

The Board of Education believes that maintaining high standards of professional workplace conduct and the provision of a safe working and learning environment are essential to provide the best learning environment for students and to build confidence in the public school system. Therefore, the Board of Education is committed to creating and maintaining a learning and working environment where all adults are treated and treat each other professionally and respectfully in their interactions. The Board of Education expects all adults involved in the school district to follow the highest standards of conduct in all aspects of their roles.

This policy is intended to provide a safe and effective process for addressing matters of emotional, physical, verbal, or sexual harassment, Harassment, or Discrimination under the [Human Rights Code](#).

Harassment or Discrimination in our workplace is unacceptable and will not be tolerated. The Board of Education encourages reporting of all incidents of Harassment or Discrimination, regardless of who the offender may be.

For matters not related to Harassment or Discrimination, but which do constitute inappropriate conduct in the workplace, refer to [Policy 100.3 Respectful Workplace](#).

Definitions

For the purposes of this policy, the following definitions are used to encompass conduct which occurs while participating in activities related to the working environment. This can include School District functions and activities during normal hours of operation or during non-operational hours.

Discrimination means discrimination in employment based on a person's sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, gender identity or expression, age, or criminal conviction which is unrelated to the person's employment. Discrimination includes Sexual Harassment, as defined below.

Harassment means any inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that employee to be humiliated or intimidated, or any other form of unwelcome verbal or physical behaviour which by a reasonable standard would be expected to cause insecurity, discomfort, offence or humiliation to an employee or group of employees, and has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Adopted:

Revised: Sept 2018

However, Harassment excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment.

Harassment includes, but is not limited to, such things as:

- words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- threats or intimidation;
- physical assault; or,
- persistent rudeness, bullying, taunting, patronizing behaviour, yelling, spreading malicious rumours, or other conduct which adversely affects working conditions or work performance.

Sexual Harassment means conduct or comments of a sexual nature that is unwelcome, and that detrimentally affects the work environment or leads to adverse job-related consequences. Sexual harassment includes, but is not limited to, such things as:

- unwanted touching;
- unwelcome sexual flirtations, advances or propositions;
- sexually suggestive, obscene or degrading comments or gestures;
- offensive jokes of a sexual nature;
- leering or staring;
- displaying or circulating pictures or other material of a sexual nature; or,
- unwelcome questions or remarks about a person's sex life, appearance, clothing.

Policy

This policy covers all adults involved in the learning or working environment regardless of their role. This includes school district employees, contractors, parents, volunteers, third parties doing business, and who interface with the school district.

1. Processes and procedures are in place to ensure:
 - 1.1 A consistent understanding regarding the proper and appropriate behavior in dealing with others, including the ability to speak or act without violating this policy;
 - 1.2 Interactions are fair, professional and respectful; and,
 - 1.3 Matters are resolved in a timely and effective manner.
2. All individuals who are subject to this policy and engaged in School District activities are to conduct themselves in a manner which is courteous, respectful of and responsive to the needs of others.
3. All individuals who are subject to this policy can expect to be free from Harassment and Discrimination.

4. Individuals involved in the learning and working environment are responsible and accountable for their actions.
5. Individuals are responsible for ensuring that their actions and communication with others (including electronic communication) adhere to the spirit and intent of this policy.
6. The conduct of the Board of Education is addressed in [Policy 200.3 Trustee Code of Conduct](#).
7. Students are not covered under this policy. Standards for student behavior are addressed under Policy Series 502 Student Conduct.
8. Inappropriate behavior by an adult toward a student is not covered by this policy. The School Act, School District Policy, the Teachers' Regulation Branch, the District's Collective Agreements along with the BC Human Rights Code and applicable labour laws will define and govern the standard of behavior required by adults when dealing with students. Notwithstanding these mandates, all adults are expected to be positive and effective role models for students at all times, whether during regular working hours or during non-operational hours.
9. People in positions of authority are also entitled to a safe working and learning environment free from objectionable and abusive behavior that constitutes Harassment or Discrimination.
10. For District employees, this policy does not supersede any provision of an applicable Collective Agreement.
11. People in positions of authority are held to a higher standard of performance and are expected to exercise their authority in a fair and consistent manner that does not constitute Harassment or Discrimination. As well, people in positions of authority have difficult tasks to perform including assigning work, setting performance expectations, providing feedback and taking corrective or disciplinary action when necessary. These activities can create tension, but the legitimate exercise of this authority is expected and normally does not come within the definition of Harassment.

Process

From time to time a person in the workplace may experience an unwelcome interaction with another person. At any time, the complainant may seek out an advocate to assist them in addressing the matter. They may approach his/her Principal, union staff representative, and/or the human resource department to discuss potential means of addressing the complaint in an

informal manner, and/or to request assistance in addressing the matter through the following process:

A. Step 1

- i. The complainant will notify his/her own supervisor of the matter.
- ii. The complainant, if comfortable and with or without an advocate, should meet with and speak directly to the alleged respondent to express his/her feelings about the situation and to make clear that the conduct is unwanted and must not continue. This step is not mandatory.
- iii. If the matter is addressed to the complainant's satisfaction at Step 1 the matter is deemed to be settled.

B. Step 2

- i. If a complainant chooses not to meet with the alleged respondent, or if no agreement for addressing the complaint was reached during Step 1, or if an agreement for addressing the matter has been breached by one of the parties, a complaint may be filed with the superintendent or their designate. If the superintendent is the subject of the complaint, then the complaint may be filed with the Board Chairperson;
- ii. The complaint should be in writing and include the specific incident(s) that form the basis of the complaint. The complaint should be filed as soon as possible after the incident(s) which forms the basis for the complaint; and,
- iii. The employer shall notify the alleged respondent in writing of the complaint and provide notice of the expected process and a copy of this policy.

C. Step 3

- i. The employer shall review the particulars of the complaint as provided by the complainant under Step 2.ii. The employer may request further particulars from the complainant. Upon the conclusion of the review, the employer shall:
 - (a) initiate a plan to address all matters related to the situation (e.g. further mediation, training, disciplinary action, etc.); or,
 - (b) if the subject matter of the complaint fits within the definitions of Harassment or Discrimination, initiate an investigation of the complaint and appoint an investigator.
- ii. Where the employer undertakes an investigation, all applicable parties will be provided with notice of the investigation. All complaints will be taken seriously, and will be dealt with fairly and promptly, and in an unbiased manner.
- iii. The investigation shall be conducted by a person who shall have training and/or experience in investigating complaints of Harassment or Discrimination.

- iv. Both the complainant and the respondent are entitled to a fair hearing, and both will be interviewed. The respondent will be provided with the details of the complaint, and will be given a fair opportunity to respond.
- v. The investigation shall be conducted as soon as is reasonably possible and shall be completed within twenty (20) working days unless otherwise agreed to by the parties, such agreement not to be unreasonably withheld.
- vi. The investigation findings and conclusions will be shared with the complainant and respondent.
- vii. The employer will take any other necessary steps related to the investigation findings and conclusions, including appropriate remedial or disciplinary action, which may include education and training, modification of policy or procedures, or discipline up to and including termination of the respondent.

Note: In cases of physical or sexual assault, the district will follow the established protocol which may include immediately contacting the RCMP.

Retaliation

Retaliation of any kind against individuals who file Harassment or Discrimination complaints will not be tolerated.

Frivolous Complaints

Complaints of Harassment or Discrimination are serious matters. Employees who are found to have made frivolous, vexatious, or malicious complaints of Harassment or Discrimination may be subject to disciplinary action, up to and including dismissal.

BC Human Rights Tribunal

Nothing in this policy removes a person's right to file a complaint directly with the British Columbia Human Rights Tribunal.

Reporting an Incident

In the event that someone uninjured is a witness to Harassment or Discrimination, he/she must report the incident to the supervisor most responsible for that area immediately.