

## HARASSMENT / SEXUAL HARASSMENT

### Background

The District is committed to providing a working and learning environment for its employees, volunteers and students, that is free from harassment or sexual harassment.

The District considers harassment in any form to be unacceptable and will not tolerate the occurrence. The District will take appropriate action to eliminate harassment and sexual harassment from the workplace. Such actions may include training, counselling and disciplinary action up to and including dismissal.

All personnel are responsible for ensuring that any allegation of harassment or sexual harassment is dealt with immediately in accordance with this Administrative Procedure.

The terms and definitions in this Administrative Procedure are aligned with those in the Transitional Agreement between the British Columbia Public School Employers' Association and the British Columbia Teachers' Federation.

### Definition

Harassment or sexual harassment is any unwelcome and/or inappropriate comment, conduct or action which detrimentally affects the working or learning environment or leads to adverse job- related or schooling-related consequences for the victim.

Examples of harassment and sexual harassment include:

- Gender-based remarks;
- Unwanted physical contact;
- Sexual advances;
- Requests for sexual favours;
- Suggestive or offensive comments;
- Gestures emphasizing sexuality, sexual identity or sexual orientation;
- Display of materials 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;

- Objectionable conduct, comment, materials or displays made on either a one-time or continuous basis that demeans, belittles, intimidates, or humiliates another person; and
- Such misuses of power or authority as intimidation, threats, coercion and blackmail.

### **Procedures**

1. An employee, student or volunteer may seek a remedy from several sources:
  - 1.1 Pursuant to the District's Administrative Procedure on harassment/sexual harassment;
  - 1.2 Under Collective Agreements;
  - 1.3 Pursuant to applicable College of Teachers' by-laws and policies governing the professional conduct of members;
  - 1.4 By the filing of a complaint with the Human Rights Council of British Columbia; or
  - 1.5 Through the Justice system.
2. The District is obligated under the *Human Rights Act* to investigate cases of harassment and sexual harassment brought to its attention.
3. Informal Resolution of a Complaint
  - 3.1 Complainants are encouraged, but not required, to immediately tell another person when his/her behavior is considered inappropriate and unwanted and ask that the unwanted conduct stop. Persons are to comply immediately with the request, without reprisal.
  - 3.2 If the complainant does not want to file a formal written complaint, a complaint may be brought to the attention of any staff member at the school or District level.
  - 3.3 The complainant may request that the staff member meet with the alleged harasser with a view to obtaining an apology and an assurance that the offensive conduct will not be repeated.
  - 3.4 The complainant may request that the staff member meet with the alleged harasser with a view to arranging a meeting where the complainant can advise the alleged harasser of his/her discomfort and concern while a staff member is in attendance. The staff member could then assist both parties to reach an acceptable resolution.
4. Filing a Formal Complaint
  - 4.1 If a complainant chooses not to meet with the alleged harasser, or no agreement for resolution of the complaint has been reached, a complaint may be filed with the Superintendent or designate.
  - 4.2 The employer shall notify, in writing, the alleged harasser and provide notice of investigation.

- 4.3 The employer shall investigate the complaint. The complainant may request that the investigator be of the same gender as the complainant and, where practicable, the request will not be denied.
- 4.4 The investigation shall be conducted as quickly and effectively as possible.
- 4.5 In certain instances, the District may be better served by appointing an outside investigator.
5. Given the sensitive nature of any complaint, every attempt will be made throughout the investigative proceedings, on the part of all parties concerned, to respect the confidential nature of the information.
6. Reprisal against any person who has filed a complaint is forbidden. If it occurs, it could be considered grounds for dismissal of staff or removal from the educational setting for a student.
7. False or malicious complaints may damage the reputation of, or be unjust to, other persons. Should a person be found to be making false allegations, he/she may be subject to disciplinary action.

*Reference: Sections 20, 22, 65, 85, 177 School Act  
Human Rights Act  
Workers' Compensation Act  
Occupational Health and Safety Regulation*

*SD No. 40 (New Westminster)*

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*Adopted: May 30, 2017*

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Modification to this document is not permitted without prior written consent from SD No. 40 (New Westminster)