



All employees have the right to a working environment free of harassment. Anyone who believes they have been harassed may make a complaint without repercussions or the fear of reprisal.

A. Workplace Harassment

Harassment in the workplace is unwelcome conduct, whether written, verbal or physical, that is offensive in nature and that detrimentally affects the work environment or leads to adverse job-related consequences for the victim(s) of the harassment. The behaviour may occur in any situation involving the employment relationship, whether at or away from the worksite and may be directed to either an individual or group. It does not include the appropriate exercising of an individual's supervisory authority.

Workplace harassment, which is discriminatory in nature, may also occur under legislation when it is based on race, religious beliefs, colour, gender, physical disability, mental disability, marital status, age, ancestry, place of origin, family status, source of income, sexual orientation or political belief when that act or omission results in the loss of or limit on opportunities to work or to fully participate in the workplace, or which offends the dignity of the person.

B. Sexual Harassment

Any unwanted sexual advance, requests for sexual favours, and/or other unwanted verbal or physical conduct of a sexual nature.

DUTIES AND RESPONSIBILITIES

- a. This policy recognizes that all District employees share responsibility for creating and maintaining a work environment free of harassment.
- b. The District is responsible for ensuring that any contractor with the District is aware of this Policy.
- c. The Department of Human Resource Services has the responsibility to designate resources for ensuring the implementation of and compliance with this Policy and Administrative Regulation.
- d. The Department of Human Resource Services shall ensure that new employees receive a copy of this policy.

The **Complainant and Respondent** are responsible for the following:

- to follow the process as outlined in Administrative Regulations 212.1 and 212.2
- to objectively and accurately recount/relate details of any incident
- to participate cooperatively with all individuals involved in a review

The **Immediate Supervisor/Principal** is responsible for the following:

- to follow the process as outlined in Administrative Regulations 212.1 and 212.2
- to conduct a review of an informal complaint with a view to remedial or preventative actions that need to be taken. If it is necessary to proceed to a formal review, please contact the Manager of Employee Relations, Human Resource Services.

COMPLAINT PROCEDURE

Informal Complaint Procedures

- a. Prior to initiating the informal complaint procedure, the complainant must attempt to resolve the issue by identifying the problem to the alleged harasser and asking them to stop the harassing behaviour.
- b. Informal resolution is a procedure that provides an opportunity for parties to resolve a dispute mutually in a respectful manner. The District encourages supervisors, managerial personnel and union representatives to advise the complainant to first attempt informal resolution before proceeding to the formal complaint stage. Use of informal resolution procedures is not a pre-requisite to seeking a formal resolution.
- c. The complainant must involve their immediate supervisor in the informal process if s/he has been unable to resolve the issue on their own. If the respondent is the immediate supervisor then the complainant may contact the supervisor's supervisor or the Employee Relations Manager for assistance.
- d. Individuals who are named as respondents in an informal complaint have a right to know in a timely fashion that they are the subject of a complaint, what the allegations are and what approach to a resolution is being considered. In particular, a respondent has a right to know the specifics of an allegation, including times, dates and alleged conduct.
- e. Supervisory or managerial personnel will facilitate a resolution upon request.
- f. Upon receipt of an informal complaint, the immediate supervisor shall:
 - i. carefully review any verbal or written complaint submitted by the complainant
 - ii. confirm the complainant's preference to deal with the complaint: "Informal Complaint Procedures or Formal Complaint Procedures" and carry out the procedures as outlined in Administrative Regulations 212.1 and 212.2.
 - iii. inform the respondent of the complaint and provide him/her with a copy of a written complaint in a timely fashion;
 - iv. ensure both the complainant and respondent have a copy of the Administrative Policy 212 – Harassment and Administrative Regulations 212.1 and 212.2 – Harassment;
 - v. Complete an "Informal Harassment Report Form" and provide a copy to the Manager of Employee Relations.
- g. In cases where an informal plan of action is implemented, immediate supervisory and/or managerial personnel shall follow up by monitoring the situation, holding, if necessary, subsequent meetings with the parties and taking further steps, if deemed necessary, to ensure that the harassment has stopped. If at this stage the harassment continues or mutually agreed upon resolution is not achieved, the complainant may decide to proceed with a formal complaint.

Formal Complaint

- a. Should the complainant decide to proceed with a formal complaint s/he will do so by completing the Formal Harassment Complaint Form and forwarding it to the ir immediate supervisor. The immediate supervisor will forward the Formal Harassment complaint to the Manager of Employee Relations. If the complaint involves the immediate supervisor the formal written complaint shall be forwarded directly to the Manager of Employee Relations.
- b. A formal complaint must be filed in writing by the employee. A complainant is encouraged to seek assistance from his/her immediate supervisor and/or union/association.
- c. The Manager of Employee Relations shall acknowledge receipt of a formal complaint of harassment to the complainant, respondent, and immediate supervisor within 5 school days of receipt of the formal complaint.
- d. The complainant and the respondent may be accompanied by a representative of an association/union or other person of choice for the purpose of providing him/her support during the formal complaint process.
- e. Individuals who are named as respondents in a formal written complaint have the right to know in a timely fashion that they are the subject of a complaint, what the allegations are, and what process will be followed in the investigation. In particular, a respondent has the right to know the specifics of an allegation, including times, dates, and alleged conduct.
- f. The Manager of Employee Relations shall facilitate an investigation into the allegation(s) as expeditiously as possible.
- g. The complainant may withdraw the complaint at any stage of the process.

Investigation Committee

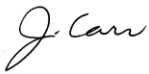
- a. If the complainant is not satisfied with the investigator's findings, the complainant may advance the matter to the Investigation Committee. This request must be filed in writing with the Assistant Superintendent of Human Resource Services within five (5) days of receipt of the investigator's findings. Any action taken as a result of the findings are not subject to review by the Investigation Committee.
- b. The Investigation Committee shall be comprised of 3 people appointed by the Assistant Superintendent of Human Resources Services. The Investigation Committee shall formally meet with the complainant and the respondent individually. The complainant and the respondent may be accompanied by a third party of their choice.
- c. the meetings referenced in b. above, the Investigation Committee shall continue the review process by reviewing available information and interviewing witnesses and key people as deemed necessary.
- d. Upon completion of the investigation process, the Investigation Committee shall prepare a written report with recommendations to the Assistant Superintendent of Human Resource Services. The report and action decided upon shall be communicated in writing, to the complainant and respondent expeditiously.

MISUSE OF THE COMPLAINT PROCEDURES

At any time following a complaint (informal and formal), the Assistant Superintendent of Human Resource Services, or delegate, may decide, on the balance of probabilities that a complaint has been filed in bad faith, is vexatious, or is clearly without merit. In this case, the complaint process shall discontinue and disciplinary action may occur against the complainant.

REPRISALS

Reprisals against individuals who have reported a complaint or any participants in a harassment investigation are forbidden. Alleged reprisals shall be investigated as formal complaints and, if substantiated, are subject to the same consequences as complaint of harassment.

Reference: District Governance Policy EL#5 Human Rights, Citizenship and Multiculturalism Act	Approved: 
	Date Approved: April 3, 2000
Cross-reference: AP 109, 209	Date(s) Revised: June 27, 2003; June 7, 2007

