



**UNDER REVIEW**

<b>Title</b>	<b>Effective Date</b>	<b>Revision Date</b>	<b>No. Of Pages</b>
<b>No. 830 SEXUAL HARASSMENT</b>	<b>March 7, 1996</b>	<b>January 3, 1998 Reviewed March 4, 2015</b>	<b>1 of 6</b>

The Tri-County Regional School Board recognizes its responsibility to foster a working and learning environment for every employee and student free of sexual harassment as defined by this policy.

Employees, who upon investigation as outlined in the procedure, are found to have intentionally committed sexual harassment or to have filed a complaint of sexual harassment falsely or with malicious intent will face disciplinary action up to and including discharge. The Board does not condone sexual harassment in any way and it shall make every reasonable effort to ensure that none of its employees and students are subjected to sexual harassment.

Students who, upon investigation as outlined in the procedure, are found to have committed sexual harassment or to have intentionally filed a false complaint of sexual harassment, will face disciplinary action, up to and including suspension for the balance of the school year.

This policy applies to all employees and students of the School Board. The Board will endeavor to ensure that policy is widely known, through posting and distribution. Employees who feel they have been subjected to sexual harassment also have the right to file a complaint under the Provincial Human Rights Act.

All complaints of sexual harassment and reports on these complaints will be kept in strict confidence, except as required to investigate and respond to the complaint.

The School Board may, of its own initiative, investigate and deal with instances of possible sexual harassment or false malicious complaints where, based upon a pattern of complaints or other information, it has reasonable grounds to suspect possible sexual harassment or false or malicious complaints involving a member of its school system.

**PROCEDURE Under Policy # 830**

**Definition:**

- 1) For the purpose of this policy, sexual harassment means any conduct, comment, gesture or contact which is derogatory towards a person's gender or of a sexual nature, whether it is on a one-time or a continuous series of incidents, that might reasonably:
  - A. be expected to cause offence or humiliation to any employee/student; or
  - B. be perceived by the employee/student as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.
- 2) Harassment is defined as any improper behaviour by a person that is directed at and offensive to any employee/student which that person knew or ought reasonably to have known would be unwelcome.
  - A. It is objectionable conduct, comment or display made on either or on-time or continuous basis that demeans, belittles, causes personal humiliation or embarrassment to an employee/student.
- 3) Harassment may be, but is not limited to harassment within the meaning of the CHRA (Canadian Human Right Act), i.e. harassment on the basis of the prohibited grounds of discrimination.

**PROCEDURE Under Policy # 830**

**1. Employees**

If any employee feels they have been the subject of sexual harassment, the initial onus rests upon the employee to complain about the situation. The complaint procedure for sexual harassment is as follows:

- a) As a first step, the employee should attempt to make the alleged offender aware that the behaviour is unwelcome and offensive. In many cases, the alleged offender's behaviours will be inadvertent and an informal approach will be sufficient to bring the offensive actions to a stop.
- b) If, despite the approach to the alleged offender, the harassment continues, the employee should as soon as possible, lodge a verbal complaint with the principal or his/her immediate supervisor (as the case may be) who will investigate and attempt to resolve, unless there is a possible criminal offence, the complaint, in consultation with the Superintendent of Schools. A possible criminal offence is one that involves alleged touching or stalking. In the case of a possible criminal offence the appropriate policing authority need be notified.
- c) If the complaint cannot be resolved, or if the employee's principal or immediate supervisor is the alleged offender, then the employee should make a complaint to the Superintendent of Schools. (If the Superintendent is the alleged offender, the complaint should be directed to the Chair of the School Board). The employee's complaint must be in writing and signed. The complainant should describe the incidents complained of, with details as to names and dates.
- d) The complaint will be investigated noting (b) above promptly with utmost confidentiality by the Superintendent (or the Chair as the case may be) or designate(s). If the investigation determines that an act of sexual harassment has taken place, the Superintendent (or Chair as the case may be) on behalf of the School Board, will take the appropriate action to ensure that the harassment ceases immediately. The complainant and the alleged offender will be informed of the results of the investigation and the School Board's action in resolving the complaint.

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**2. Students**

The complaint procedure for students alleging sexual harassment is as follows:

- a) The student should report the alleged sexual harassment to a teacher, Guidance Counselor or Principal. Any teacher or guidance counselor who becomes aware of a student's complaint of sexual harassment should immediately advise the Principal of the complaint. The Principal will then meet with the student, in the presence of the student's parents/guardians or the teacher or guidance counselor who initially received the complaint. If the parents/guardians cannot be present, they should be advised of the meeting. The principal should record the details of the complaint including the date(s), time(s), type of behavior being complained about and any witnesses to the incident(s). The Principal will have the student read and sign the record of complaint. The person who witnessed the alleged incident should not be present when the complainant is being interviewed (see Appendix A).

If the complaint involves a possible criminal offence the matter must be referred to Family and Children's Services if the complainant is under 16 years of age. If the student is 16 years of age or over the appropriate policing authority must be notified immediately. A possible criminal offence involves alleged touching or stalking.

- b) The Principal will advise the Superintendent or designate of the complaint and will investigate the matter further by speaking to the alleged offender about the complaint. The principal will then attempt to resolve the complaint to the satisfaction of the student and/or the parents/guardians and the alleged offender.
- c) The Principal will prepare a report on his investigation of the complaint and forward it to the Superintendent. The Superintendent will determine whether further investigation is needed, and if so, how and by whom it will be conducted. If the Superintendent determines that sexual harassment has taken place, appropriate action will be taken to ensure that the harassment ceases immediately. The complainant, parents/guardians and the alleged offender will be informed of the results of the investigation and the School Board's action in resolving the complaint.

**PROCEDURE Under Policy # 830**

**DISCIPLINARY ACTION**

1. Employees

Employees who are found to have committed an act of sexual harassment will be disciplined up to and including discharge where appropriate.

2. Students

Students who are found to have committed sexual harassment will be disciplined up to and including a suspension for the remainder of the school year, where appropriate.

3. General

An allegation of sexual harassment can be very damaging. Therefore, complaints which are found to be false or malicious and unsubstantiated will render the complainant liable to discipline up to and including discharge in the case of an employee, or up to and including suspension for the remainder of the school year, for the student.

## APPENDIX A

### SEXUAL HARASSMENT INVESTIGATION OF COMPLAINT Guidelines for Principals, Supervisors and Superintendents

The School Board policy on sexual harassment provides that employees may file complaints which must then be investigated by the appropriate Principal or Supervisor, and subsequently by the Superintendent (or School Board Chair as the case may be). The following are guidelines for supervisory employees who are called upon to investigate allegations of sexual harassment.

1. Carefully review any written complaint submitted by the complainant.
2. Interview separately as soon as possible (normally in the following order):
  - a) Complainant
  - b) Alleged offender – Note: If possible criminal offence, alleged offender would be interviewed by proper authorities.
  - c) All witnesses
  - d) Any other relevant persons

Depending on the information obtained from witnesses and other relevant persons, the investigator may wish to re-interview the complainant or the alleged offender to see clarification or additional information from them.

3. During these interviews, the investigator should listen carefully, keep an open mind and pay particular attention to:

WHO – individuals involved (complainant, alleged offender, witness, etc.)

WHAT – nature of the complaint (sexual advance(s), language, innuendoes)

WHEN – did it happen (exact date(s), time(s), if possible)

WHERE – did it happen (exact location(s))

WHY – is it a sexual harassment complaint (job security threatened, promotion promised, intimidation, hostility, etc.)

HOW – did complainant respond to the alleged offender (negativity, verbally, in writing, etc.)

4. Prepare a written report indicating whether or not they believe there has been sexual harassment, reasons, the results of the investigation and recommendations for further action. Submit the written report to the Superintendent (or School Board Chair as the case may be).