

<b>Administrative Procedures Manual</b>	<b>Administrative Procedure 171</b>
	<b>Student Harassment and Discrimination</b>
	APPROVED: September 1, 2013
Page 1 of 5	AMENDED/REVIEWED: September 2020, September 2019, November 2018
LEGAL REFERENCE:	Section 11, 52, 53, 197, 222 Education Act Alberta Human Rights Act Child Youth and Family Enhancement Act Employment Standards Code Occupational Health and Safety Act 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

**Background**

The Division is committed to providing a learning environment in which all students are treated with respect and dignity. Each student has the right to learn in an environment, which promotes equal opportunities and prohibits discriminatory practices. Discrimination and harassment are offensive, degrading and threatening and interfere with a student's ability to learn. Discrimination and harassment will not be tolerated. Students who discriminate against or who harass others will be disciplined.

The purposes of this Administrative Procedure are to:

- Provide an environment for learning that is free from discrimination and harassment.
- Educate and sensitize all members of the student body about discrimination and harassment.
- Define the type of behaviour that may involve discrimination or harassment.
- Encourage all members of the student body to report all incidents of discrimination or harassment and to ensure that individuals will not experience reprisals or retaliation for doing so.

This Administrative Procedure addresses personal harassment, sexual harassment, bullying, discrimination and harassment on grounds protected under the Individual's Rights Protection Act. Each is defined and the procedures for redress are applicable to all.

**Definitions**

Personal harassment is defined as unfair, or demeaning treatment of a person or group of persons that is known or might reasonably be known to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate and which has the effect or purpose of unreasonably interfering with a person's or group's status or performance, or creating a hostile or intimidating environment.

Sexual harassment is defined as:

- Unwanted sexual attention by a student or any other person who knows or should

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reasonably know that such attention is unwanted;

- The implied or expressed promise of reward for complying with a sexually-oriented request;
- Actual reprisal or an implied or expressed threat of reprisal for refusal to comply with a sexually-oriented request;
- The actual denial of an opportunity or an implied or expressed threat of the denial of an opportunity for refusal to comply with such a request;
- Sexually oriented behaviour or gender-based abusive and unwelcome conduct or comment when either has the purpose or effect of creating an intimidating, hostile, or offensive environment in which students learn.

Sexual harassment can occur in the form of behaviour by boys towards girls; by boys towards boys; by girls towards boys; and, by girls towards girls.

A student is being *bullied or victimized* when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more other students.

*Discrimination* is defined as, the abusive, unfair, or demeaning treatment of a person or group of persons on the basis of race, religious beliefs, colour, gender, physical disability, mental disability, age, sexual orientation, ancestry or place of origin when such treatment has the effect or purpose of unreasonably interfering with that person's or group's status or performance, or of creating a hostile or intimidating educational environment.

Discrimination and harassment may be physical or psychological in nature. It may be one incident or a series of incidents. They may affect individuals or groups. They may take the form of denying an individual or a group rights or privileges to which they are entitled.

**Procedures**

1. This Administrative Procedure applies to all members of the student body.

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2. The reporting of all incidents of discrimination and harassment is encouraged, regardless of who the offender may be.

3. The Division is responsible for:

- 3.1 Discouraging and preventing discrimination, harassment and bullying;
- 3.2 Providing educational programs about the problems and prevention of discrimination, harassment and bullying and the existence of the provisions available under this Administrative Procedure;
- 3.3 Providing advice and support to persons who are subjected to discrimination, harassment or bullying;
- 3.4 Providing information on policy and procedures about discrimination, harassment and bullying to complainants and respondents;
- 3.5 Investigating every formal written complaint of discrimination, harassment and bullying;
- 3.6 Ensuring that complainant(s) and respondent(s) are treated fairly and objectively;
- 3.7 Initiating and imposing disciplinary measures when a complaint of discrimination, harassment or bullying is upheld, regardless of the authority or seniority of the offender;
- 3.8 Providing remedy for any member of the student body who has suffered loss because of discrimination or harassment.

4. Reporting

- 4.1 Any student of the Division who believes that he/she has been subjected to discrimination, harassment or bullying is encouraged to report it to a teacher or the Principal. If this is not possible or the situation continues, the incident is to be reported to the Superintendent or designate.
- 4.2 Any student who believes that he/she has witnessed discrimination, harassment or bullying is encouraged to make it known to the person being harassed and to a teacher or the Principal.

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4.3 Any teacher of the Division who believes he/she has been subjected to discrimination, harassment or bullying by a student is encouraged to report it to the Principal who will deal with the complaint.

5. Informal Resolution

- 5.1 When a student brings a complaint to the attention of a teacher or Principal, the teacher or Principal will deal with the complaint.
- 5.2 If the complainant and the Principal or teacher, after discussing the matter, agree that the conduct in question constitutes discrimination, harassment or bullying as defined in this Administrative Procedure, the Principal or teacher will decide on the appropriate action to take.
- 5.3 If any person is unsure if the behaviour involves discrimination, harassment or bullying, he/she is encouraged to consult with the Principal or teacher.
- 5.4 If a complainant brings evidence of discrimination, or harassment or bullying but does not wish to lay a formal written complaint, informal resolution may take place. The complainant may:
  - 5.4.1 Request that no further action whatsoever be taken.
  - 5.4.2 Initiate his/her own resolution.
  - 5.4.3 Request third-part intervention or mediation.

6. Formal Resolution

- 6.1 The Director of Student Supports (Director) will serve with the authority and responsibility of processing all discrimination, harassment and bullying complaints in accordance with the procedure set out below.
- 6.2 The Director will attempt to resolve the problem through the following process:
  - 6.2.1 The Director will confer with the complainant in order to obtain a clear understanding of that person's statement of the facts.
  - 6.2.2 The Director will meet with the charged party in order to obtain his/her response to the complaint.

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6.2.3 The Director may hold as many meetings with the parties or gather whatever additional evidence is deemed necessary.

6.2.4 Based on the evidence the Director will adjudicate the case.

7. Disciplinary Action

7.1 Individuals found guilty of discrimination, harassment or bullying will be disciplined in an appropriate manner.

7.2 Any student found to be in violation of this Administrative Procedure will be subject to disciplinary action.

7.3 Any student subjected to disciplinary action or their parent/guardian has the right to appeal the decision of the Director to the Superintendent.

8. Retaliation

8.1 Retaliation against any student for reporting discrimination, bullying or harassment, for assisting in the investigation of discrimination, bullying or harassment or for having been associated with a person who has reported discrimination, bullying or harassment will be treated as discrimination, bullying or harassment. It is to be reported immediately.

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

9. False Accusation

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

10. Confidentiality

10.1 Confidentiality will be maintained throughout the process to the extent possible and appropriate under the circumstances.