



ADMINISTRATIVE PROCEDURE STUDENTS, PARENTS AND COMMUNITY	
Effective:	July 6, 2016
Last Revised:	Sept 27, 2016

HARASSMENT: RESPECTFUL WORKING AND LEARNING ENVIRONMENTS FOR NON-EMPLOYEES

1. INTRODUCTION

This procedure applies to members of the extended educational community including; members of committees, clients, parents/guardians, volunteers, and individuals interacting with the Board directly or indirectly, permit holders, contractors and employees of other organizations working with Board personnel through direct or indirect agreements and/or through partnerships.

Complaints involving employees can be found under *Workplace Harassment: Respectful Working and Learning Environments for Employees*

Complaints involving trustees fall under Board *Governance Policy Manual No. GOV-05 Code of Conduct: Board Members*

2. DEFINITIONS

Occupier: Person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises.

Complainant: Person who makes an allegation of objectionable conduct or harassment.

Respondent: Person who responds to an allegation.

Parents: Every use of "parents" in this administrative procedure includes legal guardians and a single parent or guardian.

Objectionable Conduct: Objectionable conduct is conduct that is directed towards a person that serves no legitimate purpose and creates an intimidating, humiliating or offensive work or learning environment that is known or ought to be known to be unwelcome. It may include but is not limited to:

- conduct that conveys threats, bullying, coercion, taunting, or ostracizing;
- conduct that is malicious, vexatious, demeaning, belittling or causes personal humiliation or embarrassment;
- jokes, innuendo or remarks about appearance or personal life;
- misuse of power such as reprimanding in front of others, belittling work, favouritism, withholding information necessary to do the job;
- a threat, attempt or exercise of physical force;
- any conduct that violates the Human Rights Code.

Harassment: Harassment is the engagement in a pattern or course of vexatious comment or objectionable conduct against a person that is known or ought reasonably to be known to be unwelcome.

Sexual Harassment: Sexual harassment is the engagement of a course of vexatious comment or objectionable conduct against a person because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the individual and the person knows or ought to reasonably know that the solicitation or advance is unwelcome. It may include but is not limited to:

- inappropriate physical contact, request for sexual favours, offensive written or visual images;
- unwelcome solicitation or advances from a person who has the power to reward or punish the complainant;

Objectionable conduct does not include:

- verbal or written disagreements or personality differences that are addressed in a respectful manner.

3. INVESTIGATIONS

3.1 All Investigations and outcomes are subject to the Education Act (s) 305, No Trespass Act and Access to Property Regulations and any other Board policies or administrative procedures related to acceptable behaviour while on Board premises or while in the care or presence of students and/or Board personnel. Any/or all outstanding challenges not covered in this procedure shall fall under the Education Act and Regulations pursuant to the aforementioned.

3.2 Where an investigation includes individuals employed by other organizations, the occupier for that agreement will defer to protocols in that agreement. Should the agreement not address investigations, the occupier will contact the organization.

4. INFORMAL COMPLAINT PROCESS

If the complainant feels s/he has been subjected to objectionable conduct, the complainant should make notes of the offensive conduct (such as date of occurrence, what happened, what was said and who else was present) and should attempt to speak to the respondent and let him or her know the impact of the conduct. If the conduct continues after an attempt to discuss the situation with the respondent, the complainant should contact the person responsible for the work site. No specific names are necessary at this step of the procedure. The contact may result in advice, mediation or a recommendation that the complainant initiate a formal complaint.

5. FORMAL COMPLAINT PROCESS

The complainant shall report the complaint to the occupier in writing or verbally, specifying incident(s), time, date, the name of person(s) involved, the name(s) of witness(es), any attempts made to resolve the matter and any other information deemed relevant by the complainant.

Investigations must take place in a timely fashion. All individuals are expected to cooperate in an investigation.

An investigation will involve:

- gathering all pertinent information from the complainant;
- interviewing any witnesses identified by the complainant;
- when deemed necessary by the occupier, the respondent may be interviewed such that they can respond to the allegations;
- deciding whether, on the balance of probabilities, that the objectionable conduct did or did not take place;
- deciding whether there were mitigating circumstances which would affect the outcome of the investigation;
- determining remedies including but not limited to issuing Notice of Trespass.

During the process of an investigation respondents and complainants must not make any contact with the other party, witnesses or any other person involved in the investigation. Any interference with the investigation could result in action separate and distinct from the results of the investigation itself.

Complainants, respondents and witnesses are to keep their involvement in an investigation and all details of the matter strictly confidential. Any breach of confidentiality could result in action separate and distinct from the investigation itself.

The name of the complainant and the respondent will not be disclosed except to the extent disclosure is necessary to investigate the complaint. Absolute confidentiality cannot be guaranteed in order to ensure the process is conducted fairly.

The results of the investigation and any corrective action will be communicated to the complainant within 10 days of the completion of the investigation. The results are not the report.

At the completion of an investigation a report will be prepared and, the occupier shall forward confidentially in a sealed package, the results of the investigation to the Executive Assistant to the Director of Education for the Rainbow District School Board.

This procedure will be reviewed annually.

REFERENCE DOCUMENTS

- Board Policy No. GOV-01 *Board Vision, Mission, and Values*
- Board Policy No. GOV-05 *Code of Conduct: Board Members*
- Board Policy No. GOV-11 *Learning and Working Environment: Equity and Inclusion*
- Board Policy No. GOV-12 *Learning and Working Environment: Safe Schools*
- Administrative Procedure: *Acceptable Use of Information and Communication Technologies*
- Ontario Regulation 474/00 *Access to School Premises*
- Education Act (s305)
- PPM 119 *Developing and Implementing Equity and Inclusive Education Policies 2013*
- PPM 128 *The Provincial Code of Conduct and School Board Codes of Conduct*
- *Ontario Human Rights Code*
- *Ontario Occupational Health and Safety Act*
- *Municipal Freedom of Information and Protection of Privacy Act*
- Rainbow District School Board: *A Guide for Students and Parents*
- Administrative Procedure: *Workplace Harassment: Respectful Working and Learning Environments for Employees*
- Administrative Procedure: *Trespass*