

School District No. 63 (Saanich)

**Policy Name:** Harassment and Bullying

**No:** 5530

**Preamble**

The School District believes healthy schools require that the relationships between the adults involved in the education of children (employees, parents and members of the public having contact with schools) are governed by courtesy, respect and consideration. It is the purpose of this policy and guiding principles to address the issue of bullying and harassment for all School District employees, parents and members of the public who have contact with the schools and the District.

Employees have the right to be free from bullying and harassment in the workplace. This right is established through legislation, jurisprudence, administrative law, and collective agreements (for personal and sexual harassment). Beyond the legal requirements placed upon employers, the Board of Education believes that the relationships and interactions between all employees--unionized and excluded--must be based upon courtesy and respect and should provide models for students in the District. It is in part through these considerate and respectful interactions of employees at all levels and in all circumstances that the schools can develop a positive and safe environment that supports student learning and positive relations with parents and the community. A failure to meet the standard of a harassment-free work environment seriously impacts upon the reputation of the School District and upon the ability of the District to carry out its educational mandate.

These same conditions need to exist between School District employees and all those with whom they deal. It is therefore important to the Board to ensure that interactions between its employees, parents and the public at large are marked on all sides by respect and consideration.

The Board recognizes that employees and all those who have access to this policy need to understand what does and does not constitute harassment and bullying and what processes are to be followed when an individual feels that they are being bullied or harassed in order to achieve a work environment free of bullying and harassment.

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### **Policy Statement**

The Board expects all employees to conduct themselves in the workplace in such a manner to ensure that no other employee experiences personal or sexual harassment or bullying. Behaviour which is identified as being bullying or harassing in nature is unacceptable and will not be tolerated. The Board believes that all employees and those who have access to this policy must be made aware of behaviour that constitutes bullying and harassment in order to ensure a safe, positive harassment-free work environment for all employees and for those with whom they have contact.

Parents and the public who have contact with the District share the same responsibilities and enjoy the same protections as employees in terms of their experiences in our schools. The Board therefore expects the relations between employees and all those they come in contact with to be free from any behaviour that can be identified as being personally or sexually harassing or bullying in nature. Such behaviour is also unacceptable and will not be tolerated.

The Occupational Health and Safety (OHS) regulations issued by WorkSafe BC in 2013 define bullying and harassment as a single term. For purposes of this policy, harassment shall be defined as follows:

#### Personal Harassment/Bullying:

- any improper behaviour that is directed at or offensive to another person, is unwelcome, and which the person knows or ought to reasonably know would be unwelcome
- objectionable conduct, comment or materials or display that demeans, belittles, intimidates, or humiliates another person
- the exercise of power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate
- such misuses of power or authority as intimidation, threats, coercion and blackmail.

#### Sexual Harassment:

- any comment, look, suggestion, physical contact, or real or implied action of a sexual nature which creates an uncomfortable working environment for the recipient, made by a person who knows or who ought reasonably to know such behaviour is unwelcome

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- any circulation or display of visual material of a sexual nature that has the effect of creating an uncomfortable working environment
- an implied promise of reward for complying with a request of a sexual nature
- a sexual advance made by a person in authority over the recipient that implies a threat or an expressed or implied denial of an opportunity which would otherwise be granted or available, and may include a reprisal or a threat of reprisal made after a sexual advance is rejected.

**Statutory Reference:** Canadian Charter of Rights and Freedoms, BC  
Human Rights Act  
Workers Compensation Act and OHS Regulations

**Contractual Reference:** Article A.5, Teachers' Collective Agreement  
Article 4.02, CUPE 441 Collective Agreement

**Policy Reference:** Policy 6110 – Prevention of Violence, Intimidation and Harassment  
Policy 5520 – Complaints Related to a Member of the Management Team

**Date of Initial Board Approval:** May 1998

**Amendments:** January 2014

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### **Guiding Principles**

1. In the implementation of this policy, administration will establish an awareness program to ensure that all employees understand what constitutes personal and/or sexual harassment and bullying. All employee groups will be involved in this awareness program. This awareness program is to be developed and implemented involving full consultation with employee groups.
2. In the application of this policy with reference to employees who are members of the Saanich Teachers' Association or the Canadian Union of Public Employees, Local 441, administration will observe the terms and conditions of the Collective Agreements which address harassment.
3. In the application of this policy with reference to excluded employees and all excluded management personnel and school-based administrators (Principals and Vice-Principals), administration will follow the procedures outlined in the Administrative Procedures and will conform with the requirements of any other relevant Board Policy or statutory requirement.
4. Administration will ensure that the District's obligations to individuals deriving from the Charter of Rights and Freedom, the British Columbia Human Rights Act and the Workers Compensation Act are met at all times when dealing with any matters being addressed through this Policy and the Administrative Procedures. Procedures in dealing with complaints of harassment or bullying will reflect all principles of natural justice.
5. Complaints will be dealt with as quickly as possible and will conform to any requirements contained within collective agreements, personal service contracts, or contracts of employment and WorkSafe BC regulations.
6. Employees and others should make reasonable effort to resolve concerns about bullying and harassment at the school or worksite level through discussion and open dialogue prior to making a formal complaint. The advice and support of supervisors, colleagues or advocates should be sought in this process.
7. Any action or discipline resulting from a complaint of bullying or harassment will follow procedures outlined in the OHS regulations, the appropriate collective agreement, personal service contract, contract of employment or, in the case of parents or the public, Board procedures. Where the behaviour of a person who is not an employee interferes with or interrupts the proceedings of a school, Section 191 of the School Act will be invoked.

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**Guiding Principles** (cont'd)

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8. Any complaint of harassment or bullying about or from an excluded employee, a parent or a member of the public shall be addressed following the procedures attached to this policy.

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## **Administrative Procedures**

### **1. Awareness Program**

- (1) All School District employees shall be required to attend the Harassment and Bullying Awareness sessions in order to ensure full awareness of the definitions of behaviours that constitute harassment and bullying and those that do not.
- (2) An information package about harassment and bullying will be published and made available to all new employees (support workers, teachers, teachers-on-call, administrators and excluded staff) in all schools and all other worksites. This package of information will include:
  - (a) the Preamble and Policy statements
  - (b) the purposes of the Policy
  - (c) a definition of personal and sexual harassment and bullying
  - (d) some examples of behaviours that are prohibited because they may constitute harassment
  - (e) procedures employees should follow when they feel that they are being subjected to or witness harassment or bullying.
- (3) Information will be given to all Executive Members, school-based administrators and any other excluded supervisory personnel with regard to special issues affecting the relationship between supervisors and employees being supervised.
- (4) A brochure explaining this policy and its procedures will be prepared and be available in schools and at the School Board Office for parents and the public.

### **2. Procedures for Responding to Harassment and Bullying Complaints**

- (1) Any complaint made by a member of the Saanich Teachers' Association will be dealt with as prescribed in Article E.2 of the Provincial Teacher Collective Agreement.
- (2) Any complaint made by a member of the Canadian Union of Public Employees will be dealt with as prescribed by Article 4.02 of the CUPE Collective Agreement.

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**Administrative Procedures** (cont'd)

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- (3) Any complaint made against an excluded employee, an excluded management employee or a school-based administrator by a person outside of any bargaining unit will be dealt with as prescribed by the procedures outlined in Board Policy No. 5520 *Complaints Related to a Member of the Management Team*.
- (4) Any complaint made by an excluded employee, an excluded management employee or a school-based administrator against an employee not covered by Policy No. 5520 *Complaints Related to a Member of the Management Team* or against a parent or member of the public will be dealt with as prescribed by the procedures outlined in this policy.
- (5) Any complaint made by a parent, including on behalf of a child, against an employee or by a member of the public against an employee will be dealt with as prescribed by the procedures outlined in this policy.

**Complaint Procedures:**

- 5.1 A complaint of personal or sexual harassment or bullying must be made in writing to the Director of Human Resources of the School District. If the complaint is against the Director of Human Resources, the complaint must be made in writing to the Superintendent of Schools who will follow the procedures outlined in this policy as far as is possible. If the complaint is made against the Superintendent of Schools, the matter shall be referred to the Board Chair to determine appropriate procedures.
- 5.2 On receipt of the complaint, the Director will undertake a preliminary investigation to make a determination as to whether the complaint falls within the definitions of harassment and bullying and warrants further investigation.

In the event that the Director determines that the complaint does not fall within the definition, the complainant will be so notified in writing. The person against whom the complaint of harassment or bullying has been made will also receive written notification of that determination. Appeals from a decision of the Director may be made, where deemed necessary, through the Appeals Policy (No. 1110) or through contractual or Board appeal processes.

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5.3 If the Director determines that the complaint falls within the definition of bullying or harassment, he or she will:

- notify the Superintendent that a complaint is to be further investigated;
- notify the complainant of his/her determination of the complaint;
- notify the person against whom the complaint has been made, providing a general statement about the nature of the complaint;
- where the complaint is made against a member of the STA or CUPE, advise the appropriate union that a complaint about a member has been made, with a general statement as to the nature of the complaint;
- where appropriate, and where the complainant consents, arrange a meeting with the alleged harasser with a view to resolving the dispute on the basis of a resolution that is satisfactory to the complainant and alleged harasser;
- conduct the investigation as expeditiously and thoroughly as possible;
- share the results of the completed confidential report with the Superintendent and with those who need to know the result of the report.

5.4 The Superintendent may refer the report where appropriate to legal advisors, members of the Executive, or others, to assist in determination of appropriate action to be taken with respect to the complaint. Where the Superintendent determines that the matter should go to the Board for consideration and resolution, the Superintendent will refer the matter to an in-camera meeting of the Board.

- Where the complaint has been made against a CUPE or STA member, the discipline procedures outlined in the appropriate collective agreement will be followed.
- Where the complaint has been made against an excluded management employee or a school administrator, the procedures outlined in Policy 5520 Complaints Related to a Member of the Management Team will be followed.
- Where the complaint has been made against an excluded, non-management employee, that employee will be given adequate notice of the date and time of any meeting of the Board to discuss the complaint and/or take action and may attend any such meeting to make a presentation. The employee may be accompanied by an advocate.



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- 5.5 The Board will then decide the disposition of the complaint and any discipline that might follow. Appeal of any decision of the Board will be governed by the procedures outlined in the appropriate collective agreement, personal services contract or contract of employment.

The Board may impose any of the following where it finds that harassment has occurred:

- education and training of individuals and/or groups;
  - monitoring the behaviour of individuals or groups in the workplace;
  - changes in the workplace including but not limited to transfers, reassignments and schedule changes;
  - corrective and/or disciplinary action ranging from warnings up to and including dismissal;
  - where necessary, banning non-employees from the premises;
  - other strategies designed to eliminate and/or prevent bullying or harassment; and
  - any other remedies or penalties appropriate to the particular circumstances of the situation.
- 5.6 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 signed by both parties. At this point, the process may be is discontinued.
- 5.7 Confidentiality shall be kept by all those involved at all stages of the complaint investigation and subsequent processes.
- 5.8 No one covered by this policy shall be subject to reprisal, threat of reprisal or discipline for making a complaint that the individual reasonably believed to be valid.

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