

**TRI-COUNTY REGIONAL CENTRE FOR EDUCATION
POLICY and PROCEDURES**

TITLE	EFFECTIVE DATE	PAGE
No. 843 DIGNITY IN THE WORKPLACE	October 2, 2006	1 of 12

It is the policy of the Tri-County Regional Centre for Education to provide a workplace that promotes dignity for all school community members.

Specifically

The Tri-County Regional Centre for Education is committed to maintaining a learning and work environment that is safe, secure and free from bullying, discrimination and harassment of any kind. Within this context these prohibited behaviors by any member of the school community will not be tolerated.

It is expected that behaviors that occur at schools, Tri-County Regional Centre for Education offices, buildings under Tri-County Regional Centre for Education jurisdiction, or elsewhere in the course of school or school-Tri-County Regional Centre for Education-related responsibilities or relationships including extra-curricular, co-curricular social functions, travel, conferences or training events; e-mail, telephone, written or other communications; or any other activity approved by the school or Tri-County Regional Centre for Education promote this.

Accordingly, the Tri-County Regional Centre for Education, through the Regional Executive Director of Education (or designate) shall establish measures that protect the well-being and professional reputation of employees, respond to incidents of prohibited behaviour promptly in a confidential manner and that ensures all investigations are conducted with respect for due process and fairness.

Definitions:

1. A **school community member** is defined in the *School Code of Conduct* as all adults whose role or jobs place them in contact with the students in school settings and school activities. "All adults" includes all staff in any capacity, Tri-County Regional Centre for Education members, parents, community groups, school parental organizations or any person associated with the school system in any capacity, including volunteers and contract employees.
2. **Bullying** is persistent, unwelcome behavior related to performance and workplace situations that undermines a person's ability, or leaves the person feeling hurt,

frightened, angry, or powerless, and prevents the targeted person from accomplishing his or her work. Features of bullying include, but are not limited to: sadistic or aggressive behavior over time; exclusion from meetings; humiliation or ridiculing; criticism in public that is designed to humiliate; persistent, unwarranted criticism in private; treating colleagues as children, not as adults; undermining staff by replacing their areas of responsibility unreasonably, or without justification; withholding information to deliberately affect a colleague's performance; constantly changing work deadlines or work guidelines.

3. **Harassment** is any improper conduct by an individual that is directed at and offensive to another person or persons in the workplace, and that the individual knew, or ought reasonably to have known would cause offense or harm. It comprises any objectionable embarrassment, and any act of intimidation or threat. Features of harassment include, but are not limited to: unwanted physical contact; verbal abuse, such as unwanted anonymous telephone messages, offensive language or innuendo, telling offensive jokes, name calling or spreading malicious rumors; written abuse, such as letters, faxes, e-mails, or graffiti, or displaying offensive pictures or posters; explicit behavior such as mimicking the effect of a disability, threats; covert or disguised behavior such as social isolation and non-cooperation, implicit threats, and pressure for sexual favors; incidents associated with work such as stalking. The incident(s) may be persistent, or may be a single, serious incident.

4. **Sexual Harassment** means: [*Human Rights Act. R.S., c.214, s.1. p. 4 (o)*]

4.1 *vexatious sexual conduct or a course of comment that is known or ought reasonably to be known as unwelcome,*

4.2 *a sexual solicitation or advance made to an individual by another individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made, where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome, or*

4.3 *a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance. 1991, c. 12, s. 1.*

5. **Discrimination** [*Human Rights Act. R.S., c.214, s.1. p. 4 (4)*]

5.1 *A person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, (referred to in the following clauses in this section) that has the effect of*

imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society. 1991, c.12, s.1.

5.2 Areas of protection:

- 5.2.1 age
- 5.2.2 race
- 5.2.3 colour
- 5.2.4 religion
- 5.2.5 creed
- 5.2.6 sex (gender and pregnancy)
- 5.2.7 sexual orientation
- 5.2.8 physical disability or mental disability
- 5.2.9 an irrational fear of contracting an illness or disease
- 5.2.10 ethnic, national or aboriginal origin
- 5.2.11 family status
- 5.2.12 marital status
- 5.2.13 source of income
- 5.2.14 political belief, affiliation or activity

- 5.2.15 that individual's association with another individual or class of individuals having characteristics referred to in clauses 5.2.1 to 5.2.14

- 6. Complainant is an employee who believes he/she has been subjected to prohibited behavior.

- 7. Respondent is a school community member who has allegedly engaged in prohibited behavior.

- 8. Informal Complaint Procedure is a method used to resolve complaints that are not of a formal nature.

- 9. Formal Complaint Procedure is a method used to resolve complaints of a serious nature and/or those complaints that cannot be resolved through the Informal Complaint Procedure.

- 10. Investigation is the process undertaken to respond to a complaint.

11. Investigator is a person appointed by the Director of Human Resources to investigate the complaint under the Formal Complaint Procedure. The Investigator can be the Director of Human Resources, another Tri-County Regional Centre for Education employee or someone from outside the Tri-County Regional Centre for Education.
12. Person in authority includes the complainant's supervisor, respondent's supervisor, principal or administrator.

Procedure Under Policy 843

- 1.0 The Tri-County Regional Centre for Education through the Human Resources Department, is responsible for ensuring that all school community members understand their rights, role and responsibilities with respect to dignity in the workplace.
- 2.0 All information will be dealt with on a confidential basis.
- 3.0 Individuals who experience or perceive prohibited behaviour are strongly encouraged to take direct action by communicating (in person or in writing) with the respondent promptly, to inform the person clearly and directly that the behaviour is unwelcome and must stop.
 - 3.1 Individuals using this process should keep a record of all the incidents and the way in which they were handled, to help with accurate recollection of events at a later date, if needed.
- 4.0 Informal Complaint Procedure
 - 4.1 If the complainant is unable to take direct action or the prohibited behaviour continues, the complainant may make an informal complaint to a person in authority, including the complainant's supervisor, respondent's supervisor, principal or administrator.
 - 4.2 The person in authority will act to resolve the situation by taking one or more steps, including talking to the respondent, intervening on the complainant's behalf, arranging for the parties to come together to resolve the complaint, or by advising the complainant of other options.

Procedure Under Policy 843 Con't

- 4.3 The person in authority shall complete and distribute as prescribed the Notification of Complaint form (Appendix “A”).
- 4.4 The informal complaint procedure shall not normally exceed ten (10) working days from the date of receipt of the informal complaint to the supervisor.
- 5.0 Formal Complaint Procedure
- 5.1 If the informal process does not resolve the issue, or if the complainant wishes to bypass that process, the complainant may complain in writing using the Complaint Form (Appendix “B”) to the Director of Human Resources.
- 5.2 A formal written complaint should be initiated within one year of the incident, although the Director of Human Resources has discretion to accept a complaint filed after a longer period.
- 5.3 The complainant shall: complete the Complaint Form (Appendix “B”), review the completed form with the person in authority, request that the person in authority sign the completed form, keep a copy of the completed form for his/her records, provide a copy of the completed form to the person in authority, and forward the completed form (original) to the Director of Human Resources.
- 5.4 The Director of Human Resources will advise the Regional Executive Director of Education, respondent and supervisors of the complainant and respondent of the complaint, and will arrange to have it investigated.
- 5.5 If appropriate the Director of Human Resources may attempt to resolve the complaint through discussion with the parties. If this is not successful, the matter will be formally investigated.
- 5.6 The Director of Human Resources will determine who will investigate the complaint.

Procedure Under Policy 843 Con't

6.0 Investigation

- 6.1 The investigator will interview the complainant, accept any written statement the complainant wishes to provide, and document the interview. Copies of these documents will be given to the respondent, who will be invited to respond either face to face or in writing. This response will be conveyed back to the complainant for reaction.
- 6.2 The investigator will re-interview the complainant and respondent as necessary, will interview other persons and gather materials as may be necessary to complete the investigation, and will produce a factual report about the complaint to the Regional Executive Director of Education, with copies to the complainant, respondent and the Director of Human Resources.
- 6.3 Wherever possible, investigations should be finalized within sixty (60) days after receiving a complaint, and the Director of Human Resources may extend the timeline where circumstances warrant. The parties may wish to make additional comments on the report and if so, they should do so within five (5) working days so that the Director of Human Resources can determine applicable collective agreements.
- 6.4 A complainant may opt to discontinue the process at any time. This does not apply where policing agencies are also involved, and timelines must accommodate that activity.
- 7.0 Upon conclusion of investigation and disciplinary action (if any), documentation shall be given to the complainant and the respondent with copies retained on behalf of the Tri-County Regional Centre for Education by the Director of Human Resources. Documents given to the respondent shall be kept permanently in the respondent's personnel file, or according to the collective agreement.
- 8.0 Consequences for employees may be up to and including termination of employment, and for other school community members may be up to and

Procedure Under Policy 843 Con't

including severance of involvement with the school, as determined by the Tri-County Regional Centre for Education in accordance with relevant legislation, applicable policies and after appropriate consultation. Where criminal behaviour is alleged, the incident shall be reported to the appropriate policing agency.

9.0 Disposition

9.1 If the investigation confirms that prohibited behavior has in fact occurred, the Director of Human Resources shall initiate appropriate intervention.

9.2 Appropriate non-legal interventions may include:

- (i) formal mediation,
- (ii) warning letter,
- (iii) transfer of student(s), staff,
- (iv) other (formal apology, etc.), and/or,
- (v) any other measure that is in accordance with any applicable collective agreement.

9.3 Subject to the results of the investigation, more serious yet appropriate responses may include:

- (i) referral of the matter to the police for consideration of charges,
- (ii) severance of involvement with the school and school system,
- (iii) proceedings under the Protection of Property Act.

10.0 Monitoring and Evaluation

10.1 The Director of Human Resources (or designate) shall be responsible for the implementation, monitoring and revision of this administrative procedure.

10.2 When revisions of major significance are made to the policy and administrative procedures, the following groups/individuals will be consulted:

Procedure Under Policy 843 Con't

- 10.2.1 Tri-County Regional Centre for Education Members
 - 10.2.2 Regional Executive Director of Education
 - 10.2.3 Directors
 - 10.2.4 Supervisors
 - 10.2.5 Representative Employee groups
 - 10.2.6 School Advisory Councils
 - 10.2.7 Parent/Teacher School Associations
- 10.3 This administrative procedure will be monitored on an annual basis.

Appendix “A”

Tri-County Regional Centre for Education

Notification of Complaint Form

Name(s) of parties involved:

Complainant: _____

Respondent: _____

Date of Incident: _____

Nature of Complaint

Actions taken:

- person(s) interviewed (complainant, respondent, others)
- parent/guardian contacted (if student(s) involved) resolution
- reached
- other _____

_____ Date	_____ Principal/Supervisor Signature
_____ School/Workplace	
(Please forward immediately to Director of Human Resources)	

Appendix “B”

Tri-County Regional Centre for Education

Complaint Form

INSTRUCTIONS

- Complete the Complaint Form (Appendix “B”),
- Review the completed form with the person in authority,
- Request that the person in authority sign the completed form,
- Keep a copy of the completed form for his/her records,
- Provide a copy of the completed form to the person in authority, and
- Forward the completed form (original) to the Director of Human Resources.

1. Name of Complainant: _____

2. School / Workplace: _____

3. Name of Respondent: _____

4. School / Workplace of Respondent: _____

5. Date(s) of incident(s). [If the offending behaviour has been repeated over a period of time, give approximate length of time period involved.]

6. Name(s) of witness(es): _____

7. Name of person(s) to whom complaint was first reported: _____

8. Complainant's description of alleged harassment: (Attach any written statements and physical evidence collected.)

Signature of Complainant: _____	Date: _____
Signature of Principal/Supervisor: _____	Date: _____

Copies to: Director of Human Resources (original) Complainant (copy) Respondent (copy) Principal/Supervisor (copy)

Flow Chart of Complaint Procedures

