

PERSONAL, DISCRIMINATORY, AND SEXUAL HARASSMENT

Background

The District recognizes the right of all students and staff members to learn and work in an environment free from personal, discriminatory or sexual harassment.

The District, all staff members, students and people within school communities have a responsibility to promote, monitor and maintain learning environments and workplaces that are free from harassment.

Definitions

1. Personal harassment is defined as repeated, objectionable conduct or comment, directed towards a specific person, or persons and has the effect of creating an intimidating, humiliating, hostile or offensive working or learning environment. Personal harassment does not include conduct or comments made in good faith in the exercise of supervisory rights and responsibilities.
2. Discriminatory harassment is defined as discrimination contrary to the Human Rights Act and includes:
 - 2.1 discriminatory acts against a student with respect to the learning environment or any educational program or service provided to the student because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, or sexual orientation; and
 - 2.2 discriminatory acts against a staff member with respect to the work environment or any term or condition of employment because of race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation, or age of that staff member or because that staff member has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.
3. Sexual harassment is defined as unwelcome sexual advances, comments, looks, suggestions, audio and visual material of a sexual nature, requests for sexual favours and other verbal or physical conduct emphasizing sexuality, sexual identity or sexual orientation when such conduct: (Reference W.C.B.)
 - 3.1 either explicitly or implicitly is a term or condition of an individual's education, employment, or any opportunity for training or promotion;
 - 3.2 is used as a basis for scholastic, extra curricular or employment decisions affecting another individual; or

- 3.3 interferes with an individual's school or work performance or creates an intimidating, hostile, offensive or uncomfortable learning and working environment.

Procedures

1. Personal, Discriminatory and Sexual Harassment

Education

- 1.1 The curriculum department will review the topic of personal, discriminatory and sexual harassment within the curricula from Kindergarten to Grade 12. Reviews will include the recognition of current programs as well as the development and/or enhancement of age appropriate District-wide programs, grade level units and resources as needed. These reviews shall consider the overall influences in the development of student attitudes towards personal, discriminatory and sexual harassment.
- 1.2 Cooperative planning between the District and schools will be undertaken to determine and to ensure an on-going in-service program. This program shall focus on creating awareness, understanding and prevention of harassment among students and staff members.

2. Responding to Personal, Discriminatory and Sexual Harassment

Informal Complaint Process

- 2.1 Don't ignore harassment! Don't feel guilty!
- 2.2 Complainants are encouraged but not required to immediately tell the harasser when conduct is considered inappropriate and unwanted and ask that the inappropriate or unwanted conduct stop.
- 2.3 Before proceeding with a formal complaint, a staff member who believes he or she has a complaint of harassment may approach his/her supervisor, union representative or human resource personnel to discuss the potential means of resolving a complaint and to request assistance in resolving the matter on a formal or an informal basis.
- 2.4 Before proceeding with a formal complaint, a student who believes he or she has a complaint of harassment or who does not know how or is unable to confront the harasser, shall approach a teacher, counsellor, administrator, parent or trusted adult to obtain advice, support and skills or strategies to halt the harassment.
- 2.5 Record pertinent facts which detail alleged incidents. When? Where? Who? What?
- 2.6 Decide whether to file a formal complaint and, if you so choose, follow the appropriate process as outlined in Section 3.

3. Formal Complaint Process

If you are unable to resolve the problem informally, proceed with a written or verbal formal complaint as outlined below:

- 3.1 Students' Procedures
 - 3.1.1 Students shall seek assistance from a teacher, counsellor, administrator, parent or other trusted adult.
 - 3.1.2 Student complaints shall be referred to the Principal or the zone Assistant Superintendent.
 - 3.2 Staff Members' Procedures
 - 3.2.1 Staff members shall seek assistance from a colleague, union representative, administrator or supervisor.
 - 3.2.2 Staff members shall refer to the process as outlined in the Collective Agreements (CTA AND CUPE) or inform the Superintendent or designate.
 - 3.3 A staff member or student accused of harassment will be notified in writing at the earliest opportunity by a District supervisor.
 - 3.4 CTA/CUPE staff members shall be accompanied by their union representative, and may choose a person(s) for moral support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by School District No. 43 (Coquitlam).
 - 3.5 Students and excluded employees may be accompanied by a person(s) of their choice for moral support during any proceedings relating to the investigation of the complaint, providing no costs are incurred by School District No. 43 (Coquitlam).
 - 3.6 No student or staff member shall be subject to reprisal, threat of reprisal or discipline as a result of filing a bona fide complaint of personal, discriminatory, or sexual harassment.
 - 3.7 It is recognized that false or malicious complaints may damage the reputation of, or be unjust to, students or staff members and therefore disciplinary action will apply to any individual making a malicious claim.
4. Responding to a Formal Complaint
 - 4.1 A confidential investigation in accordance with due process will be undertaken, expeditiously, under the direction of the Superintendent or designate to substantiate and/or resolve the complaint.
 - 4.2 If the complaint is substantiated a written, confidential report is to be filed with the Superintendent or designate within one month after receiving a formal complaint.
 - 4.3 Appropriate disciplinary action will be taken within one month of receiving the written, confidential report. This action may include counselling and/or courses that develop an awareness of harassment, a verbal warning, a written warning, suspension and/or dismissal. Appropriate remedies toward the complainant may be cited in the written report.

- 4.4 Harassers who take retaliatory action against students or staff members who have filed complaints will be subject to additional discipline.
- 4.5 All unsubstantiated complaints will be reviewed with both parties and documentation provided to the individual falsely accused.

5. Supervisory Responsibility

All staff members within School District No. 43 (Coquitlam) are responsible for promoting and maintaining a working/learning environment free from personal, discriminatory or sexual harassment. Those staff members with supervisory roles are required to exercise supervisory rights and responsibilities either in the learning of students and/or the work of staff. This administrative procedure does not take away the right to supervise, which may include verbal reminders, verbal warnings, written warnings, student or staff suspensions, or dismissal of a staff member.

Reference: Section 65, 85, School Act
Human Rights Act
Worker's Compensation Board