

Administrative Procedure 736

HARASSMENT

Background

The Division is committed to providing a welcoming, caring, respectful and safe learning and work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional workplace without discriminatory practices.

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

Definitions

Harassment: is a form of discrimination against any person because of race, religious beliefs, color, gender, physical disability, mental disability, marital status, sexual orientation, age, ancestry or place of origin. Harassment means any conduct, comment, gesture or contact of a nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived as placing a condition on employment or on any opportunity for training or promotion.

Sexual Harassment: is any unwelcome behaviour that is sexual in nature. Sexual advances, requests for sexual acts, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- Such conduct undermines another individual's personal dignity by causing embarrassment, discomfort, humiliation or offence; or
- Such conduct interferes with an individual's work performance or learning opportunities by creating an intimidating or hostile work or learning environment;
- Submission to such is made either explicitly or implicitly a term or condition of employment or of educational services; or
- Submission to or rejection of such conduct affects decisions regarding that individual's employment or educational advancement including matters such as promotion, salary, benefits, job security, grades, or employment references.

Sexual harassment includes unwanted touching, leering, sexist jokes, the display of sexually suggestive material, derogatory or degrading comments, sexually suggestive gestures, and unwelcome propositions, innuendos, demands or inquiries of a sexual nature.

Personal Harassment: is any behaviour by any person in the workplace that is directed at, and is offensive to, any employee, student or volunteer and undermines the performance of that person.

Personal harassment occurs when an individual uses his/her authority or position with its implicit power to undermine, sabotage or otherwise interfere with or influence the career of another employee.

Personal harassment also includes repeated, intentional, offensive comments and/or actions deliberately designed to demean and belittle an individual and/or cause personal humiliation.

Bullying: repeated and hostile or demeaning behavior by an individual in the school community where the behavior is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual's reputation.

Procedures

1. School-Related Functions

- 1.1 Harassment can occur in places other than a school or Division Office. 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.

2. Individuals Covered

- 2.1 This administrative procedure applies to all individuals working or volunteering for the Division or attending Division schools.

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

- 4.1 The Division is responsible for providing a work and learning environment free from harassment. Harassment will not be tolerated. The Superintendent will implement procedures that will inform all employees, volunteers and students about the Division's harassment procedures and the procedures for investigating complaints.

5. Reporting of Complaints

- 5.1 Those who have experienced sexual 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 practicable, 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 person in authority.
- 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, the supervisor, or the Superintendent. In the case of a student being the alleged harasser, employees must always be aware that they stand "in loco parentis" to all students.
- 5.3 This administrative procedure does not preclude the complainant from reporting sexual harassment complaints to the Alberta Human Rights Commission, or if the matter is perceived to be a criminal nature, to the police.
- 5.4 In the case of personal harassment, the harasser is first to be told that his/her actions, remarks or suggestions are unwelcome. If the unacceptable behavior does not cease, the steps as outlined for sexual harassment are to be followed.

6. Resolution of Complaints

- 6.1 Where a 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 within a manner as outlined in these procedures.

7. Informal or Verbal Complaints

- 7.1 Students, employees or volunteers who believe they have been subjected to harassment may discuss the situation with a person in authority and can expect to be provided with support and guidance in choosing from among the alternatives that are available.
- 7.2 Alternatives to be considered include the following:
 - 7.2.1 Keeping a written record and advising the offender that his or her behaviour is unwelcome and asking him/her to stop.
 - 7.2.2 Informal resolution by mediation with both parties.
 - 7.2.3 Filing of a formal written complaint.
 - 7.2.4 Reporting to the Alberta Human Rights Commission.

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 A 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. A supervisor shall notify the Deputy Superintendent or designate.
- 8.3 The Deputy Superintendent or designate will investigate the details of the referred 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 (2) 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 designate’s 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);
 - 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 Board Chair or the Alberta Human Rights Commission.
11. Complaints of Sexual Abuse Involving Children
- 11.1 Complaints of sexual abuse to a child shall be handled as outlined in **Administrative Procedure 352 Intervention Services**.

12. Complaint to Human Rights Commission

- 12.1 None of the above procedures prohibit a person being harassed from making a complaint directly to the Alberta Human Rights Commission:
Toll Free: 1.800.432.1838 (Within Alberta)
- 12.2 Any complaint filed under the Individual’s Rights Protection Act must be lodged with the Alberta Human Rights Commission within six (6) months of the alleged incident.

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| Reference: Education Act 11, 197, 222 Alberta Human Rights Act Occupational Health and Safety Act Canadian Charter of Rights and Freedoms Criminal Code (Canada) |  |
| | Date Approved: April 1, 2021 |
| | Reviewed or Revised: Executive: April, 2021 |

References shall be updated as required and do not require additional approval.