

WELCOMING, CARING, RESPECTFUL AND SAFE LEARNING AND WORKING ENVIRONMENTS FOR STAFF

Background:

As required by [Board Policy 19: Welcoming, Caring, Respectful and Safe Learning and Working Environments](#), these procedures are intended to assist staff in maintaining a welcoming, caring, respectful and safe learning and working environment that respects diversity, fosters a sense of belonging and is free from bullying, discrimination and harassment.

Definitions:

Bullying:

means repeated and hostile or demeaning behaviour by an individual in the school community where the behaviour is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual's reputation.

Complainant:

means a person who has alleged they have been subjected to bullying, discrimination or harassment in contravention of this Administrative Procedure.

Discrimination:

means treating a person negatively or disrespectfully, or refusing, without lawful excuse, to provide an opportunity or benefit with respect to access to learning or access to any term or condition of employment because of any of the protected categories in the *Alberta Human Rights Act*. The behaviour giving rise to a complaint of discrimination need not be intentional in order to be considered discrimination. With respect to student placement decisions, the above does not apply to a refusal, limitation, specification or preference based on a bona fide educational requirement. With respect to employment, the above does not apply to a refusal, limitation, specification or preference based on a bona fide occupational requirement.

Harassment:

means unwelcome verbal or physical conduct, including discrimination. Usually, it must be repeated to constitute harassment, but single acts can be harassing if they are severe or involve obvious power imbalance. Harassment is insulting, demeaning or intimidating. The behaviour giving rise to a complaint need not be intentional in order to be considered harassment; it is sufficient that the offender knows, or ought reasonably to know, that the behaviour is offensive and unwelcome.

- **Sexual harassment** is any unwelcome behaviour that is sexual in nature.

Learning and Working Environments:

means the immediate school or school jurisdiction worksite location where staff and students are present and includes:

- any school or work-related social activities,
- any school or work-related travel and field trips,
- any settings where the individuals involved are engaged in a work or school-related activity such as vehicles, field placements or a co-operative educational work term, and
- the use of electronic or digital media such as telephone, fax, email, network computers and internet/intranet communications at any time if it impacts the learning or working environment.

Respondent:

means the person alleged by the complainant of bullying, discrimination or harassment in contravention of this Administrative Procedure.

Procedures:

1. The responsibility for establishing and maintaining a welcoming, caring, respectful and safe learning and working environment is shared as follows:
 - 1.1. The Associate Superintendent of Human Resources, or designate, shall:
 - 1.1.1. Develop, communicate and implement procedures to effectively address alleged instances of workplace bullying, discrimination and harassment.
 - 1.1.2. Ensure incidents of bullying, discrimination or harassment are investigated and appropriate corrective actions are taken where applicable.
 - 1.1.3. Maintain confidentiality of personal information of those involved, where appropriate.
 - 1.1.4. Ensure all staff are provided with information and training regarding this Procedure.
 - 1.1.5. Monitor compliance with this Procedure and related policies.
 - 1.1.6. Annually, review this Procedure to ensure it is current and effective.
 - 1.2. Principals, directors and supervisors shall:
 - 1.2.1. Communicate this Administrative Procedure to all staff and ensure related training is completed.
 - 1.2.2. Foster and maintain a supportive workplace that minimizes the potential for bullying, discrimination or harassment. This includes prevention by conducting a hazard assessment of conditions that could put persons at risk and to take steps to eliminate or control the risks.
 - 1.2.3. Take immediate action on all incidents of bullying, discrimination or harassment.
 - 1.2.4. Report all incidents or potential incidents of bullying, discrimination or harassment to the Associate Superintendent of Human Resources.
 - 1.2.5. Ensure complainants and respondents are kept aware of the procedures utilized in response to a complaint.

- 1.2.6. Advise persons affected by bullying, discrimination or harassment to seek assistance from a health professional of their choice. Pay or benefits shall not be deducted if treatment takes place during regular work hours.
- 1.2.7. Not disclose circumstances and names of parties involved except where necessary to investigate the incident and to inform parties involved of the investigation results and actions taken.
- 1.3. Failure of principals, directors or supervisors, in keeping with their authority, to respond in accordance with this Procedure to allegations of bullying, discrimination or harassment may be considered as condoning such behaviour; and therefore, a violation of this Procedure.
- 1.4. Employees shall:
 - 1.4.1. Familiarize themselves with this Procedure.
 - 1.4.2. Attend any training related to this Procedure.
 - 1.4.3. Seek clarification from their supervisor or Human Resources regarding this Procedure if they have any questions.
 - 1.4.4. Treat everyone with dignity and respect.
 - 1.4.5. Immediately report instances of actual or potential workplace bullying, discrimination or harassment, whether directly experienced or witnessed, to their supervisor and Human Resources.

2. Informal Complaint Resolution:

- 2.1. If you feel you've been bullied, discriminated against or harassed:
 - 2.1.1. Tell the person their behaviour is unwelcome and ask them to stop.
 - 2.1.2. Keep a written record of the nature of the bullying, discrimination or harassment, including relevant date(s), time(s) and location(s).
 - 2.1.3. Make a complaint if after asking the person to stop their behaviour the behaviour continues.
 - 2.1.4. If your complaint isn't about your supervisor, talk to your supervisor about it. The supervisor must give you the option of proceeding with informal or formal resolution. Informal resolution will involve discussion with a Director of Human Resources, the respondent and the respondent's supervisor.
 - 2.1.5. If your complaint is about your supervisor and you feel comfortable discussing it with your supervisor, you can do so. If this doesn't resolve the complaint, contact the Associate Superintendent of Human Resources to discuss the complaint.
 - 2.1.6. If your complaint is about your supervisor and you don't feel comfortable talking about it with your supervisor, contact the Associate Superintendent of Human Resources to discuss the complaint.
 - 2.1.7. If your complaint is about the Associate Superintendent of Human Resources, contact the Superintendent. A complaint against the Superintendent is to be made in writing to the Board Chair who shall, in conjunction with legal advice, determine the appropriate procedure to be followed.

- 2.1.8. In any situation, if you don't wish to proceed with informal resolution, refer to the process in section 5, "Formal Complaint Resolution."
- 2.2. If you feel another staff member has been bullied, discriminated against or harassed:
 - 2.2.1. Report this to the staff member's supervisor, unless that supervisor is the person you feel is responsible for the behaviour you're concerned about. In that case, contact the Associate Superintendent of Human Resources.

3. Authority of the Associate Superintendent when there is no complaint:

- 3.1. In the absence of a specific complaint, the Associate Superintendent of Human Resources shall initiate an independent investigation when:
 - 3.1.1. there's a pattern of inquiries or complaints over time that suggests the existence of a specific problem that hasn't been corrected;
 - 3.1.2. there's reason to believe a broader, systemic problem exists that causes, contributes to or encourages bullying, discrimination or harassment;
 - 3.1.3. as a result of an investigation, a specific complaint is not supported but there's reasonable evidence a broader systemic problem exists; or
 - 3.1.4. there are other circumstances in which the Associate Superintendent of Human Resources deems it appropriate.

4. Retaliation prohibited:

- 4.1. Any retaliation against an individual for:
 - 4.1.1. invoking this Administrative Procedure whether on their own behalf or on behalf of another individual,
 - 4.1.2. participating or co-operating in any investigation under this Administrative Procedure, or
 - 4.1.3. associating with a person who has invoked this Administrative Procedure or participated in procedures under this Administrative Procedure,is strictly prohibited and shall be subject to discipline up to and including dismissal from employment. If an individual has experienced retaliation, the individual must inform their supervisor or the Associate Superintendent of Human Resources about the exact nature of the retaliation. The Associate Superintendent of Human Resources must initiate an investigation into the allegations of retaliation.

5. Formal Complaint Resolution:

- 5.1. A formal complaint may be reported by any person who feels they have experienced workplace bullying, discrimination or harassment or witnessed inappropriate behaviour covered under this Procedure. Formal complaints are reported to the Associate Superintendent of Human Resources without prejudice or fear of reprisal.
- 5.2. A formal complaint may proceed if:
 - 5.2.1. the complaint has not been resolved at the informal level;
 - 5.2.2. the bullying, discrimination or harassment continues after an attempt at informal resolution; or
 - 5.2.3. the complainant, complainant's supervisor or Associate Superintendent of Human Resources believes the formal process is more appropriate.

- 5.3. Complaints are to be filed as soon as possible and not more than six months from the date of last occurrence. Complaints filed more than six months from the date of the last occurrence won't be investigated unless the Associate Superintendent of Human Resources concludes it's in the best interests of the complainant and the Division to do so.
- 5.4. Complaints must be in writing and dated and signed by the complainant. The complaint should document the nature of the alleged bullying, discrimination or harassment, the name of the alleged offender and all relevant date(s), time(s) location(s), incident details and names of witnesses, if any.
- 5.5. The complainant should meet with the Associate Superintendent of Human Resources to review the information in the complaint prior to filing it.
- 5.6. If the complaint is about the Associate Superintendent of Human Resources, it's to be made in writing to the Superintendent. A complaint against the Superintendent is to be made in writing to the Board Chair who shall, in conjunction with legal advice, determine the appropriate procedure to be followed.
- 5.7. All parties concerned shall treat these matters in strict confidence. Information relating to the complaint shall only be disclosed to the extent necessary to investigate the complaint, inform parties involved and to take corrective action. The Associate Superintendent of Human Resources shall involve legal counsel, a third-party investigator or both, as required. Information provided will be handled with appropriate care and discretion and will be kept in strict confidence, except where disclosure is necessary or where required by law for the purposes of investigating the complaint, providing due process to the respondent or in taking disciplinary action. Any unauthorized disclosure of confidential information relating to a complaint may result in disciplinary action.
- 5.8. Upon receipt of the complaint, the Associate Superintendent of Human Resources shall:
 - 5.8.1. review the complaint to determine if there is sufficient evidence to warrant an investigation;
 - 5.8.2. notify the respondent in writing of the complaint, provide the respondent with a copy of the complaint and inform the respondent an investigation has been initiated;
 - 5.8.3. advise the supervisor(s) of the complainant and respondent a complaint has been filed and an investigation is underway;
 - 5.8.4. initiate an investigation;
 - 5.8.5. review the investigation report and provide it to the Superintendent; and
 - 5.8.6. communicate in writing to the complainant and respondent the outcome of the investigation.
- 5.9. The Associate Superintendent of Human Resources shall decide to dismiss or act upon the investigation report within 30 working days of receiving the report. Depending on the results of the investigation, the Associate Superintendent of Human Resources is responsible for determining the appropriate course of action, which may include:

- 5.9.1. discipline of the respondent, which may range from a reprimand up to and including termination, if the complaint is substantiated;
 - 5.9.2. discipline of the complainant, which may range from a reprimand up to and including termination, if the complaint is found to be false and was made frivolously, vexatiously or with the intent to injure the respondent;
 - 5.9.3. discipline of any employee who has retaliated against the complainant, which may range from a reprimand up to and including termination.
- 5.10. All records relating to the investigation must be kept separate from the respondent's personnel file except where the complaint is substantiated, in which case the fact of the complaint and its final disposition shall be kept on the respondent's personnel file.
- 5.11. If the investigation fails to substantiate the complaint, no record of the complaint will be kept in the respondent's personnel file, and the Associate Superintendent of Human Resources shall provide a formal letter to the respondent confirming the complaint has been dismissed.
- 5.12. Whether an investigation finds sufficient or insufficient evidence to support the complaint, the investigation report and supporting documentation will be sealed and maintained in a locked and secure file by the Associate Superintendent of Human Resources.

Reference:

Section 33, 52, 197, 204 *Education Act*

Alberta Human Rights Act

Alberta Occupational Health and Safety Act, Regulation and Code

Employment Standards Code

Canadian Charter of Rights and Freedoms

Criminal Code

Board Policy 19: Welcoming, Caring, Respectful and Safe Learning and Working Environments

Administrative Procedure 311: Welcoming, Caring, Respectful and Safe Learning Environments for Students