

## **HARASSMENT-FREE WORK ENVIRONMENT**

### **BACKGROUND**

All individuals employed and educated within Mother Earth's Children's Charter School have the right to work and learn in an environment free from harassment. This procedure is in keeping with the school's dedication to providing students and staff members with a safe and caring environment that fosters and maintains respectful and responsible behaviours.

Any act of harassment committed against a staff member, student, or parent at school, on school grounds or at school sponsored activities shall be considered unacceptable conduct. Appropriate disciplinary action will be taken if such behavior occurs. The investigation process should always follow the principles of natural justice.

### **GUIDELINES**

1. The term "harassment" means, "any conduct, comment, gesture, or contact" that is likely to cause offence or humiliation to a staff member, student, or parent.
2. **WORKPLACE HARASSMENT** makes the workplace, or matters associated with work, unpleasant, humiliating, or intimidating for the person or group of people targeted by the behaviour. It can severely inhibit effective work and productivity.
3. **WORKPLACE HARASSMENT** must not be confused with legitimate advice and comment from supervisors on an individual's work performance. Such comment and advice may legitimately include negative statements and feedback.
4. It is the responsibility of every principal, teacher, and supervisor to ensure that the environment under his/her jurisdiction is free from harassment and that complaints of such behaviors are investigated promptly, seriously and in a strictly confidential manner.
5. Appropriate disciplinary action will be taken in substantiated cases. The nature of the disciplinary action will depend on the type of misconduct, any mitigating circumstances, and as well as whether students, and /or teachers, and /or parents are involved.
6. Should the situation not be satisfactorily resolved, an appeal may be made to the Superintendent.
7. Nothing in the foregoing affects a person's right to file a complaint with the Alberta Human Rights Commission.

### **PROCEDURES:**

#### **Responsibilities of Complainants and Respondents.**

1. Complainants who believe that they have been the subjects of harassment have a responsibility to make an objection clearly known to the Respondent.

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2. If the Complainants require support or need advice prior to meeting the Respondent they may choose to talk to their principal. In the case of students and parents, they can address their queries to either a teacher or the principal.
  - 2.1 The Complainant should keep a written record of the date(s), time(s), location(s), and nature of the behaviors (s) and name of any witnesses.
  - 2.2 The supervisor should keep a written record of the harassment incident and the action taken.
  - 2.3 If the harassment continues, the Complainants should speak to their teacher, principal or supervisor.
  - 2.4 If the Complainants are not satisfied with the response, the complaint should be advanced to the next level of management. In the case of parents and students, the complaint should be addressed to any of the following as appropriate: Principal and/or Superintendent.
  - 2.5 Whether or not the complaint is resolved to the complainant's satisfaction, the process does not prejudice an individual's right to file a complaint with the Alberta Human Rights Commission, take civil action or report incidents to the police.
3. Complaints must be filed within six months of the reported incident according to the Alberta Human Rights Commission.

\*\*\* Note: Complainants will **NOT** have their career or studies affected in any way as a consequence of their complaints. In fact, their action will contribute to a healthy environment. The only exception to this will be in cases where the complaint is proven to be malicious and without foundation.

### **Resolving the Situation**

#### Informal and Formal Complaints

*Step 1: Informal Complaint*- If possible, the Complainant may resolve the issue with the Respondent.

*Step 2: Formal Complaint to Immediate Supervisor of the Respondent*.

*Step 3: Formal Complaint- Next Level of Management*. If the decision is not satisfactory, or if the supervisor is the Respondent, the complaint can be forwarded to the next level of management.

#### **Formal Complaints – Key Elements**

1. FILE a formal complaint with the immediate supervisor of the respondent.
2. Within two working days from the receipt of a formal complain, the Supervisor shall begin the investigation by initiating an interview with the Complainant and Respondent.
3. As soon as possible, all witness (es) or person(s) who may have knowledge of the circumstances will be interviewed, if appropriate.

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### **Confidentiality**

Reasonable effort shall be made to respect the confidential nature of a complaint. However, absolute confidentiality cannot be guaranteed owing to the need for an investigation and the need to inform the respondent of the nature of the allegations

The names of the individuals involved will only be used with their consent. Individuals will be informed that information could be used or referred to in a tribunal or court of law.

### **Investigation**

The Supervisor must:

1. Document a complaint involving harassment with supporting material.
2. Consider the following in determining whether the complaint constitutes harassment:
3. Facts of the case
4. Nature of the alleged harassment
5. Environment
6. Context in which the alleged incident occurred
7. Communicate the decision to the Complainant and the Respondent. Provide information and/or referral for any support and corrective action deemed necessary.
8. ACTION – The supervisor determines disciplinary or corrective action, if any, to be taken. Appropriate action will be taken in substantiated cases. The Respondent should be given an opportunity to change the behavior when possible and appropriate.

### **Appeal Process**

Either the complainant or the respondent may appeal to the Board if dissatisfied with the resolution of a formal complaint.

Adopted:                      June 2011  
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