

School District 50: Haida Gwaii/Queen Charlotte

Policy Subject: HARASSMENT- LEARNERS- VOLUNTEERS & EMPLOYEES
(OTHER THAN QCDTA AND CUPE)

Date Passed: October 1999

Date Amended: January 2008

Policy: HARASSMENT: LEARNERS, VOLUNTEERS & EMPLOYEES (OTHER
THAN QCDTA AND CUPE)

Policy No. 1250

Date Approved: November, 1999

Date Amended: January, 2008

POLICY

The Board of Education of School District No. 50 (Haida Gwaii/Queen Charlotte) recognizes the right of all learners, volunteers and employees to work, to conduct business, and otherwise to associate in an environment which is free of harassment.

PROCEDURE

1. The Board of Education considers harassment in any form to be totally unacceptable and will not tolerate its occurrence. Proven harassers shall be subject to disciplinary actions.
2. The Board of Education will ensure that the district environment is conducive to the performance of responsibilities and is such that learners and volunteers are not hindered from carrying out such responsibilities.
3. The Board of Education will ensure that the victims of harassment are able to register complaints without reprisal.
4. Any learner or volunteer who registers a complaint which is found to be malicious shall be subject to disciplinary actions.

5. All parties involved in a complaint agree to respect confidentiality.

DEFINITIONS:

1. A Learner is any person enrolled in an educational program within the district.

2. A Volunteer is any person who offers service to the district without pay.

3. Employee means any person in receipt of a wage, a salary, or an honorarium.

4. Harassment means any improper behaviour by a learner, volunteer or employee that is directed at and offensive to any person and which the learner, volunteer or employee knew or ought reasonably to have known would be unwelcome.

Harassment comprises objectionable conduct, comment, materials or display made on either a one-time or continuous basis that demeans, belittles, or causes personal humiliation or embarrassment. Harassment does not include behaviour within the bounds of acceptable professional practice.

5. Harassment also includes the abuse of authority which means the improper use of power and authority inherent in the position held, to undermine performance, to endanger grades, to threaten economic livelihood, or in any way to interfere with career or success. It includes such acts or misuses of power as intimidation, threats, coercion and blackmail.

6. Without limiting the foregoing, harassment includes "harassment" within the meaning of the Canadian Human Rights Act, i.e. harassment on the basis of the following prohibited grounds of discrimination: race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offence for which a pardon has been granted. In addition, harassment includes discrimination on the following grounds not mentioned in the Act; health, sexual orientation, political affiliation, or union membership and activity.

7. For the purposes of this Policy and Procedure, sexual harassment means any conduct, comment, gesture or contact of a sexual nature, whether on a one-time basis or continuous series of incidents, that might reasonably be expected to cause

offence or humiliation; or that might reasonable be perceived as placing a condition of a sexual nature on any opportunity for employment training, promotion, or grades, etc.

RESOLUTION PROCEDURE:

STEP 1: Sometime a person does not realize that a particular habit, action, reaction or attitude is unwelcome. Therefore, it is strongly recommended that the complainant speaks or corresponds directly with the alleged harasser to express his/her feelings about the situation. An open and honest communication may be welcome and effective. Learners have the right to have an advocate present at this meeting.

STEP 2: If STEP 1 is not utilized or is unsuccessful, the complainant shall contact a representative from those listed under Representatives, or a professional from the community who is trained in the area of harassment.

STEP 3: Within two (2) working days, the complainant's representative will arrange a meeting with the alleged harasser to be held within a further five (5) working days. The alleged harasser should also have a representative present at this meeting, which shall be from those listed under Representatives. Learners have the right to have an advocate present at this meeting. Should there be no resolution at the conclusion of this meeting, the complainant's representative shall immediately contact the Chief Executive Officer (C.E.O.) who shall immediately inform the Presidents of the local Unions and/or Associations involved, if any. In the event an administrator is involved as complainant or as alleged harasser, the Board may immediately contact an Arbitrator from those listed under Arbitrators, to arrange arbitration for the earliest possible date/ In the event that CUPE or QCDTA members are involved, contract language supersedes.

STEP 4: Within thirty (3) working days, the C.E.O. will convene a meeting of all parties, as identified in Step 3, and attempt to resolve the complaint.

STEP 5: Should there be no resolution, the C.E.O. shall immediately contact the earliest available Arbitrator from those listed under Arbitrators.

STEP 6: Within fourteen (14) calendar days of the conclusion of the arbitration hearing, the Arbitrator shall deliver a decision to the Board and the parties involved regarding:

- a) whether harassment did or did not take place;
 - b) the extent of the harassment, if harassment did take place;
 - c) whether the complainant was or malicious; and
 - d) whether disciplinary action, if any, is to be taken by the Board against the harasser and/or the complainant utilizing the standard of just and reasonable cause.
- The Arbitrator's decision shall be binding on all parties.

REPRESENTATIVES:

- a)all CUPE Shop Stewards and Representatives
- b)all QCDDTA Staff Representative and the President
- c)all Administrative Officers
- d)all School Counsellors
- e)Maintenance Supervisor
- f)Secretary Treasurer
- g)Professionals from the community trained in the area of harassment

All representatives must receive formal training. The Board shall sponsor a half day workshop each year in September for the C.E.O., the Assistant Superintendent, and those listed as representatives.

ARBITRATORS:

There shall be a minimum of three (3) potential Arbitrators, to be selected by consensus among the following groups from lists of Arbitrators submitted by each of the Board, the QCDDTA, the QCDDAA, CUPE and the professional from the community trained in the area of harassment.

COST OF ARBITRATION:

The cost of arbitration will be shared equally between (1) the Board, and (2) the

employee group of the harasser or person who makes the malicious complaint.