



AP 1-501 – FREEDOM FROM HARASSMENT – ADMINISTRATIVE COMPLAINT PROCEDURES

TABLE OF CONTENTS

Steering Committee (Original)	2
Statement Of Policy	3
Definitions & Scope	3
Definition	3
Explanation Of Sexual Harassment	4
Explanation Of Racial Harassment	4
Explanation Of Other Forms Of Harassment	5
What Is Not Harassment?	5
Employee Rights And Responsibilities	5
Employer Responsibilities	5
Corrective Action For Harassers	6
Confidentiality	6
Retaliation	6
Education	6
Monitoring	6
Scope	6
Administrative Procedure	7
Complaint Procedure	7
1. General Information	7
2. Employee Initiated Complaints	8
3. Student Initiated Complaints	10
4. Visitors, Volunteers, Parents	14
Guidelines For The Investigation Of Harassment Complaints (AP 1-502)	
Harassment Documentation And Complaint Form (AP 1-503)	



FREEDOM FROM HARASSMENT STEERING COMMITTEE (Original)

1. Wayne Kroetsch - Facilitator
2. Nancy Flintoft Meronek - Manitoba Human Rights Commission
3. Colin Jamieson - Superintendent
4. Margie Toews - Trustee
5. Kathy Harness - Administration
6. Mireille Bouvier - Western Teachers' Association
7. Roger Worms - Custodian
8. Ruth Hiebert - Bus Driver
9. Ashley Zylstra - Student (Morden Elementary School)
10. Trevor Robertson Nelson - Student (Morden Elementary School)
11. Dell Friesen - Secretary
12. Grace Fehr - Learning Assistant
13. Joanne Hildebrand - Parent Advisory Council
14. Tammy Petkau - Librarian
15. Rob Rentz - Student (Morden Collegiate Institute)
16. Kristin Backhouse - Student (Morden Collegiate Institute)
17. Ruth Kopp - Guidance

Western School Division appreciates and acknowledges the assistance from Brandon School Division in the development of the Freedom from Harassment Policy.



STATEMENT OF POLICY

The Western School Division is committed to maintaining a learning and working environment free from harassment. The Division requires employees, students, parents, volunteers and visitors to conduct themselves in a manner that promotes and protects the best interests and well-being of students, staff and others. The principle of fair treatment is a fundamental one and the Division will not condone any improper behaviour that jeopardizes dignity, undermines learning, working relationships or productivity.

Harassment, as defined in the administrative procedure, is unacceptable. Such behaviour toward an individual attacks the dignity and self respect of that person and constitutes a serious infraction. When a student or employee exhibits harassing behaviour, disciplinary action, up to and including dismissal or expulsion, may result.

The Western School Division will take reasonable steps to ensure that employees, students, parents, volunteers, and visitors are informed and aware of the issue of harassment and the procedures to follow should they experience harassment.

DEFINITIONS AND SCOPE

Individuals have the right to take assertive action when they encounter harassment in the learning or working environment. An individual who believes he/she is being harassed by any person affiliated with the Western School Division shall follow the procedures herein set forth.

DEFINITION

Consistent with the Human Rights Code, and the characteristics referred to in that Code in Subsection 19(2), harassment is any one or more of the following:

- a) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any of the following characteristics
 1. ancestry, including colour and perceived race;
 2. nationality or national origin;
 3. ethnic background or origin;
 4. religion or creed, religious belief, religious association or religious activity;
 5. age;
 6. sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
 7. gender identity;
 8. sexual orientation;
 9. marital or family status;
 10. source of income;
 11. political belief, political association or political activity;
 12. physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;
 13. social disadvantage.
- b) a series of objectionable and unwelcome sexual solicitations or advances
- c) a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome
- d) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance



Harassment may be written, verbal, physical, a gesture or display, or any combination of these. Harassment may occur in a number of ways. Some examples may be student by a student, employee by employee, employee by student, student by employee, visitor by employee, employee by visitor, etc.

A second type of harassment relates to what is sometimes referred to as bullying. This may involve:

- a) Severe, repeated conduct that adversely affects a worker's psychological or physical well-being if it could reasonably cause a worker to be humiliated or intimidated
- b) A single occurrence, if it is shown to have a lasting, harmful effect on a worker.

EXPLANATION OF SEXUAL HARASSMENT

Any repeated and unwelcome sexual comment, look, suggestion, or physical contact that creates an uncomfortable working or learning environment for the recipient. It is made by a person who knows, or ought reasonably to know, that such attention is unwelcome. Sexual Harassment may also be a single sexual advance, particularly one by a person in authority, that includes or implies a threat and/or a reprisal after a sexual advance is rejected.

Some examples of sexual harassment are:

- unwanted, persistent or abusive sexual attention;
- sexually oriented behaviour or remarks which create an intimidating, hostile, or offensive learning or working environment;
- demeaning remarks based on gender;
- suggestive jokes about sex;
- sexually-oriented verbal "kidding" or verbal abuse;
- inappropriate comments about clothing, physical characteristics, or activities;
- leering, ogling, and suggestive or insulting sounds;
- unwanted questions or comments about one's private life;
- unwanted physical contact, such as brushing up against one's body, patting, grabbing, or pinching;
- sexual assault (an offence under the Criminal Code);
- subtle pressures for sexual activity;
- suggestion or demands for sexual favours;
- expressed or implied promise of reward for complying with a sexually oriented request;
- the display of pornographic and/or exploitative pictures, cartoons, and graffiti in the schools and on other school division premises. This includes pictures and/or messages on clothing.

EXPLANATION OF RACIAL HARASSMENT

Words used or actions taken in an abusive or persistent manner by anyone, such that another person is disparaged or caused to feel humiliation because of her or his race, colour, creed, ancestry, place of origin, or ethnic origin.

Racial harassment may be overt or subtle, explicit, or in a disguised form such as humour or joking.

Some examples of racial harassment are:

- slurs, gestures, name-calling, innuendoes or taunts about another's racial or ethnic backgrounds;
- similar remarks about other racial groups made in the presence of another employee or student;
- unwelcome banter, "teasing" or jokes that are racially derogatory or present stereotypical portrayals of racial or ethnic groups;
- displaying racist, derogatory or offensive pictures, materials, or graffiti;



- refusing to study with, work with, or have contact with, an employee, volunteer, or student in the work/school setting because of her or his racial or ethnic background.

The study of other cultures does not constitute racial harassment.

EXPLANATION OF OTHER FORMS OF HARASSMENT

Other forms of harassment include discrimination, (overt, subtle, and covert) on the basis of gender, sexual orientation, disability or economic/social status.

Some examples of other forms of harassment are:

- negative comments about the general unsuitability of an individual's or a group's educational or career goals to which they aspire; for example, generalizations about women's "proper place" or lack of ability in particular areas;
- derogatory comments about an individual's or a group's moral, intellectual, economic, or social status;
- unwelcome conduct or comment undertaken or made on the basis of medical circumstances or illness;
- unwelcome conduct or comment undertaken or made on the basis of physical appearance/attributes;
- taunting, teasing, criticizing, or demeaning remarks about individuals, or group members as a category;
- individual or group behaviour that is intimidating or threatening;
- stalking;
- unwanted or persistent invasion of personal space;
- bullying;
- hazing.

WHAT IS NOT HARASSMENT?

Reasonable, actions by administrators or supervisors to help manage, guide or direct workers or the workplace are not harassment.

Appropriate employee performance reviews, counselling or discipline by a supervisor or administrator is not harassment.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

Employees are entitled to work free of harassment at Western School Division.

Employees have the responsibility to treat each other with respect. We ask that any employee who experiences harassment or sees another person harassed reports it to their appropriate supervisor.

Employees are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential until the investigation is complete.

All employees have the right to file a complaint with the Manitoba Human Rights Commission.

EMPLOYER RESPONSIBILITIES

Administrators at Western School Division must ensure, as much as possible, that no employee is harassed in the workplace. Administrators will take corrective action with anyone under their direction who harasses another person. Administrators will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- necessary to investigate the complaint



- . a part of taking corrective action
- . required by law

The harassment prevention policy at Western School Division does not discourage or prevent anyone from exercising their legal rights. Western School Division, its Administrators and supervisors are responsible for keeping a safe work environment, free of harassment. If you are a Supervisor and you become aware of harassment you must do everything in your power to stop it, whether or not a complaint is made. Courts presume that employers and Administrators are responsible for being aware of harassment in their organization and may penalize them accordingly. Administrators who ignore harassment leave themselves and their employer open to legal consequences, and will be disciplined at Western School Division.

CORRECTIVE ACTION FOR HARASSERS

Employees who harass another person will be subject to corrective action by the employer. In most cases, the harasser will also be required to attend workplace behaviour training.

If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser. When the investigation finds harassment occurred, the incident and the corrective action will be recorded in the harasser's personnel file.

CONFIDENTIALITY

Western School Division and its Administrators will not identify a complainant, an alleged harasser or any circumstances about a complaint, to anyone, except:

- . when it is necessary in investigating the complaint
- . if it is part of disciplinary action
- . where required by law

RETALIATION

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, will be considered to have committed harassment and will be subject to corrective actions described previously.

EDUCATION

Western School Division commits to making sure all of its employees and Administrators learn about harassment and the company's harassment policy.

MONITORING

Western School Division will monitor this policy and make adjustments whenever necessary. If you have any concerns with this policy, please bring them to the attention of your supervisor or Principal.

SCOPE

This policy applies to, but is not limited to harassment which occurs:

- a) at a school or other Division facilities;
- b) outside of a school or other Division facilities;
- c) at a school or Division sponsored social function;
- d) in the course of an employment or school assignment outside of a school or other Division facilities;



- e) at an employment or school-related conference or training session;
- f) during employment or school-related travel; and
- g) communication medium (Internet, telephone, mail).

ADMINISTRATIVE PROCEDURE

COMPLAINT PROCEDURE

1. GENERAL INFORMATION

- I. Complainant refers to the individual who believes he/she is being harassed and/or the individual who has filed a complaint of harassment.
 - II. Respondent refers to the individual alleged to be the harasser and/or the individual against whom the complaint has been made.
 - III. A witness or third party to an incident of harassment may file a complaint of harassment.
 - IV. All complaints of harassment will be acted upon in accordance with this procedure and policy. Confidentiality will be respected, but when necessary, information will be shared on a need to know basis with affected and/or involved individuals. Complainants will be advised on the extent to which information may need to be shared and with whom.
 - V. An investigation will be conducted of all complaints of harassment.
 - VI. Documentation of all harassment complaints (written complaint, record of investigation, and final disposition) will be retained confidentially at the Division Office. Information/Investigation files involving harassment complaints will:
 - . be kept separate from the employee's personnel file pending resolution of the complaint; and
 - . be kept separate from the student's cumulative file pending resolution of the complaint.
 - i. In the event the allegations are substantiated through investigation, a summary of the investigation, final disposition, and any action taken shall be kept at the Division Office:
 - a) for staff, in the employee's personnel file;
 - b) for students, in a personal file with a general reference in the student's cumulative file to the complaint and contact person for information.
 - ii. In the event the allegations are not supported through investigation, a summary of the investigation, final disposition, and any action taken will be maintained confidentially by the Superintendent until:
 - a) for staff, the time at which the employee leaves the employ of the Division when such documents will be placed in a sealed envelope in the personnel file;
 - b) for students, the time at which the student graduates from the public school system or reaches the age of 21, whichever comes first, when such documents will be destroyed.
- These documents will be accessible to the Superintendent as documentation and will be accessed only for information related to the specific incident documented.
- No record of the complaint, investigation or decision will go in the employee's personnel file if the complaint was made in good faith. Any unfavourable work review or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.



- VII. Respondents will be advised that retaliation against the complainant or interference in the process of investigation will not be tolerated and, if such occurs, will result in immediate disciplinary or legal action for staff and suspension or expulsion for students.
- VIII. Complaints made in a malicious or vindictive manner or which have no substantiation in fact may result in disciplinary or legal action for staff and suspension or expulsion for students.
- IX. The complaint procedure of the Division Anti-Harassment Policy does not affect an individual's right to file a complaint or respond to a complaint with the Human Rights Commission, Collective Bargaining Association, or other agency, or to seek other redress as provided under the law.
- X. In the interests of all parties involved in a harassment situation, individuals are encouraged to identify their concerns in a timely manner. However, individuals may lodge a complaint at any time they feel they are being harassed. All complaints must be documented and signed by the complainant and/or an individual in authority.
- XI. A harassment complaint may be dealt with through either an informal or a formal resolution process as identified in the Complaint Procedures. The complainant can obtain information on both processes when making a complaint.
- XII. In the complaint procedures outlined, should a respondent be an individual identified as a participant in the investigation or appeal process, the role of the respondent will be assumed by his/her supervisor.
- XIII. A complaint involving an individual under the legal age of majority which may be construed as child abuse shall be dealt with according to the applicable legislation and School Division AP 2-311: Reporting Children In Need of Protection.
- XIV. The Superintendent will ensure the appropriate persons are informed on the status of the complaint as necessary.

2. EMPLOYEE INITIATED COMPLAINTS

2.1. General Information

- i. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.
- ii. The complainant should document any or all incidents of harassment and identify:
 - . the respondent's name,
 - . date, time and location of the incident,
 - . a brief description of the incident,
 - . names of witnesses to the incident,
 - . any action taken by the complainant in response to the incident.

Harassment Documentation and Complaint Forms will be available from the main office in schools or from the Division Administration Office.

This documentation should continue on an ongoing basis if the unwanted behaviour continues.



- iii. If the harassment continues or if the complainant chooses, the complainant should report the incident to a trusted responsible individual in a position of authority. (Example: Principal, Union Representative, Superintendent)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the individual they contact.

2.2. An Employee Complaint About An Employee: Informal Resolution

The individual in authority who is contacted shall notify the Superintendent to determine if there have been any previous incidents of harassment involving the respondent. If no past incidents are evident the individual in authority may proceed with an informal resolution process. The individual in authority contacted should notify the respondent of the complaint and attempt to achieve a resolution to the problem through counselling and mediation. Involvement and consultation from the Superintendent may be requested at this point.

If informal resolution is achieved a summary report outlining the issue and resolution will be maintained in a sealed envelope with the Superintendent.

2.3. An Employee Complaint About An Employee: Formal Resolution

- i. If:

- a) past incidents of harassment are evident, or
- b) if the situation is not resolved through informal procedures, or
- c) at the request of the complainant,

the complaint shall be addressed through a formal complaint process. The trusted individual in authority who has been contacted or the complainant shall forward a written complaint to the Superintendent.

(NOTE: The Harassment Documentation and Complaint Form is recommended for this purpose.)

- ii. The Superintendent will coordinate the formation of an investigative committee. The committee shall be composed of at least three (3) members with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. Members might include:

- 1) the Supervisor(s) of the parties involved in the complaint and/or
- 2) member(s) to be appointed at the discretion of the Superintendent

This committee shall review and investigate the complaint of harassment by the following process. The committee will:

- a) set reasonable time frames;
- b) define objectives and procedures to follow in the investigation;
- c) interview the complainant and make detailed notes;
- d) interview the respondent and make detailed notes;
- e) interview any witnesses and make detailed notes;
- f) allow third party representation at the interview(s) (e.g., union representation, lawyer, friend, etc.);
- g) follow the rules of natural justice, exercise fairness, sensitivity and objectivity in their investigation or fact-finding process;



- h) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action, and provide recommendations or resolution or action where deemed appropriate to the Superintendent.

The committee may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- iii. The Superintendent will be privy to all documents from the investigation, may undertake any subsequent investigation he/she believes is relevant, and may conduct a hearing with the individuals involved at his/her discretion. In the event a hearing is not called by the Superintendent, either the complainant or the respondent has the right to request a hearing with the Superintendent. Such request for a hearing must be requested in writing within ten (10) working days of receipt of a decision on the complaint. The Superintendent will conduct said hearing within fifteen (15) working days of receipt of the request. The Superintendent shall respond to the appellant on the findings of the hearing within ten (10) working days of conducting the hearing.
- iv. The Superintendent shall respond in writing to the complainant and respondent indicating the investigative committee's recommendation and stating the decision of the Superintendent on any disciplinary action to be taken and/or any action to be taken by the complainant or respondent. If the complaint is found to be valid, a record of the decision and action taken shall be placed in the harasser's personnel file. If the complaint is unfounded, then all written documentation of the complaint shall be maintained in confidence by the Superintendent.
- v. The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appellant.

2.4. An Employee Complaint About A Student

When a complaint involves an employee making a complaint about a student, the procedures identified for A Student Complaint About a Student (Section 3.2 and 3.3) shall be followed. This procedure shall be followed with the understanding:

- i. the complainant is an employee not a student;
and
- ii. the employee making the complaint will contact the Principal of the school the student attends;
and
- iii. the principles of involving the Harassment Resource Team and of notifying parents of the students, as outlined in Sections 3.1, 3.2, and 3.3. will be maintained.

3. STUDENT INITIATED COMPLAINTS

3.1. General Information

- i. There will be a designated group of teachers/counsellors in the Division referred to as the Harassment Resource Team. These individuals will work with the Principal(s) and/or Superintendent as required or requested in the management and/or investigation of harassment complaints initiated by students.



The Harassment Resource Team will be designated by the Superintendent and will act as a resource to individuals investigating harassment complaints. The Division will undertake to provide appropriate training for the Team.

- ii. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.
- iii. The complainant should document any or all incidents of harassment and identify:
 - . the respondent's name,
 - . date, time and location of the incident,
 - . a brief description of the incident,
 - . names of witnesses to the incident,
 - . any action taken by the complainant in response to the incident.

Harassment Documentation and Complaint Forms will be available to students in schools in locations such as the Guidance/Counselling office, the main office or from teacher advisors.

- iv. If the harassment continues and/or if the complainant chooses, the complainant should report the incident to a trusted, responsible adult in the school or Division Office. (Example: Principal, Teacher, Counsellor, Learning Assistant, Secretary, Superintendent)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the adult they contact.

- v. The individual contacted shall notify the Principal of the school with details of the complaint. As per Section 1 point number XIII, in the event the complaint has been made against the Principal, the individual contacted shall notify the Superintendent of the school with details of the complaint.
- vi. When a student is named in a Harassment Complaint the parent(s)/guardian(s) of student(s) will be notified as per the following:
 - a) when the student(s) are under eighteen (18) years of age and a decision has been made to follow a formal resolution process, the complaints will be communicated to parent(s)/guardian(s); complaints to be resolved through an informal process will be communicated to parent(s)/guardian(s) at the discretion of the Principal/Superintendent.
 - b) when the student(s) are eighteen (18) years of age or older, communication with parent(s)/guardian(s) will be encouraged with the consent of the student.

The student will be consulted and advised on the communication to occur and who will communicate with the parent(s)/guardian(s). The communication may be made by the student, the adult first contacted by the complainant, the Principal, the Vice-Principal or the Superintendent.

- vii. A meeting will be arranged with the complainant and respondent and his/her parent(s)/guardian(s) if the student is under eighteen (18) years of age and the Principal/Superintendent within five (5) school days of receipt of the complaint to review the complaint and to outline the procedures that will be followed to investigate and resolve the matter.



3.2. A Student Complaint About A Student: Informal Resolution

When the complaint involves students, the Principal shall review the student's cumulative file and contact the Superintendent to check on past incidents of harassment involving the respondent. If no past incidents are evident the Principal may proceed with an informal resolution process. The Principal should notify the respondent of the complaint and attempt to achieve a resolution to the problem through mediation and counselling. Involvement from Guidance Counsellors, the Harassment Resource Team and/or the Superintendent can be requested as appropriate by the Principal.

3.3. A Student Complaint About A Student: Formal Resolution

- i. If:
 - a) past allegations of harassment are evident in a student's history, or
 - b) at the request of the complainantthe complaint shall be addressed through a formal resolution process. The adult contacted by the student shall forward a written complaint to the Principal.

(NOTE: The Harassment Documentation and Complaint Form is recommended for this purpose.)

- ii. The Principal shall coordinate the development of an investigative committee involving the Principal or Vice Principal and the Harassment Resource Team, with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. This committee will review and investigate the complaint of harassment by the following process. The committee will:
 - a) set reasonable time frames;
 - b) define objectives and procedure to follow in the investigation;
 - c) interview the complainant and make detailed notes;
 - d) interview the respondent and make detailed notes;
 - e) interview any witnesses and make detailed notes;
 - f) allow third party representation at the interview(s) (e.g., parent, guardian, counsellor, friend, etc.);
 - g) follow the rules of natural justice, exercise fairness, sensitivity and objectivity in their investigation or fact-finding process;
 - h) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action, and provide recommendation on resolution or action where appropriate to the Principal.The committee may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.
- iii. The Principal shall respond in writing to the complainant and respondent, and their parent(s) if they are under eighteen (18) years of age, indicating the investigative committee's recommendation and stating the decision of the Principal on any disciplinary action to be taken and/or on any action to be taken by the complainant or the respondent.

A record of the decision and action to be taken shall be maintained in confidence by the Superintendent with a notation in the cumulative file to contact the Superintendent.



- iv. The complainant or the respondent has the right of second appeal of the decision on action to be taken through written request to the Superintendent within ten (10) working days of the decision. The Superintendent will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at his/her discretion; and shall reach a decision. The Superintendent may undertake any investigation he/she believes is relevant and shall respond to the appellant in writing within fifteen (15) working days of receipt of the appeal.
- v. The complainant or the respondent has the right to third appeal of the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appeal.

3.4. A Student Complaint About An Employee: Formal Resolution

- i. When a student complaint is about an employee, the complaint shall be addressed through a formal complaint process. The adult contacted shall forward a written complaint to the principal/superintendent.
- ii. The principal shall forward a written complaint to the Superintendent of the School.
- iii. The Superintendent, will coordinate the formation of an investigative committee. The committee shall be composed of at least three (3) members with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. Members might include:
 - 1) the Principal(s)/Supervisor(s) of the parties involved in the complaint
 - 2) member(s) to be appointed at the discretion of the Superintendent.

This committee will review and investigate the complaint of harassment by the following process. The committee will:

- a) set reasonable timeframes;
- b) define objectives and procedures to follow in the investigation;
- c) interview the complainant and make detailed notes;
- d) interview the respondent and make detailed notes;
- e) interview any witnesses and make detailed notes;
- f) allow representation at the interview(s) (e.g., union representative, lawyer, friend, parent(s)/guardian(s), counsellor, etc.);
- g) follow the rules of natural justice, exercise fairness, sensitivity and objectivity in the investigation or fact-finding process;
- h) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action and provide recommendations or resolution or action to be taken where appropriate to the Superintendent.

The committee may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- iv. The Superintendent will be privy to all documents from the investigation, may undertake any subsequent investigation he/she believes is relevant, and may conduct a hearing with the



individuals involved at his/her discretion. In the event a hearing is not called by the Superintendent, either the complainant or the respondent has the right to request a hearing with the Superintendent. Such request for a hearing must be requested in writing within ten (10) working days of receipt of a decision on the complaint. The Superintendent will conduct said hearing within fifteen (15) working days of receipt of the request. The Superintendent shall respond to the appellant on the findings of the hearing within (10) working days of conducting the hearing.

- v. The Superintendent shall respond in writing to the complainant and respondent indicating the investigative committee's recommendation and stating the decision of the Superintendent on any disciplinary action to be taken and/or any action to be taken by the complainant or respondent.

If the complaint is found to be valid, a record of the decision and action taken shall be placed in the harasser's personnel file. If the complaint is unfounded, then all written documentation of the complaint shall be maintained in confidence by the Superintendent.

- vi. The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appeal.

4. VISITORS, VOLUNTEERS, PARENTS

4.1. Visitor, Volunteer, or Parent Initiated Complaint

When a harassment complaint is initiated by a Visitor, Volunteer, or Parent, the procedures as they apply to staff and students shall be followed as outlined in Section 2 and Section 3.

4.2. Complaint About A Visitor, Volunteer, or Parent

- i. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.
- ii. The complainant should document any or all incidents of harassment and identify:
 - . the respondent's name,
 - . date, time and location of the incident,
 - . a brief description of the incident,
 - . names of witnesses to the incident,
 - . any action taken by the complainant in response to the incident.

Harassment Documentation and Complaint Forms will be available from the main office in schools or from the Division Administration Office.

This documentation should continue on an ongoing basis if the unwanted behaviour continues.

- iii. If the harassment continues or if the complainant chooses, the complainant should report the incident to a trusted, responsible individual in a position of authority. (Example: Principal, Vice Principal, Superintendent, Union Representative)



Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the individual they contact.

- iv. The individual in authority should refer the issue to the School Principal who shall notify the respondent of the complaint and attempt to achieve a resolution to the problem through counselling and mediation. Involvement and consultation from the Superintendent may be requested at this point. A written report outlining the complaint and/or recommended action and resolution will be forward to the Superintendent for review.
- v. In the event action is recommended, the Superintendent shall review the issue and shall respond in writing to the complainant and respondent indicating the investigative committee's recommendation and stating any action to be taken by the complainant or respondent. Whether the complaint is found to be valid or unfounded, a record of the decision, any action taken, and all written documentation of the complaint shall be maintained in confidence by the Superintendent.
- vi. The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees within ten (10) working days of the decision. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within fifteen (15) working days of receipt of the appeal.

Reviewed: November 2012