

Administrative Procedure 138 RESPECTFUL WORKPLACE AND LEARNING ENVIRONMENT

The Division is committed to providing an environment where everyone is treated with respect and dignity. Every student, staff member, contractor, volunteer, and school visitor has the right to an environment that respects diversity, fosters a sense of belonging, and is welcoming, caring, respectful and safe.

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

Definitions

Complainant is an individual who makes a complaint pursuant to this procedure.

Confidentiality – Information relating to the complaint, including the identity of the parties involved, will only be disclosed to the extent necessary to investigate the complaint thoroughly and as may be required in accordance with the privacy and access provisions required under the Freedom of Information and Protection of Privacy Act (FOIP Act).

Discrimination means adverse treatment based on race, religious beliefs, color, gender, physical disability, sexual orientation, mental disability, marital status, age, ancestry, place of origin, family status no comma here or source of income of that person or any other person. Discriminatory acts can result from direct or indirect actions, from improper action taken against, or the failure to take appropriate action on behalf of any student, staff member, contractor or volunteer in contravention of the Human Rights, Citizenship and Multiculturalism Act.

False charges are complaints made in an intentionally false, malicious or vindictive manner, from which appropriate disciplinary action, up to and including dismissal or legal action may result.

Harassment occurs when an employee, contractor, student or volunteer is subjected to unwelcome verbal or physical conduct related to race, religious beliefs, color, place of origin, gender, mental or physical disability, ancestry, marital status, family status, source of income or sexual orientation. Harassment can include, but is not limited to, such things as verbal or physical abuse, refusing to converse or work with an employee, contractor, or student because of their racial or ethnic background. It may involve displaying racist, derogatory or offensive pictures or materials, unwelcome remarks, jokes, gestures, innuendo or taunts about an individual's age, national or ethnic origin, religion, gender, sexual orientation, disability, race, sources of income or family status.

Learning and work environments can and do extend beyond the immediate school building or school jurisdiction office. These sites can extend to the playground, school bus, school or work-related social activities, school or work-related travel and field trips or other settings where the individuals involved are engaged in school-related or Division-related activity. The work and learning environment may include use of various electronic media such as telephones, fax machines, computers, or social media.

Person in Authority is a tenured colleague, administrator, or supervisor.

Prohibited Behavior means Discrimination, Harassment, Sexual Harassment or Retaliation.

Respondent is an individual against whom a harassment complaint is filed.

Retaliation includes verbal abuse (such as threats, slander or demeaning or derogatory remarks) and actions that are coercive, intrusive, disruptive, abusive, hostile, or threatening. Any attempt at retaliation will be viewed as harassment and subject to the provisions of this administrative procedure.

Sexual Harassment is discrimination on the grounds of gender. It includes unwanted sexual advances, unwanted requests for sexual favors and other unwanted verbal or physical conduct of a sexual nature. Sexual Harassment can include but is not limited to such things as; inappropriate or unwelcome physical contact, inappropriate or unwelcome humour, display of pictures or other pornographic materials, comments, suggestions, innuendoes, requests, or demands of a sexual nature. The behavior need not be intentional to be considered sexual harassment; it is sufficient that the offender knows, or ought reasonably to know, that the behavior is offensive and unwelcome.

Cyberbullying is posting or sending offensive or intimidating messages through electronic media.

Domestic violence refers to violent or abusive behaviors in an intimate, dependent or trusting relationship. Domestic violence becomes a workplace hazard when it occurs or spills over into the workplace. It may put the targeted employee, contractor, student, or volunteer at risk and may pose a threat to other individuals. The Division will take reasonable precautions to protect affected employees, contractors, students or volunteers if they are deemed likely to be exposed to domestic violence at a work site.

Workplace and Learning Environment includes all division premises, work-related social activities, travel, field trips and electronic communications.

Workplace Violence is violence, whether at a worksite or work-related location, is defined as the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm. It can include:

- physical attack or aggression
- threatening behavior
- verbal or written threats
- domestic violence
- sexual violence

Procedures

1. Intentionally false, malicious, or vindictive complaints may result in disciplinary action.
2. Direct Action

Individuals who believe they are experiencing Prohibited Behavior should:

- 2.1 Tell the person that their behavior is unwelcome and ask them to stop;
- 2.2 Keep a record of all incidents, including the date, time, location and nature of the Prohibited Behavior, possible witnesses, circumstances surrounding incidents and the response, including any action taken to stop the Prohibited Behavior.
- 2.3 If they cannot communicate verbally, advise the offender, in writing, that their behavior is unacceptable and unwelcome and ask them to stop.
- 2.4 Promptly report the Prohibited Behavior to a trusted colleague or Person in Authority.
- 2.5 Any employee, contractor, or student who believes that a colleague or fellow student has experienced or is experiencing Prohibited Behavior is encouraged to notify a trusted colleague or Person in Authority.
- 2.6 This administrative procedure does not preclude the Complainant from reporting prohibited behavior to the Alberta Human Rights and Citizenship Commission or, if the matter is perceived to be criminal in nature, to the police. All reports to the Human Rights and Citizenship Commission must be filed within one (1) year of the date of the incident.

3. Informal Complaint

If the Complainant cannot take Direct Action or the Prohibited Behavior continues, the Complainant should promptly make an Informal Complaint by informing a Person in Authority.

- 3.1 The Person in Authority shall resolve the situation by intervening on the Complainant's behalf, arranging for the Respondent and the Complainant to come together to resolve the complaint, or advising the Complainant, where appropriate, of other options.
- 3.2 If this does not resolve the issue, the Complainant may initiate a Formal Complaint. It is unnecessary to initiate an Informal Complaint before filing a Formal Complaint. If a Formal Complaint is filed, the process under the Informal Complaint is abandoned.
- 3.3 At any time after initiating an Informal Complaint, the Complainant may request that no further action be taken.

4. Formal Complaint – Student Prohibited Behavior

- 4.1 The complainant will approach the Principal to inform them of the complaint.
- 4.2 The Principal or designate will inform the respondent that a complaint has been received.
- 4.3 The Principal or designate will conduct an investigation, which may consist of personal interviews with the Complainant, the Respondent, and others who might have knowledge of the incidents or circumstances that led to the complaint. The Respondent's parent(s)/guardian(s) shall be contacted at an appropriate point during the investigation.
- 4.4 Upon completion of the investigation, the Principal or designate shall communicate the results to both parties and parents/guardians subject to a Confidentiality agreement.

- 4.5 If the Principal or designate believes the complaint is valid, the Principal shall determine appropriate disciplinary actions.
- 4.6 Students who are not satisfied with the action taken with respect to enforcement of this policy are entitled to appeal, in writing, to the Superintendent or designate within ten (10) school days except where there is a recommendation for expulsion, in which case the provisions in the *Education Act* and Board policy will govern.
- 4.7 The Superintendent or designate will respond within thirty (30) calendar days from the date of receipt of the complaint.

Formal Complaint – Employee, Contractor Prohibited Behavior

- 4.8 The Formal Complaint process may be pursued if the informal process does not resolve the situation or if the complainant or the Superintendent believes the formal process to be more appropriate. If, at any point in the formal process, consensus is reached that the informal approach is more appropriate, the formal process may be suspended.
- 4.9 Complainants are encouraged to file a complaint as soon as possible after the incident. A written complaint outside this timeframe may be considered following consultation with the Superintendent or designate. The Superintendent reserves the right not to deal with any complaint that is based on alleged incidents that occurred more than one (1) year before the date of the complaint.
- 4.10 The Complainant must submit a Formal Complaint, in writing, to the Superintendent to commence a formal process.
- 4.11 If a formal investigation is deemed necessary, the Superintendent will:
 - 4.11.1 In writing, advise the Respondent (or their employer in case of Contractor) of the Formal Complaint and that an investigation has been initiated.
 - 4.11.2 Interview the Respondent, Complainant and witnesses separately.
- 4.12 The Respondent:
 - 4.12.1 Is entitled to representation.
 - 4.12.2 They shall be provided with the evidence against them and a reasonable opportunity to be heard and reply to that evidence, subject to a confidentiality agreement.
- 5. Someone appointed by and reporting to the Superintendent shall conduct the investigation. The Complainant has the right to request that the investigator be of the same gender as the Complainant.
- 6. The investigator shall approach the investigation with an open mind, with no predisposition to any particular finding.
- 7. The investigation and report shall contain findings of fact and shall be based upon evidence.
- 8. The investigator shall forward a written report with the findings of the investigation and the recommendations to the Superintendent within thirty (30) working days of the complaint.

9. If the Superintendent or designate concludes that Prohibited Behavior has been committed, a range of sanctions may be imposed as deemed appropriate by the Superintendent or designate, where appropriate. These may include:
 - 9.1 A written apology by the respondent to the complainant;
 - 9.2 A written reprimand to the Respondent and recorded in their personnel file;
 - 9.3 Referral to counseling;
 - 9.4 Transfer;
 - 9.5 Withholding of promotion;
 - 9.6 Demotion;
 - 9.7 Suspension or termination of employment or contract;
 - 9.8 Prohibition from contact with the Complainant and prohibition from entering Division property (if Respondent is a parent/guardian).
 - 9.9 Legal referrals or involvement of law enforcement;
 - 9.10 Restrictions on the respondent's access to division property;
 - 9.11 If the complaint is unsubstantiated, records will be securely stored and may not be used in any evidentiary way thereafter.
 - 9.12 Student disciplinary measures;
 - 9.13 Malicious or false complaints may result in disciplinary action against the Complainant;
10. The Superintendent or designate will advise the Complainant of the outcome of the investigation. Any written statements, written summaries of interviews, and the investigation report will be provided to the parties, where deemed appropriate, and subject to the application of the privacy provisions of the Freedom of Information and Protection of Privacy Act.
11. Any action due to the investigation will be initiated as soon as possible.
12. The Superintendent shall make appropriate support services available for victims of Prohibited Behavior and the Complainant and Respondent if the allegations of Prohibited Behavior are dismissed.
13. If the Superintendent is identified as the alleged person of Prohibited Behavior, the Board shall direct the entire matter.
14. Appeals by either party must be made, in writing, to the Superintendent within ten (10) working days after the alleged action has taken place.
15. The Superintendent will respond within thirty (30) working days.
16. Either party has the right to seek civil or criminal redress through the courts or to file a complaint with their union, association, or the Alberta Human Rights Commission.

17. Extenuating circumstances may affect some of the timelines outlined in this administrative procedure. Such circumstances will be documented and communicated to all parties involved as they arise.
18. To ensure that schools and worksites are free from Prohibited Behavior, the Superintendent may decide to conduct an investigation in the absence of the specific complaint to address, resolve or prevent Prohibited Behavior in the work and/or learning environment. The Superintendent may choose to do this under any of the following circumstances:
 - 18.1 There is a pattern of inquiries and/or complaints over time that suggests a specific problem that has been identified but not corrected.
 - 18.2 There is a reason to believe that a broader, systemic problem exists in the work and/or learning environment that causes, contributes to or encourages Prohibited Behavior.
 - 18.3 An investigation does not support a complaint, but there is reasonable evidence of a broader systemic problem.
19. Before proceeding with an independent investigation, the appropriate parties will be advised of the intent to conduct a investigation, the reasons for initiating the investigation, and the process/procedures that will be implemented.
20. In lieu of such an investigation, the Superintendent may also initiate activities to increase awareness of Prohibited Behavior and the effects on staff, contractors, students, parents/guardians and volunteers.

Reference: Section 33, 52, 53, 197, 204, 222 Education Act
Canadian Charter of Rights and Freedoms
Canadian Human Rights Act
Child Youth and Family Enhancement Act
Criminal Code
Alberta Human Rights Act
Alberta Occupational Health and Safety Act, Code, Regulation
Employment Standards Code
Student Record Regulation 225/2006
ATA Code of Professional Conduct

Created March 2025