

SEXUAL HARASSMENT

Background

The district is committed to providing a learning and working environment for its students and employees which is free from sexual harassment. The Board of Education shall consider any form of sexual harassment to be a serious matter and will take appropriate action to eliminate sexual harassment from the workplace and the learning environment. This may include disciplinary action for the harasser.

This operational procedure applies to all students and employees of the district and covers harassment situations, which involve students, excluded staff and administrative officers. Employees who are teachers or members of CUPE Local 723 are governed by the definitions and procedures contained in the relevant sections of their respective collective agreements.

Procedure

1. Sexual harassment is any unwelcome conduct or comment of a sexual nature that detrimentally affects the learning or working environment or leads to adverse consequences for the victim of the harassment, made by a person who knows, or ought to know such behaviour is unwelcome. Examples of sexual harassment include:
 - Unwanted physical contact;
 - Unwelcome sexual advances;
 - Request for sexual favours;
 - Suggestive or offensive comments, including gender-based remarks;
 - Gestures emphasizing sexuality, sexual identity or sexual orientation;
 - Display of material or graffiti which is sexually explicit or degrading;
 - Conduct or comment of a sexual nature that has the effect of creating an offensive environment;
 - Jokes (sexual content or overtones) that cause embarrassment;
 - Conditioning promotions or other employment-related decisions, on sexual conduct.
2. Administrative officers and site supervisors have a responsibility to create and maintain a workplace and learning environment, which is free from sexual harassment.
3. Allegations of sexual harassment often involve sensitive disclosures. The district recognizes the difficulty of coming forward with a complaint of sexual harassment and a complainant's interest in keeping the matter confidential. To protect the interests of the complainant, the person complained against and others who may report incidents of sexual harassment, strict confidentiality will be maintained throughout the process. Information and documentation relating to the complaint will only be disclosed to the extent necessary to carry out this procedure.
4. Reports of sexual harassment will be dealt with in a fair, unbiased and timely manner. All employees are advised of their right to appropriate representation at any meeting related to a complaint. The parents or guardians of students will be notified in the event that students are named in a sexual harassment allegation.
5. Employees and students are encouraged to report all incidents of sexual harassment without fear of reprisal. Retaliation against any individual for reporting sexual harassment will not be tolerated.

6. An information session will be offered about sexual harassment in the workplace to employees at the first staff meeting of each school year. A policy statement in pamphlet form will be distributed to employees at these sessions. Training will be provided to administrative officers and site supervisors to assist in the effective implementation of this operational procedure.
7. The district encourages teachers to incorporate appropriate discussions of sexual harassment issues in the instructional program when suitable opportunities present themselves.
8. **Procedures for Reporting, Investigation and Remedy**
 - 8.1 The commencement of these procedures will not prejudice an employee's right to access other remedies. These remedies may include discussion of the complaint with an officer of the B.C. Council of Human Rights or, if the matter is perceived to be of a criminal nature, seeking the advice of the police, rather than accessing remedies available in any other existing policies or grievance procedures.
 - 8.2 An employee or student who considers that they may have been subjected to sexual harassment is encouraged to bring the matter to the attention of the person responsible for the conduct. Where the complainant does not wish to deal directly with the person responsible, or where this approach does not produce a satisfactory result, the complainant may verbally, or in writing, bring the complaint to the attention of the administrative officer or site supervisor. Where the alleged harasser is the superintendent or the secretary-treasurer, the complaint shall be directed to the Board of Education chairperson. If the complainant consents, the administrative officer or site supervisor (or another suitable person) may seek a meeting with the alleged harasser with a view to clarify the circumstances of the alleged harassment and seek such resolutions as will satisfy the complainant.
 - 8.3 The administrative officer or site supervisor who receives the complaint shall forthwith advise the superintendent or the secretary-treasurer. The superintendent or secretary-treasurer may investigate the complaint, or may delegate this responsibility by immediately appointing an alternate investigator. The investigator shall within five (5) working days or as soon as practical after receipt of the complaint:
 - 8.3.1 Confirm receipt of the complaint with the complainant and advise the complainant what will happen next;
 - 8.3.2 Notify the alleged harasser of the complaint and provide to this person a copy of this operational procedure;
 - 8.3.3 If the alleged harasser is a member of a bargaining unit, ensure that any requirements of the collective agreement are satisfied (e.g. required notifications, right to representation, rights under provisions regarding potential discipline for misconduct, etc.).
 - 8.4 The investigator will conduct interviews with relevant witnesses to obtain information and clarify details of the complaint. Both parties will have an opportunity to identify witnesses or others to be interviewed. All interviews will be conducted in a confidential manner, which respects the nature of the work environment and the vulnerability of students. Anyone interviewed in the course of the investigation will be reminded that all information regarding the complaint and the investigation process must be held in the strictest of confidence.
 - 8.5 In conducting the investigation, the investigator may request the assistance of other district staff or outside legal or expert professionals, as is considered necessary.

- 8.6 At any time during the course of the investigation, the parties may reach resolution or settlement of the matter. Where both parties agree, mediation may be used to facilitate resolution. Any resolution or settlement agreement reached shall be put in writing and be signed by both parties. At this point, the process is discontinued.
- 8.7 In the event that no agreement is reached, the investigator shall present a written report to the superintendent or secretary-treasurer within thirty (30) working days of receipt of the complaint, unless circumstances beyond the control of the investigator prevent the completion of the report within this time period. In that event, the investigator will complete the report as soon as is practical.
- 8.8 The superintendent or secretary-treasurer will decide the matter within a further ten (10) working days.
- 8.9 In the event that the investigation results in a finding that the complaint of sexual harassment is substantiated, the superintendent or secretary-treasurer shall take appropriate remedial action including, but not limited to:
- Education and training of individuals or groups;
 - Review and modification of relevant procedures and/or practices in the workplace and learning environment;
 - Monitoring the behaviour of individuals or groups in the workplace and/or learning environment;
 - Effecting changes in the workplace and learning environment, including but not limited to transfers, reassignments and schedule changes;
 - Corrective and/or disciplinary action ranging from warnings up to and including dismissal;
 - Other strategies designed to eliminate and/or prevent harassment; and
 - Any other remedies or penalties appropriate to the particular circumstances of the matter.
- 8.10 Where changes in the workplace or learning environment are made necessary by demonstrated sexual harassment, the burden of such changes shall be borne by the harasser.
- 8.11 Students or their parents or guardians may lodge a complaint of sexual harassment with the principal of their school. The principal will determine the process for resolving the complaint in consultation with the superintendent or secretary-treasurer. The student or their parents or guardians may pursue the complaint with the superintendent or designate if it is not resolved through the process determined by the principal.