

## **BULLYING AND HARASSMENT PREVENTION**

### **Background**

The District recognizes that every individual is to be treated with respect and dignity and, accordingly, has the right to be free from harassment in our schools and workplaces. A positive, welcoming work and learning environment protects and promotes the self-esteem worth and human rights of every person; it further supports mutual respect and co-operation among individuals. Harassment in any form is unacceptable. The District is committed to supporting an environment free from harassment for all employees.

### **Definition**

Harassment is defined as any behaviour, conduct or material that a reasonable person ought to know is demeaning, offensive or disrespectful towards a person. Such behaviour has a negative effect on the learning environment and workplace. The Board is committed to creating and maintaining workplaces and schools free from harassment.

Some examples of harassment may include but are not limited to:

- Behaviour, remarks, comments or physical contact that are unwelcome and offensive;
- Jokes and humour that are demeaning or disrespectful;
- Sexist, Racist, ethnic or religious name calling;
- Discriminatory or differential treatment due to one's race, gender, ethno-cultural background or religion that may have adverse impact on that individual;
- Display of materials, posters, photographs, electronic media and other paraphernalia that is derogatory or is offensive towards a group because of their gender, race, religion or ethno-cultural background.

### **Procedures**

1. These procedures take into consideration the following principles:
  - 1.1. Harassment is a sensitive issue; therefore, the complainant may find it difficult to tell someone about their concerns;
  - 1.2. Everyone involved in a harassment investigation is to feel they are being treated in a fair and impartial manner;
  - 1.3. A complaint made in a malicious and/or vexatious manner is considered to be unacceptable under this procedure on harassment;
  - 1.4. Harassment may constitute criminal activity;
  - 1.5. The ultimate goal of these procedures is resolution.
2. Those who feel that they may have been or are being, subject to harassment are encouraged to make their concerns known to someone they trust or with whom they feel most comfortable. The following procedures are open to employees who feel they have been harassed. The District's process does not preclude employees from taking their

complaint to their union or association. One can also make a complaint to the B.C. Human Rights Commission.

3. Those who feel that they may have been or are being, subject to harassment may contact one of the following individuals:
  - 3.1. An administrator, supervisor/manager; Director of Instruction and/or
  - 3.2. A union/association representative.
4. The complainant is urged to make a complaint with one of the above individuals with whom he or she feels most comfortable. It is understood that, in some cases, it may not be appropriate to make the complaint to your immediate administrator/supervisor/manager.
5. Confidentiality will be maintained, on a need-to-know basis, throughout the informal and formal procedures of resolution, as well as the appeal procedure.
6. Informal Resolution
  - 6.1. The Complainant may choose to speak directly with the Respondent.
  - 6.2. The Complainant may approach their administrative officer/supervisor for assistance with resolution. The Complainant may also wish to contact their union/association representative.
  - 6.3. The Director may recommend that a mediator be assigned for resolution rather than the administrative officer/supervisor if the administrative officer/supervisor was not able to achieve resolution agreeable to both parties.
  - 6.4. The administrative officer or supervisor will initiate the informal resolution process. The purpose of this process is to resolve the complaint between the Complainant and Respondent. It is not the purpose of the informal resolution process to determine whether harassment did occur.
  - 6.5. Upon agreement of resolution, a letter of completion of the process will be agreed to by both parties.
  - 6.6. Failing resolution through the informal process or if the agreement for resolution has been breached, the Complainant may file a written complaint under the WorkSafe BC Act by completing an on-line report in AMS or under the collective agreement with the Director of Human Resources.
7. Formal Resolution
  - 7.1. The Complainant must make a written complaint to their supervisor. The written document is to identify the basis of the complaint and outline the specific incident(s).
  - 7.2. The Complainant and the supervisor will meet to discuss the allegation of harassment and will outline the investigative procedure. The Complainant may choose to resolve or drop the complaint at any time during this procedure.
  - 7.3. The supervisor will notify the Respondent in writing regarding the specifics of the complaint.
  - 7.4. The investigation will be conducted by the supervisor, the Director of Human Resources or another Senior Leader, or by an external investigator.
  - 7.5. The Complainant and Respondent will be interviewed without unreasonable delay. Other individuals who may assist in the investigation will also be interviewed. All information will be kept confidential.

- 7.5.1. The applicable provisions of collective agreements pertaining to the right to union or association representation, the right to notice of investigation and any other provisions relating to investigations will be followed by the individual conducting the investigation.
  - 7.6. Once the investigation is complete, the individual conducting the investigation will submit an investigative report to the Assistant Superintendent. The report will indicate whether harassment has occurred and is substantiated.
  - 7.7. The Assistant Superintendent will meet separately with the Complainant and Respondent to disclose the findings of the report.
  - 7.8. If the investigation concludes that harassment did not occur and cannot be substantiated, no documentation concerning the complaint will be placed in the personnel file of the Respondent. No documentation will be placed in the personnel file of the Complainant where the complaint is made in good faith. If it is found that a complaint has been made maliciously or vexatious, appropriate disciplinary action may be pursued.
  - 7.9. If the investigation concludes that harassment did occur, the Assistant Superintendent will determine the appropriate remedy or disciplinary action. Documentation concerning discipline will be placed in the Respondent's personnel file.
  - 7.10. Retaliation because of a harassment complaint will be treated seriously and may lead to disciplinary action.
  - 7.11. If the Complainant or the Respondent is not satisfied with the remedy of the complaint, they may appeal to the Superintendent. The appeal must be received within ten (10) working days from the meeting with the Assistant Superintendent.
  - 7.12. The Superintendent will review the investigative process, assess the investigative report and determine the remedy. After completing the review, the Superintendent will then determine what, if any, action is required to resolve the appeal.
8. The District believes that the best environment for working and learning is an environment that welcomes everyone. These procedures are designed to ensure that our schools and workplaces are free from harassment and are places where people are treated with respect and dignity. Accordingly, the District will make every reasonable effort to ensure that Administrative Procedure 171 – Bullying & Harassment Prevention is communicated to all employees of the District.

Reference: Sections 8, 8.4, 8.5, 20, 22, 65, 85, 177 School Act  
Human Rights Code  
Multiculturalism Act  
Canadian Charter of Rights and Freedoms  
Canadian Human Rights Act  
Criminal Code of Canada  
Collective Agreements

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