working days.
    - 5.2.3.9 Consider the evidence and recommendations contained in the investigators report and take appropriate action.
    - 5.2.3.10 Advise the complainant and alleged harasser of the outcome of the investigation and the actions that will be undertaken.
  - 5.2.4 The Superintendent will advise any of the employees involved of their right to appeal within ten (10) working days of having been advised of the outcomes of the investigation and the stated actions that would be undertaken.
  - 5.2.5 The Superintendent will ensure that the appropriate support services for both the complainant and the employee accused of the harassment in those cases where the allegations have not been supported by the investigation.
  - 5.2.6 The Superintendent will make available appropriate services for victims in harassment situations.

- 5.2.7 In the event that the Superintendent is involved, the matter will be referred to the Board for a resolution.
6. The Superintendent may decide to undertake an investigation, in the absence of any specific complaints, in order to ensure that the environment is free from harassment in cases where:
    - 6.1 There is a focused pattern of inquiries and/or complaints over time that suggests the existence of a specific problem that has been identified but not corrected.
    - 6.2 There is reason to believe that a broader, systemic problem exists in the work and/or learning environment that causes, contributes to, or encourages harassment.
    - 6.3 As the result of an investigation, a complaint is not supported but there is reasonable evidence that a broader systemic problem exists.
      - 6.3.1 Prior to proceeding with an independent investigation, a summary of the situation providing reasonable grounds for recommending investigation in the absence of a specific complaint will be drafted.
      - 6.3.2 This summary will be presented to the Superintendent for consideration.
      - 6.3.3 Where an investigation under this section is approved, the appropriate parties will be advised of the intent to conduct a systemic investigation, the reasons for initiating the investigation and the process/procedures that will be implemented.
    - 6.4 In lieu of a systemic investigation, the Superintendent may also initiate activities to increase awareness of personal and/or sexual harassment and its effects on staff, students, parents and volunteers.
  7. Employees who are not satisfied with the action taken with respect to the enforcement of these procedures may pursue the matter in accordance with the following:
    - 7.1 For those matters that are covered either by the employee's collective agreement or Division administrative procedures, the matter may be pursued in accordance with the grievance or appeal procedure outlined in the appropriate collective agreement or Division administrative procedures.
  8. Students who are not satisfied with action taken with respect to enforcement of these procedures are entitled to pursue the matter as follows:
    - 8.1 An appeal may be made in writing to the Superintendent within ten (10) school days.
    - 8.2 The Superintendent will respond within thirty (30) school days.
  9. All parties involved shall treat these matters in strict confidence and without present or future prejudice for the employee or student who lodges a harassment complaint.

10. Any party has the right to seek civil or criminal redress through the courts or to file a complaint with their union, association or the Alberta Human Rights Commission.

Reference: Section 11, 52, 53, 197, 204, 222 Education Act  
Alberta Human Rights Act  
Child, Youth and Family Enhancement Act  
Employment Standards Code  
Occupational Health and Safety Act  
Canadian Charter of Rights and Freedoms  
Canadian Human Rights Act  
Criminal Code  
Individual's Rights Protection Act  
Student Record Regulation 225/2006  
ATA Code of Professional Conduct