

Christ the Teacher Catholic Schools

ADMINISTRATIVE PROCEDURES

SECTION:	100 – GENERAL ADMINISTRATION	CODE:	AP 170
PROCEDURE:	HARASSMENT		

BACKGROUND

The Division is committed to providing an environment in which all individuals are treated with respect and dignity. Each student has the right to learn in a safe and supportive setting, and each employee, the right to work in a professional workplace where there is an absence of degrading or threatening behaviour. Harassment, in any of its forms, will not be tolerated in the school jurisdiction, and the Division is committed to ensuring that neither students nor staff are subjected to it.

Harassment includes behaviour which may be verbal, physical, deliberate, unsolicited or unwelcome. It, in effect or intent, disparages, humiliates or harms another person. It is behaviour which denies individual dignity and respect and is demeaning to another person. Harassment may include, but is not limited to, references related to age, national or ethnic origin, religion, gender, sexual orientation, disability, race, sources of income or family status. The behaviour may not be intended as harassing to be considered personal harassment. It is sufficient that one knows or ought reasonably to know that his/her behaviour is offensive and unwelcome.

Harassment is not a relationship of mutual consent. It is any action or repeated behaviour or verbal action that is unwelcome or intimidating and denies individual dignity and respect.

Harassment may include:

- ♦ Verbal abuse or threats;
- ♦ Negative remarks, jokes, innuendoes or taunts about a person's body, attire, age, gender, ethnic or national origin, socio-economic status or religion;
- ♦ Displaying of pornographic, racist or other offensive or derogatory pictures;
- ♦ Practical jokes which cause awkwardness or embarrassment;
- ♦ Sexual invitations, requests or demands, whether indirect or explicit;
- ♦ Intimidation to participate in unlawful or unethical activity or to participate in activities which contravene school policy, Board policy and/or Division administrative procedures;
- ♦ Unwelcome physical contact; or
- ♦ Coercing or influencing third parties to harass others.

The learning and work environment can and does extend beyond the immediate school or school jurisdiction office. These sites can also extend to the playground, school bus, work experience placement, school or work-related social activities and school work-related travel or field trips. The work and learning environment may also include the use of various electronic media such as telephone, fax and e-mail.

Complaint resolution mechanisms are available to all staff and students, but the procedures available in the Division do not prohibit the filing of a complaint outside the organization with the Saskatchewan Human Rights Commission, union or through civil or criminal court.

PROCEDURES

1. Students or employees who experience harassment are to:
 - 1.1 Wherever possible, keep a written record of dates, times, the nature of the behaviour, the names of individuals who may have witnessed the incidents and any action they may have taken to try to stop the harassment.
 - 1.2 If practicable, directly advise the offender, either verbally or in writing, that his/her behaviour is unacceptable and unwelcome and ask him/her to stop.
 - 1.3 Report promptly the details of the complaint to a person in authority (teacher, the Principal or the Director).
2. The person in authority may refuse to take action on a complaint which is deemed to be frivolous or vexatious. The teacher's decision may be appealed to the Principal, the Principal's decision to the Director, and the Director's decision to the Board (the latter in accordance with Policy 13 – Appeals and Hearings Regarding Student Matters).
3. If appropriate, the complaint may be dealt with informally. In such an instance, the person in authority is to:
 - 3.1 Assist the complainant in speaking to the offender directly, or speak to the offender on the complainant's behalf.
 - 3.2 Advise the offender that it is expected that the harassing behaviour will cease immediately.
 - 3.3 Advise the offender that if the behaviour is in violation of this administrative procedure and does not cease, a formal harassment complaint may be filed.
 - 3.4 Apply appropriate sanctions as necessary, including but not exclusive to a warning, an offering of a verbal or written apology, suspension or recommendation for expulsion.
4. Where it is deemed necessary for a formal complaint to be filed, it shall consist of a signed written statement outlining the charges, describing the specific incident or incidents, the dates (as specific as possible), and any witnesses who may have been present.
 - 4.1 A formal complaint may be filed up to six (6) months from the date of the most recent incident cited in the letter.
 - 4.2 The person in authority receiving the complaint is responsible to advise the alleged offender, in writing, of the nature and the specifics of the allegations, that an

- investigation will be undertaken, and inform him/her of rights under system procedures and other relevant legislation.
- 4.3 A copy of the formal complaint shall be provided to the alleged offender.
 - 4.4 The person in authority will ensure an investigation is conducted into the complaint, which may consist of personal interviews with the complainant, the alleged offender and others who have direct knowledge of the incidents or circumstances that led to the complaint.
 - 4.5 Where the person in authority believes the complaint is valid, the appropriate disciplinary action shall be levied.
5. Whether the complaint was informal or formal, the resolution process shall not exceed thirty (30) working days.
 6. All correspondence and reports relative to alleged harassment shall be held separately in a confidential file to be retained by the Principal or the Director.
 - 6.1 If allegations are not supported, the file shall be destroyed (one (1) year after the person in authority's ruling is rendered).
 - 6.2 If the investigation supports the allegations in the letter of complaint, copies of all supporting documentation shall be placed on the offender's confidential file (in the case of a student) or their personnel file (in the case of an employee).
 - 6.3 After a period of three (3) years, the student and/or the parent(s) may request that all such related material be removed from the student's confidential file. Similarly, in a case involving an employee, after a period of three (3) years, the employee may request all such related material be removed from his/her personnel file. The decision with regard to the disposition of the material shall be at the discretion of the Director.

Reference: Sections 85, 87, 108, 109, 175 Education Act
Human Rights Code Act
Occupational Health and Safety Act
Canada Criminal Code
Canada Labor Code
Canadian Charter of Rights and Freedoms
STF Code of Ethics

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