

**School District #62 (Sooke)**

<b>PERSONAL HARASSMENT</b>	No.: E-154
	Effective: Oct. 26/93 Revised: Apr. 11/95; Nov. 2/05; Mar. 28/06; May 24/16 Reviewed: Feb. 16/16; Apr. 18/16;

**ADMINISTRATIVE REGULATIONS/PROCESS FOR EMPLOYEE COMPLAINTS**

**OVERVIEW:**

1. The school district is committed to taking steps to prevent where possible or otherwise minimize workplace harassment.
2. All employees should report any incidents of personal harassment in writing and cooperate in the investigation of such complaints to their direct supervisor, unless the supervisor is the person about whom the complaint is being lodged, in which case the report should be submitted to the supervisor's supervisor. (See Harassment Report form, Appendix A.)
3. When a written complaint of personal harassment is received, the supervisor/Administrator must send a copy to Human Resources and must undertake an investigation in a timely and efficient manner. If the supervisor/administrator is unable to resolve the situation, the Human Resources Executive Director or designate will review, with a mandate to determine whether harassment or bullying occurred. If he/she is unable to find a satisfactory resolution, WorkSafeBC will be asked to provide assistance.
4. The standard of proof to be applied in an investigation is whether the reported event(s) occurred within the balance of probabilities. This means that on the evidence provided, the occurrence of the event was more likely than not.
5. The provisions of this policy shall be communicated to all employees such that:
  - A consistent understanding and expectation is developed regarding respectful and appropriate behaviour in dealing with others, including the ability to speak or act without offending.
  - The process to resolve complaints of personal harassment is understood and used.
6. All new employees will be provided with a copy of this policy as soon as they are hired and a copy is available on the District's intranet site for parents and other community members.
7. This policy and its regulations and procedures shall be reviewed annually by the District Health and Safety Committee. Suggestions for changes to ensure its effectiveness shall be submitted to the Education Standing Committee of the Board for adoption.

## **RESPONSIBILITIES:**

**Individuals** – School District No. 62 Staff, trustees, parents, volunteers and members of the community having contact with schools shall:

- Conduct themselves in a respectful and appropriate manner in the workplace and at workplace/school related activities.
- Resolve differences in the workplace and reporting any violations that they become aware of, in accordance with the Regulations and Procedures.
- Approach Supervisors, Managers, Principals, Vice-Principals or Human Resources staff if support and assistance to do the above is needed.
- Report in writing, in sufficient detail, if making a personal harassment claim. (See Appendix A for form).
- In cases where individuals undergo significant work-related stress as a result of harassment, they may be eligible to apply for WorkSafeBC benefits under the Mental Health in the Workplace provisions. See WSBC website for more information:  
<http://www2.worksafebc.com/Topics/workplacementalhealth/introduction.asp?reportID=36882>

### **Superintendent**

- Model respectful and appropriate conduct in the workplace.
- Ensure that:
  - The provisions of this policy/regulations are communicated to all employees.
  - A consistent understanding and expectation is developed regarding respectful and appropriate behaviour in dealing with others, including the ability to speak or act without offending.
  - The process to resolve complaints of personal harassment is understood and used.
  - Procedures are in place for the purpose of reporting and resolution of incidents of bullying and harassment.
  - Appropriate training is provided to all existing employees on the requirements of this policy.

### **Human Resources Executive Director**

- Model respectful and appropriate conduct in the workplace.
- Assist individuals who require help through the process.
- Conduct investigations or arranging for internal/external investigator(s) to conduct investigations as required.
- Provide meeting space, time and resources for the investigations.

### **District Principals, Principals, Managers, Supervisors**

- Model respectful and appropriate conduct in the workplace.
- Emphasize respectful workplace conduct during the performance management process with employees, and their interactions with parents and other volunteers.
- Conduct investigations promptly after receiving reports of personal harassment.

- Take corrective action if they observe disrespectful behaviour or harassing behaviour.
- Take allegations and/or complaints about violations of the Personal Harassment Policy seriously, addressing them in a timely manner, seeking assistance as necessary to achieve the resolution of complaints in accordance with this Policy and providing ongoing education about this Policy.

### **Human Resources Administration Staff**

- Model respectful and appropriate conduct in the workplace.
- Ensuring that all new staff receive a copy of the Respectful Workplace Policy and Regulations & Procedures, and that they complete the online Personal Harassment Training.
- Provide brochures to schools for students, parents and other community members explaining the Respectful Workplace Policy and Regulations.
- Ensure that posted copies of the Policy and Regulations and other supporting documents are kept up-to-date.
- Process and following up on WorkSafeBC claims made in relation to this policy.

### **District Joint Health and Safety Committees**

- Model respectful and appropriate conduct in the workplace.
- Perform annual review of the Respectful Workplace Policy and Regulations & Procedures, and forwarding any suggestions for change to the School Board Education Standing Committee for District’s formal policy update procedure.

### ***PROCEDURES:***

#### **1. Informal Resolution**

You are encouraged to resolve the issue with the individual involved whenever possible.

- Approach the person in a positive, confidential manner.
- Tell them what behaviour was inappropriate or offensive.
- Make it clear that the behaviour is unwanted and unacceptable, and ask that it stop.
- Make notes of any uncomfortable encounters including dates, times, locations, witnesses, etc.
- Don’t retaliate.

#### **2. Formal Complaint**

##### **Level 1**

If attempts to resolve the issue have not been successful submit a written complaint form to your supervisor. (See Appendix A for blank form). The Supervisor must investigate the complaint in a timely fashion.

- ❖ Any complaint made by a member of the Sooke Teachers’ Association will be dealt with as prescribed in Article E.2 of the Teacher Provincial Collective Agreement.

- ❖ Any complaint made by a member of the Canadian Union of Public Employees will be dealt with as prescribed by Article 29 of the CUPE Collective Agreement.
- ❖ Any complaint made by an excluded employee, a parent, including on behalf of a child, or a member of the public against an employee will be dealt with as prescribed by the procedures outlined in this policy.
- ❖ Any complaint made by a school district employee against a parent or member of the community will be dealt with as prescribed by the procedures outlined in this policy.

Note: Any behaviour which results in an employee filing for a WorkSafeBC claim **must** be reported to Human Resources.

### Level 2

If attempts to resolve the issue have not been successful, the Supervisor shall forward the formal complaint to the Human Resources Executive Director. If the Human Resources Executive Director is the cause of the complaint the formal complaint form should be submitted to the Superintendent.

### Level 3

If attempts to resolve the issue have not been successful, the Human Resources Executive Director (or Superintendent) will contact WorkSafeBC for assistance.

A complainant who feels that this process has not been adhered to can register a complaint with WorkSafeBC. For further information see their website:

<https://www2.worksafebc.com/Topics/BullyingAndHarassment/Resources.asp?reportID=37280>

### Notes:

Anonymous complaints will not be investigated. The district is committed to safeguarding all employees who file complaints from retaliation or reprisal.

Frivolous or vexatious complaints will be dealt with in an appropriate manner and could result in discipline up to and including dismissal for an employee and suspension/expulsion for a student.

Complaints will not be considered under more than one resolution process at a time. This policy does not prevent an individual from pursuing action through alternate resolution procedures; however there is no entitlement to duplication of process. This means that:

- No action will proceed under this policy if the complaint has already been dealt with through some other process.
- If a complainant makes a complaint under this policy and also pursues the complaint through some other process, proceedings conducted under this policy may be adjourned or terminated as appropriate.

### 3. Investigation

The investigator will conduct a confidential investigation of the complaint in order to determine the facts and assess whether this policy has been breached.

Investigations will:

- ❖ be undertaken promptly and diligently, and be as thorough as necessary, given the circumstances.
- ❖ be fair and impartial, providing both the complainant and respondent equal treatment in evaluating the allegations.
- ❖ be sensitive to the interests of all parties involved, and maintain confidentiality (see part 4).
- ❖ be focused on finding facts and evidence, including interviews of the complainant, respondent, and any witnesses, as determined by the investigator.
- ❖ incorporate, where appropriate, any need or request from the complainant or respondent for assistance during the investigation process.

No employee shall be subject to reprisal, threat of reprisal or discipline as the result of filing a complaint of personal harassment which the complainant reasonably believes to be valid.

Any individual named as a respondent in a complaint will be notified of the written complaint prior to being interviewed and, in addition to being interviewed, is encouraged to reply in writing to the allegations.

The complainant and the respondent(s) will have a right to representation during the investigation process.

### 4. Confidentiality

The Board and those involved in the complaint process on its behalf will maintain confidentiality throughout the complaint process to the extent possible under the circumstances. Personal information pertaining to a complaint will not be disclosed except as required by law.

Failure to maintain confidentiality may result in the Board taking disciplinary action.

If the Board determines that the safety of an individual is at risk the procedures and rights outlined in this policy, including confidentiality, may be set aside.

With the exception of discipline, censure or suspension, all records related to the complaint in any way will be held in the strictest confidence in a file separate from an employee's personnel file in Human Resources.

## 5. Resolution

When a formal complaint of personal harassment has been made, subject to the specific situation, the range of remedies for the complainant, if the complaint is upheld, may include, but are not limited to the following:

- Oral and/or written apology from the respondent and/or the School District.
- Educational training for one or both parties.
- Counselling for one or both parties including referral to the Employee and Family Assistance Program.
- Strategies to restore a positive and respectful workplace and learning environment, including any administrative changes which are appropriate.
- Utilization of restorative practice.
- Transfer for one or both parties, subject to Collective Agreement language. The expectation is that it shall be the harasser who is transferred, EXCEPT that the harassee may be transferred with that employee's consent.
- Disciplinary actions.
- Exclusion from Board property.
- Termination of contract.
- Civil or criminal proceedings.

Interim measures may be imposed during the complaint resolution process to ensure the work environment is safe and business within the involved school/site is not compromised. These measures will be determined by the Human Resources Executive Director, Superintendent or designate.

If the finding is that there has been no breach of the policy, that record will be kept with the investigation file and no reference will be in any personnel or student file.

## 6. Record Keeping

All records of Formal complaints, including any and all oral or written information gathered, received, or compiled throughout the Formal Process shall be maintained by the Human Resources Executive Director or designate in a secured confidential file.

All records shall remain on file for seven (7) years, after which they shall be destroyed.

## 7. Appeal

Employees may appeal the findings and/or resolutions of the investigation as per the Collective Agreements or WorkSafeBC.

All others may appeal the findings and/or resolutions of the investigation to the Board of School Trustees.

## 8. Awareness Program

All new employees hired will be given a copy of this Policy and Regulations document by Human Resources and will be required to complete Personal Harassment and Bullying Awareness online training.

A brochure explaining this policy and its regulations and procedures will be made available in school, at the School Board Office and on the School District website for parents and other community members. (see Appendix B)

**Respectful Workplace Complaint Form**

Name and contact information of complainant
Name of alleged harasser

**Personal statement**

Please describe in as much detail as possible the bullying and harassment incident(s), including:

- the names of the parties involved
- any witnesses to the incident(s)
- the location, date, and time of the incident(s)
- details about the incident(s) (behaviour and/or words used)
- any additional details that would help with an investigation

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

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<b>Signature</b>	<b>Date</b>
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APPENDIX B

Respectful Workplace Awareness Brochure for Parents, Volunteers and Community Members

(on following 2 pages)

## WorkSafe BC Regulations

Under the *Workers Compensation Act* employers, workers, and supervisors have duties to ensure or protect the health and safety of workplace parties. These obligations include preventing and addressing workplace bullying and harassment and sexual harassment.

WorkSafeBC issued Occupational Health and Safety policies relating to workplace bullying and harassment that became effective November 1, 2013.



### What are my responsibilities as a worker?

- Not engaging in personal or sexual harassment.
- Reporting if personal or sexual harassment is *observed or experienced*.
- Applying and complying with the employer's policies and procedures on bullying and harassment.

## Preventing Workplace Bullying and Harassment

**Everyone has a responsibility to create and maintain a respectful work environment.**

- Consider the effect your words or actions may have on other people.
- Respect multicultural and other differences.
- Treat people in all roles with equal respect.
- Don't ignore behaviour that makes you feel uncomfortable—speak up!
- Don't gossip.
- Do your part to resolve situations at the lowest level possible.
- Remember: you are a role model for students.

### Where can I go for more information?

- Review the SD62 Policies and Regulations E-154 Personal Harassment and E-155 Sexual Harassment on our website: [www.sd62.bc.ca](http://www.sd62.bc.ca)
- Visit the WorkSafe BC website: [www.WorkSafeBC.com/bullying](http://www.WorkSafeBC.com/bullying)
- Contact Human Resources



### Respectful Workplace Awareness Guide

(Personal and Sexual Harassment)

School District No. 62 (Sooke)  
Human Resources Department  
3143 Jacklin Road, Victoria, BC V9B 5R1  
Ph: 250-474-9859 Fax: 250-474-9893

## What is personal harassment?

### Includes:

- any improper behaviour that is directed at or offensive to another person, is unwelcome, and which the person knows or ought to reasonably know would cause that employee to be humiliated or offended or intimidated,
- objectionable conduct, comment or materials or display that demeans, belittles, intimidates, or humiliates another person,
- the exercise of power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate, and
- such misuses of power or authority as intimidation, threats, coercion and blackmail.

### Excludes:

- any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

### Examples of bullying/harassment:

- Behaviour that humiliates or intimidates
- Verbal aggression or name-calling
- Vandalizing personal belongings
- Sabotaging work
- Spreading malicious rumours
- Personal attacks
- Aggressive/threatening gestures

## What is sexual harassment?

### Includes:

- any conduct, comment, gesture, physical contact, or implied action of a sexual nature that:
  - is likely to cause offence or humiliation to the recipient, or
  - might, on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on employment or on any opportunity for training or promotion,

that is made by a person who knows or who ought reasonably to know such behaviour is unwelcome;

- any circulation or display of visual material of a sexual nature that has the effect of creating an uncomfortable working environment ;
- an implied promise of reward for complying with a request of a sexual nature;
- a sexual advance made by a person in authority over the recipient that implies a threat or an expressed or implied denial of an opportunity which would otherwise be granted or available, and may include a reprisal or a threat of reprisal made after a sexual advance is rejected.

## What to do if you think you are being personally or sexually harassed

You are encouraged to resolve the issue with the individual involved whenever possible.

- Approach the person in a positive, confidential manner.
- Tell them what behaviour was inappropriate.
- Make it clear that the behaviour is unwanted and unacceptable.
- Make notes of any uncomfortable encounters including dates, times, locations, witnesses, etc.
- Don't retaliate.

If the issue cannot be resolved,

- Familiarize yourself with the reporting and investigation process described in Board's Respectful Workplace Policy, Regulations & Procedures E-154 and E-155.
- Submit a formal *Complaint Form* to the appropriate person noted in the Procedures.

If you require assistance with the process, please call Human Resources or (if applicable) contact your Union representative.