

Administrative Procedures Manual	Administrative Procedure 170	
	Harassment	
	APPROVED: September 1, 2013	
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LEGAL REFERENCE:	Canadian Charter of Rights and Freedoms Canadian Human Rights Act Criminal Code Individual's Rights Protection Act Student Record Regulation 225/2006 ATA Code of Professional Conduct	Section 11, 52, 53, 197, 204, 222 Education Act Alberta Human Rights Act Child Youth and Family Enhancement Act Employment Standards Code Occupational Health and Safety Act

Background

Harassment in the workplace will not be tolerated. All persons associated with the Division including, but not limited to, trustees, the administration and the staff are expected to conduct themselves at all times so as to provide an atmosphere free from harassment. Any person who engages in harassment while acting as a member of the Division will be in violation of this Administrative Procedure and the disciplinary actions could include dismissal.

Employees are to be aware that some of the types of conduct included in these definitions may also constitute an offence under the Individual's Rights Protection Act and/or Criminal Code. Nothing in this Administrative Procedure prohibits a complaint being made to the Alberta Human Rights Commission or the police.

Definitions

Harassment is any behaviour at or related to the workplace which denies an individual his/her dignity and respect, affects his/her job security or that creates an offensive, embarrassing or humiliating work environment.

Harassment does not include the legitimate exercise of supervisory authority.

The behaviour does not need to be intentional to be considered harassment. The test is whether a reasonable person ought to have known that the behaviour was unwelcome. The failure of a person in a position of authority to take immediate appropriate action after becoming aware of a complaint or occurrence of harassment may also constitute harassment.

Workplace harassment may include sexual, racial/ethnic or other forms.

Sexual harassment means any conduct, comment, gesture or contact of a sexual nature:

- That is likely to cause offence or humiliation to any employee;
- That might, on reasonable grounds, be perceived by the employee as placing a condition of a sexual nature on employment or any opportunity for training or promotion.

Types of behaviour which constitute sexual harassment include, and are not limited to:

- Sexual jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or that by their nature, clearly are embarrassing or offensive;
- Leering;
- The display of sexually offensive material;
- Sexually degrading words used to describe an individual;

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- Derogatory or degrading remarks directed towards members of one sex or one sexual orientation;
- Sexually suggestive or obscene comments or gestures;
- Unwelcome sexual flirtations, advances, propositions;
- Persistent, unwanted contact or attention after the end of a consensual relationship;
- Requests for sexual favours;
- Unwanted touching;
- Verbal abuse or threats;
- Sexual assault.

Racial/ethnic harassment means any unwanted actions, derogatory comments, jokes, slurs, offensive literature, innuendoes or taunting that are motivated by a person's:

- Race;
- Colour;
- Ancestry;
- Place or origin.

Other harassment means any unwanted actions, derogatory comments, jokes, slurs, offensive literature, innuendoes or taunting that are motivated by a person's:

- Age;
- Religion;
- Marital status;
- Gender;
- Physical or mental disability;
- Political belief.

Poisoned environment is the result of any behaviour that creates an offensive, embarrassing or humiliating work environment that causes a person discomfort.

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Procedures

1. The Hearing Officer
 - 1.1 The Human Resources Manager of the Division will serve as the harassment Hearing Officer with the authority and responsibility of processing all harassment complaints in accordance with this Administrative Procedure.
2. Responsibility
 - 2.1 It is the responsibility of all employees, especially those in administrative positions, to ensure that the workplace is free of discrimination.
3. Confidentiality
 - 3.1 All matters involving harassment will be kept in confidence, except as is necessary to investigate and to respond to any legal and/or administrative proceedings arising out of or relating to a harassment report.
4. Complaint Process
 - 4.1 Any member of the Division who believes he/she has been subjected to harassment is encouraged to make it known to the harasser that the behaviour is offensive and contrary to this Administrative Procedure. Failure to do so will not preclude his/her access to the Administrative Procedure.
 - 4.2 If this is not possible or if the situation continues, the incident is to be reported to any school or Division Office administrator, who will contact the Hearing Officer.
 - 4.3 The Hearing Officer will attempt to resolve the problem in an informal manner through the following processes:
 - 4.3.1 The Hearing Officer will confer with the complainant in order to obtain a clear understanding of that person's statement of the facts.
 - 4.3.2 The Hearing Officer will meet with the charged party in order to obtain his or her response to the complaint.
 - 4.3.3 The Hearing Officer may hold as many meetings with the parties or gather whatever additional evidence is deemed necessary.
 - 4.3.4 On the basis of the Hearing Officer's perception of the situation, the Hearing Officer may attempt to resolve the matter informally through conciliation or report the incident and transfer the report to the Superintendent.

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4.3.5 After reviewing the report made by the Hearing Officer, the Superintendent or designate may attempt to gather whatever additional evidence is necessary to decide the case.

5. Disciplinary Action

- 5.1 Any employee found to be in violation of this Administrative Procedure will be subject to disciplinary action up to and including dismissal.
- 5.2 Any disagreement with the disciplinary action may be grieved according to the appropriate contract or collective agreement.

6. If a harassment complaint is filed against an executive officer of the Board, the complaint will be presented to the Board and will be processed by a special Hearing Officer appointed by the Board Chair.

7. Retaliation

- 7.1 Retaliation against any individual for reporting harassment is an offence and a very serious violation of this Administrative Procedure, and will be subject to disciplinary action.

8. False Accusation

- 8.1 False accusation will be considered harassment and will result in disciplinary action.

9. All staff are encouraged to access Harassment Awareness Training.