

Administrative Procedure 415 HARASSMENT

The mission of East Central Catholic Schools is based on the teachings of Jesus that each person is made in the image and likeness of God and must be treated with dignity and respect. The district affirms its faith values and specifically its commitment to human rights, including its support for the principle that every member of the community has a right to equitable treatment without fear of harassment or discrimination on the grounds prohibited by the Alberta Human Rights Commission.

Violence against or abuse of employees, students, trustees, volunteers, parents or any member of the public, on district premises or during district-sponsored activities, is unacceptable conduct and shall not be tolerated. Anyone who infringes a right protected by the Alberta Human Rights Act or otherwise engages in acts of discrimination, harassment, violence or bullying shall be subject to complaint procedures; remedies and sanctions as outlined in this procedure.

The superintendent or designate shall ensure that new employees receive a copy of this regulation and ensure that it will be profiled at orientations for new principals and supervisors and at meetings of parents and students.

Definitions

1. "Discrimination" and "Harassment" mean any unwelcome verbal or physical behaviour, conduct or communication, directed at an individual that is offensive to that individual and is based on any of the rights identified in the Alberta Human Rights Act, including, but not limited to, gender, marital status, sexual orientation, race, color, religious beliefs, place of origin, ancestry, age, physical disability, mental disability, source of income or family status of that person or class of persons.

Note: The normal exercise of supervisory responsibilities, including training, direction, instruction, counseling, discipline, supervision and evaluation, does not constitute harassment.

2. "Violence" means the attempted, threatened or actual conduct of an individual that causes or is likely to cause injury, and includes any threatening or intimidating statement or behaviour that gives an individual reasonable cause to believe that they are at risk of injury. Violence is different than discrimination and harassment and goes beyond being merely "offensive" to aggressive behaviour involving physical contact or statements involving threats of physical harm to the individual.

No employee or other individual shall commit an act of violence, discriminate against, harass and/or sexually harass a student, parent, another employee or prospective employee or member of the public on district premises or during district-sponsored activities.

Procedure

1. No one should ignore an act of discrimination, harassment, violence or bullying. Inform the offending individual that his/her behaviour is inappropriate, unwelcome and must stop immediately.
2. Employees and other individuals should take all reasonable steps to protect themselves from violence or to prevent themselves from being vulnerable to violence. A physical

response to violence is only acceptable for immediate defense of person and shall not extend beyond protection and disengagement.

3. Employees should discuss incidents of discrimination, harassment or violence with their teacher, principal or immediate supervisor.
4. Employees or other individuals may file a written complaint with the superintendent about any act of discrimination, harassment, violence and bullying.

Timelines

All written complaints must be received within six (6) months from the date of the alleged discrimination, harassment, violence and bullying behaviour or from the date on which the most recent (last) discrimination, harassment, violence and bullying behaviour is alleged to have occurred. A written complaint outside of this timeframe may be considered by consulting the superintendent.

Investigation Procedure

1. All staff shall report expeditiously any verbal or written claims of an occurrence of discrimination, harassment, violence or bullying to the superintendent.
2. When a formal written complaint is received, the superintendent shall, within ten (10) working days, carry out a preliminary review to determine whether or not there are reasonable grounds for further investigation and to determine if the district has any jurisdiction over the matter. The complainant shall be notified within three (3) working days that the complaint has been received.
3. If reasonable grounds exist, and it is within the district's jurisdiction, then the superintendent will, within a further five (5) working days, address the complaint.
4. Information provided by employees to principals or senior management will be handled with appropriate care and discretion and will be kept in strictest confidence, except where disclosure is necessary or where required by law for the purposes of investigating the complaint, providing due process to the alleged offender, or in taking disciplinary action.
5. Individuals who are named as respondents in a complaint have a right to know in a timely manner that they are the subject of a complaint. In particular, a respondent has a right to know the specifics of the allegation, including times, dates and actions.
6. While conducting the investigation, the superintendent or designate shall interview both the complainant and the respondent as soon as possible (at minimum within twenty (20) working days of the complaint being filed), interview any witnesses identified by the parties involved or individuals who may have knowledge of the complaint, and document all information accurately and completely.

7. Following its investigation, the superintendent or designate shall prepare a report as soon as possible (at minimum within thirty (30) working days of the complaint being filed) and shall indicate one of three possible findings:
 - 7.1 sufficient evidence to support that discrimination, harassment, violence or bullying occurred;
 - 7.2 insufficient evidence to support that discrimination, harassment, violence or bullying occurred or did not occur; or,
 - 7.3 sufficient evidence to support that no discrimination, harassment, violence or bullying occurred and the complaint is wholly without merit. The superintendent or designate shall state in its report if the evidence indicates that the complaint was malicious in intent and was frivolous or vexatious.
8. If an investigation finds sufficient evidence to support that discrimination, harassment, violence or bullying occurred, the superintendent may determine the appropriate course of action which may include:
 - 8.1 discipline of an employee found to have committed an act of discrimination, harassment, violence or bullying, which may range from a reprimand up to and including termination from employment;
 - 8.2 referral of the matter to the appropriate legal authority with a recommendation for formal charges against the individual found to have committed an act of discrimination, harassment, violence or bullying;
 - 8.3 referral of the victim, if an employee, to the district EFAP for counselling and support;
 - 8.4 recommend to the victim that they seek legal advice about personal protection and/or compensation from the individual found to have committed an act of discrimination, harassment, violence or bullying;
 - 8.5 referral of the matter to district legal representatives to assist in obtaining protection of district employees, volunteers, students, parents, trustees or assets;
 - 8.6 any combination of the above, or any other action deemed appropriate to ensure the safety and well-being of the district's interests.
9. If an investigation finds insufficient evidence to support that discrimination, harassment, violence or bullying occurred, the investigative report will be sealed and maintained in a locked and secure file and only unsealed by the superintendent, if future allegations occur. The superintendent will review the sealed material at the time of any future allegation to determine if there is any relevance to the current complaint. If there is no relevance, the material shall be resealed and maintained in a locked and secure file. If the material is relevant to the current complaint, it shall be provided to the Investigation Team for inclusion in its report.

10. If an investigation finds sufficient evidence to support that no discrimination, harassment, violence or bullying occurred and that the complaint is wholly without merit, then the same procedures outlined in paragraph 9 above shall be followed. In addition, in order to protect the respondent's reputation, those individuals who were involved in the investigation will be advised that the complaint was found to be without merit.
11. As stated in the Alberta Human Rights Act, no person shall retaliate against a person, because that person has made a complaint or has given evidence or assisted in any way in the investigation and resolution of a complaint (subject to paragraph 12 below).
12. A complaint which is determined by the superintendent or designate to involve malicious intent by the complainant is a violation of this regulation and will be subject to appropriate disciplinary action up to and including termination from employment.

Review/Revised: December 2011, May 2014, February 2015

Reference: *Alberta Human Rights Act*
 Alberta Occupational Health and Safety Act, Code
 Regulation Charter of Rights and Freedom