



Riverside School Board

Policy Name:	Policy to Prevent and Address Harassment
Policy Number:	HR505-20180130
Date submitted to Executive	October 4, 2016
Date received at Council	October 18, 2016
Consultation Period:	October 19, 2016 to December 8, 2016 extended to February 10, 2017 by resolution number B598-20161115
Date Approved by Council:	January 30, 2018
Date of Next Review:	3 years from approval of Council

Rationale

Riverside School Board is committed to promoting and providing a learning and working environment free of all forms of harassment in accordance with the legal obligations stated in the *ACT RESPECTING LABOUR STANDARDS* (CHAPTER N-1.1, R. 3).

Objectives

- To maintain an atmosphere free of harassment.
- To provide information and to promote the awareness and education of individuals so as to prevent harassment.
- To provide the necessary support to complainants by establishing procedures for assistance, investigation, and redress with respect to all parties' right to confidentiality.

Scope

This policy applies to all employees, parents or guardians, volunteers, community partners, visitors, service providers and any person who comes into contact with personnel members. It also applies to elected officials, who are governed by *By-Law # 2: Code of Ethics and Professional Conduct for Commissioners*.

The *Policy to Maintain a Safe, Respectful and Drug-Free Environment in Schools* applies for complaints directed towards students.

Employee rights outlined in the respective collective agreements shall remain in effect.

Definition

Harassment

Harassment is a violation of an individual's dignity and basic human rights. It may be defined as unwelcome comments, actions or gestures, repetitive in nature, which deny individuals the dignity and respect to which they are entitled. These behaviours could be psychological, physical and/or sexual in nature, and are discomforting, intimidating, offensive, humiliating and embarrassing. A single action may also be considered to be harassment.

Harassment may include but is not limited to:

- a) any action, intentional or not, directed at an individual or group by another individual or group who knows or should know that their action is unwanted;
- b) any implied or explicit bribe, and/or threats of reprisal;
- c) any behaviour, verbal and/or physical, which creates an intimidating or hostile atmosphere;
- d) any action, intentional or not, that demeans, causes discomfort or an unsettling atmosphere for an individual or group;
- e) any threat to or abuse of personal property;
- f) abusive language, verbal or written threats, gestures, derogatory comments or degrading descriptions;
- g) inappropriate or unwanted communication of any form including, but not limited to, e-mails, social media and text messages;
- h) inappropriate and/or unwelcome jokes, stories, teasing, taunting, drawings, pictures, gestures, photographs or videos;
- i) the spreading of malicious rumours;
- j) unsolicited remarks of a sexual nature;
- k) derogatory comments, threats or reprisals in reaction to a rejected suggestion, sexual or otherwise;
- l) false accusations.

All cases of harassment reported to Riverside School Board will be treated in the strictest confidence and in accordance with this Policy.

Procedure for dealing with a complaint

Individuals are encouraged to report any uncomfortable situation as soon as possible to their immediate superior or a person of authority with the goal of resolving the situation.

- 1) The Complainant shall initially inform his/her immediate superior. In the case that the alleged Offender is his/her immediate superior, the Complainant shall inform the immediate superior of the alleged Offender.
- 2) The immediate superior will meet with all parties involved in order to assess the situation.
- 3) After reviewing all the facts, the immediate superior shall proceed in a manner to arrive at a satisfactory solution either through discussion, mediation or any other means.
- 4) If a resolution cannot be achieved, the immediate superior shall inform the Complainant of his/her right to make a formal complaint.
- 5) The formal complaint must be submitted within 90 calendar days of the last incident of the alleged harassment behaviour. The complaint consists of a signed declaration including a record of incidents with dates, times, locations and possible witnesses. This formal complaint shall be submitted to the Director of Human Resources.
- 6) Upon reception of a formal complaint in accordance with the above-mentioned process, the Director of Human Resources shall acknowledge reception within 10 working days.
- 7) The Director of Human Resources will proceed with an investigation within 20 calendar days upon the reception of the formal complaint. Each complaint will be investigated in a way that respects the privacy of all parties concerned, as appropriate under the circumstances and to the extent permitted by law. During their respective meetings, the Complainant and the alleged Offender will each have the right to an advocate including, but not limited to, a union or association representative. The alleged Offender is entitled to the same fairness and consideration that is afforded to the Complainant. Any investigation could be suspended if the Complainant or the alleged Offender is incapable of fulfilling his duties as an employee.
- 8) Following the investigation, the Director of Human Resources shall render a decision in writing. If the complaint is retained, appropriate action will be taken in accordance with Riverside School Board policies, collective agreements and practices. This may include, but is not limited to, formal disciplinary measures such as a warning, reprimand, compulsory transfer, suspension or dismissal.

Throughout this process, the Director of Human Resources shall ensure that appropriate support services are offered to both the Complainant and the alleged Offender.

All documents and/or reports will be kept in a confidential file by the Director of Human Resources unless otherwise permitted.