

Administrative Procedure 170 RESPECTFUL AND SAFE WORKING AND LEARNING ENVIRONMENT

Background

The Medicine Hat Catholic Board of Education (the “Division”) is committed to providing a working and learning environment that is free of violence, discrimination, and harassment. As expressed in our mission statement, the Division strives to ensure that all members of the school community are provided with a warm, caring, respectful, and safe environment that supports diversity and fosters a sense of belonging.

The Division affirms its Catholic values and specifically, its commitment to human rights, including its support for the principle that every member of the community has a right to equitable treatment without fear of harassment or discrimination pursuant to the *Alberta Human Rights Act*.

Discrimination and harassment against employees, students, trustees, volunteers, parents/legal guardians or any member of the public on Division premises or during Division-sponsored activities represent unacceptable conduct that shall not be tolerated by the Division.

The Division is committed to:

- Complying with its obligations under the *Occupational Health and Safety Act*, and the *Education Act*;
- Educating its employees in the recognition of violence, harassment, and discrimination, as well as the operation of the Division’s procedures in that regard;
- Investigating all reported incidents of violence, harassment, and discrimination in an objective and timely manner;
- Taking necessary action in response to such reported incidents;
- Informing complainants and supervisors regarding reporting requirements; and
- Providing appropriate support for complainants.

Definitions

DISCRIMINATION

Discrimination means any act, omission or threat, or any policy, practice or term of employment, which directly or indirectly causes differential treatment of or otherwise adversely affects, an employee or prospective employee in the course of employment or applying for employment, and the act or practice is based on a statutorily protected or prohibited ground under the *Alberta Human Rights Act*, as amended from time to time, including race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.

The foregoing does not apply with respect to a refusal, limitation, specification or preference which is based on a bona fide occupational requirement, or the Division's Catholicity requirements.

VIOLENCE

Violence means the threatened, attempted, or actual conduct of a person that causes, or is likely to cause, physical or psychological injury or harm, and includes domestic or sexual violence, whether at the Division's premises or otherwise work-related.

Acts of violence can take the form of physical contact, such as hitting, shoving, pushing, kicking, or assault. The threat of violence, either overt or covert, can be just as detrimental and damaging as the physical act of violence itself. Abuse in any form erodes the mutual trust and confidence that are essential to the Division's operational effectiveness. Acts of violence destroy individual dignity, lower morale, engender fear, and break down work unit cohesiveness.

Acts of violence may occur as a single event or may involve a continuing series of incidents. Violence can victimize both men and women, and may be directed by or towards employees, volunteers, students, and parents/guardians.

HARASSMENT

Harassment means any single serious incident or repeated incidents of objectionable, unwelcome, or inappropriate conduct, comment, action or gesture by a person that the person knows, or ought to reasonably know, will or would cause offence, humiliation, or intimidation to a worker, or that would adversely affect the worker's health and safety, including any physical or psychological injury or illness to an employee. This includes but is not limited to harassment in connection with a protected ground under the *Alberta Human Rights Act*.

Examples of harassment include, but are not limited to the following:

- offensive, abusive, belittling, or threatening behaviour;
- physical contact or coercive behaviour;
- oral and written statements or social media postings, that are derogatory, demeaning or intimidating, whether made directly or through a third party;
- insulting or threatening gestures;
- continual unjustified and unnecessary comments about an individual's standard of work or academic achievement or capacity for work or academic achievement;
- pictures, posters, cartoons, graffiti or written/electronic material that is offensive or obscene;
- threatening or abusive telephone calls, or written communications which impact the work school environment;
- derogatory or dismissive treatment or material expressing prejudice or stereotypical assumptions about a group to which an individual may belong;
- continual exclusion of targeted individuals from work/school assignments, networks, or from normal work/school conversations and interactions.

Harassment can adversely affect psychological or physical wellbeing and makes the work/school environment, or matters associated with work or school, unpleasant, humiliating, or intimidating for those targeted by that behaviour and by those exposed to the behaviour. It can severely inhibit the learning environment, and negatively affect work quality and productivity.



Harassment must not be confused with legitimate advice, evaluation and comment from supervisors and heads of departments, or teachers on an individual's work performance. Such comment and advice may legitimately include negative statements, performance feedback, and discipline.

In addition to the above described definitions, harassment also includes the definitions provided for in the *Occupational Health and Safety Act*, as amended from time to time, which are incorporated by reference into this administrative procedure.

SEXUAL HARASSMENT

Sexual harassment is unwanted sexual advances, solicitation, requests for sexual favours, or other verbal or physical conduct of a sexual nature which:

- Implicitly or explicitly makes submission to such conduct a term or condition of an individual's work or academic achievement;
- Affects access to employment, educational or other Division-sponsored programs or activities;
- Creates a hostile or offensive environment which interferes with an individual's work, ability to learn, or participation in activities;
- Intimidates, embarrasses, coerces or humiliates an individual in the workplace, at school or other Division-sponsored events; or
- Arises out of a relationship which is not based on mutual consent or where consent is not possible.

Examples of sexual harassment include, but are not limited to the following conduct of a sexual nature:

- Verbal abuse or threats;
- Unwelcome remarks or jokes;
- Unwelcome invitations or requests;
- Staring, leering or inappropriate observation;
- Displaying or posting pornographic or offensive materials;
- Unwelcome physical contact;
- Indecently exposing oneself to others for a sexual purpose;
- Explicit or implicit demands.

COMPLAINANT

A complainant is an individual or group of individuals who submit a complaint. A complainant may also be a third-party having knowledge of an incident of violence, harassment, sexual harassment or discrimination. The reporting employee does not have to be the subject of the identified conduct.

PERSON IN A POSITION OF AUTHORITY

For a student, a person in a position of authority is an employee, teacher, principal or other individual authorized by the Division to fill an official role within or associated to the school.



For an employee, a person in a position of authority is a person in the school or Division to whom the employee is accountable (e.g. Principal, Assistant Principal, Division Office Administrators and Supervisors, chairperson of the Board of Trustees).

RESPONDENT

A respondent is an individual against whom a violence, discrimination, harassment or sexual harassment complaint is made.

Guidelines

1. No employee, student, or Trustee of the Division shall engage in conduct or behaviour which constitutes violence, discrimination, harassment or sexual harassment.
2. Anyone who infringes a right protected by the *Alberta Human Rights Act* or otherwise engages in discrimination, violence, harassment or sexual harassment shall be subject to complaint procedures, remedies, and sanctions outlined in this Administrative Procedure.
3. Any person subjected to violence, discrimination, harassment or sexual harassment (the “complainant”) should be encouraged to seek assistance from a person in a position of authority in response to harassing behaviour. The reporting employee (“the complainant”) can choose to inform a person in a position of authority to seek assistance without informing the alleged offender. The complainant could also choose to inform the alleged offender that the behaviour is unacceptable and that it must stop.
4. Any person who has been subjected to workplace violence, harassment, sexual harassment or discrimination has the right to access assistance in communicating their objections and, if warranted, in pursuing a formal complaint in accordance with this Procedure. It is recognized that the issue of access to recourse is particularly critical where the alleged offender is in a position of authority over the complainant or where there are other communication barriers.
5. Complaints regarding violence, discrimination, harassment or sexual harassment can be resolved through an informal process, which may involve voluntary mediation. At any time during an informal complaint process a complainant may file formal complaint.
6. In order to file a formal complaint, the complainant can do so by filing a formal written complaint with a person in a position of authority. The complaint should set out in sufficient detail the incident(s), giving rise to the complaint including the date and time, nature of the concern, and the names of any persons who may have witnessed the incident or conduct. The attached [complaint form](#) should be utilized and completed as comprehensively as possible in this regard.
7. Any person in a position of authority who receives a complaint is responsible for immediately informing the Deputy Superintendent, the Superintendent of Schools, or the appropriate member of the Board of Trustees to ensure that the complaint is addressed appropriately at the earliest opportunity. For further clarity, if the complaint relates to the Deputy Superintendent, the complaint should be referred to the Superintendent of Schools. If the complaint relates to the Superintendent of Schools, it should be referred to the



chairperson of the Board of Trustees. If the complaint relates to a member of the Board of Trustees, the complaint should be referred to the Board Chair. If the complaint relates to the Chair of the Board of Trustees, the complaint should be referred to the Vice Chair of the Board.

8. No individual shall knowingly or willfully submit complaints based on false allegations. Malicious or false complaints will be dealt with through the disciplinary process.
9. The respondent is entitled to be informed that a complaint has been filed and to know the name(s) of the individual(s) making a formal complaint. In the case of a formal complaint, the respondent shall receive a copy of the letter of complaint outlining the allegations, receive fair, impartial treatment, and be informed throughout the process of the status of the investigation.
10. With respect to informal complaints, the person in a position of authority or the person tasked with addressing the informal complaint may choose not to disclose the identity to the respondent of a complainant making an informal complaint. No reference to an informal complaint shall be placed on the personnel file of a respondent, though a related letter of expectation or some other form of discipline may make reference to expectations and warn of future consequences should the respondent fail to adhere to those expectations.
11. Even in the absence of a complaint, Division office administration may initiate a systemic review or investigation into concerns related to potential violence, discrimination, harassment, or sexual harassment existing at any workplace or school. A systemic review or investigation can result in disciplinary consequences.
12. Reasonable effort shall be made to preserve the confidentiality of a complaint or concerns. The Division will not disclose the circumstances related to an incident or names of the complainant, the respondent, and any witness, except:
 - Where necessary to investigate the incident or to take corrective action, or to inform the parties involved in the incident the results of the investigation and any corrective action to be taken to address the incident, which includes informing the respondent as outlined in section 9 above;
 - Where necessary to inform employees of a specific or general threat of violence or potential violence (in doing so, the Division will disclose only the minimum amount of personal information that is necessary to inform employees of such a threat); or
 - As required by law.
13. Where allegations of discrimination, harassment or sexual harassment are substantiated, the Division will take corrective action to address the behaviour and resolve the complaint.
14. Resolution procedures under this administrative procedure do not impact a complainant's right to file a complaint with the Alberta Human Rights Commission, commence proceedings in a civil or criminal court, file a grievance in accordance with the provisions of the



applicable collective agreement, or pursue other recourse afforded under legislation including the *Occupational Health and Safety Act, Education Act, or Teaching Profession Act.*

15. Failure to comply with this Administrative Procedure may result in disciplinary action, up to and including termination of employment for just cause.

Procedures

1. Informal Complaint Resolution

1.1 Making an Informal Complaint

- 1.1.1 The complainant may convey objections regarding the unacceptable behaviour directly to the respondent or through a person in a position of authority.
- 1.1.2 While conveying objections to the respondent informally is highly encouraged, failure to do so does not preclude the filing of a formal complaint.
- 1.1.3 The complainant is encouraged to keep written records regarding the incident(s) and of any attempts to inform the respondent directly or through reports to a person in a position of authority.
- 1.1.4 If at any point during the informal process the complainant wishes to file a formal complaint, he or she may do so.

1.2 Receiving an Informal Complaint

The person in a position of authority who receives an informal complaint must:

- 1.2.1 Initiate action as soon as possible and shall attempt to start the investigation or review process within five operational days of receipt of a complaint;
- 1.2.2 Ensure that the complaint and efforts to resolve or investigate the complaint are done in a timely manner and that all reasonable efforts have been made to address the complaint;
- 1.2.3 Provide the complainant and respondent with information regarding applicable Division administrative procedures relating to violence, harassment or sexual harassment, and advise them where assistance is available;
- 1.2.4 If requested, assist the complainant in speaking to the respondent directly, or speak to the respondent on the complainant's behalf, to outline the allegations and attempt to resolve the complaint informally; and
- 1.2.5 Monitor the status of the informal complaint to see that it is satisfactorily resolved in a timely manner.

1.3 Voluntary Mediation

- 1.3.1 If the person in a position of authority is unable to resolve the informal complaint within a three (3) week period following the receipt of the complaint, the complainant and respondent will be asked whether they are willing to enter into voluntary mediation.
- 1.3.2 Voluntary mediation may occur at any time after an informal complaint is received by a person in a position of authority.



- 1.3.3 The focus of the mediation process shall be educational and preventative rather than punitive.
- 1.3.4 If voluntary mediation is agreed to by the complainant and respondent, the Deputy Superintendent shall appoint a third party to assist with the voluntary mediation.
- 1.3.5 If the informal complaint is not resolved through mediation, a formal complaint may be filed at the discretion of the complainant.

1.4 Outcome of an Informal Complaint

- 1.4.1 If the complainant confronts the respondent directly and is able to resolve the matter at this informal level, the person in a position of authority will consider this fact in considering the application of disciplinary sanctions by the Division.
- 1.4.2 If a person in a position of authority is aware of conduct by the respondent that appears to be in violation of this procedure, disciplinary measures including a warning may be issued indicating that such behaviour is unacceptable. Failure to discontinue the behaviour or other problematic behaviour contrary to this procedure or other Division expectations set out in either Division policy or procedure, may result in further disciplinary measures.
- 1.4.3 If both parties enter into voluntary mediation, an acceptable resolution may be achieved. If the complaint is not resolved through mediation, a formal complaint may be initiated by the complainant.
- 1.4.4 Notwithstanding that a complainant chooses not to initiate a formal complaint, a person in a position of authority may initiate a systemic review or investigation into concerns related to violence, harassment, or sexual harassment being present at any workplace or school.

2. Formal Complaint Resolution

2.1 Making a Formal Complaint

- 2.1.1 A formal complaint consists of a signed written statement outlining the allegations, describing the specific incident(s), the dates (if available) and any witness(es) who may have been present or witnessed the alleged harassment sexual harassment, or violence. The complainant may choose to use the harassment [complaint form](#) set out in Appendix I of the administrative procedure.
- 2.1.2 Complainants are encouraged to file complaints in a timely manner, but a formal complaint may be filed at any time.
- 2.1.3 The complainant may request that the investigation be held in abeyance owing to other proceedings occurring. The complainant is responsible for notifying the Deputy Superintendent if a complaint has been filed with the Alberta Human Rights Commission, Occupational Health and Safety, police, union, association or if civil court action is initiated while the allegations are still under review by the Division. The Division may elect to process the complaint or stay the investigation pending the outcome of any other investigation(s).

2.2 Receiving a Formal Complaint

The person in a position of authority shall:

- 2.2.1 Accept each formal complaint.
- 2.2.2 Verify that the allegations may represent a violation of Division policy or procedure.
- 2.2.3 Send a copy forthwith to the Deputy Superintendent.
- 2.2.4 If directed by the Deputy Superintendent notify and provide a copy of the formal complaint to the respondent and the respondent's supervisor.
- 2.2.5 If directed by the Deputy Superintendent undertake the investigation of the formal complaint.

2.3 Investigation and Resolution of a Formal Complaint

- 2.3.1 Following receipt of the complaint, the Deputy Superintendent may conduct an investigation or appoint an individual to conduct the investigation.
- 2.3.2 The complainant and respondent shall have the opportunity to:
 - 2.3.2.1 provide their information to the investigator in support of or in response to the allegations;
 - 2.3.2.2 have someone (i.e., legal, counsel, association/union representative) present during any investigative meetings to provide advice and assistance.
- 2.3.3 The investigator may direct that the parties provide written submissions in support of or in response to the allegations.
- 2.3.4 The investigator shall have the right to ask questions of the complainant, respondent and witnesses.
- 2.3.5 The investigator's findings shall be detailed in a report to the Deputy Superintendent.
- 2.3.6 Resolution will take place as soon as reasonably practicable with a target of attempting to complete the investigation within three (3) months of a complaint being filed. The investigator or the Deputy Superintendent shall keep the complainant and the respondent informed of the anticipated date of completion and any delays.
- 2.3.7 The Division will prepare a written investigation report for complaints made pursuant to this Policy. The report will outline the circumstances of the incident, a summary of the findings, and any corrective action resulting from the investigation. All investigation reports will be maintained by the Deputy Superintendent and the confidentiality will be preserved.

2.4 Outcome of a Formal Complaint

- 2.4.1 If the results of the investigation support the allegations outlined in the complaint, or otherwise support the conclusion that the respondent engaged in conduct prohibited by this procedure, the Deputy Superintendent or the employee's supervisor may impose a range of sanctions on the respondent. The sanctions depend upon the nature and seriousness of the offence and other relevant factors. The sanction may include: apology, remedial training, a verbal warning, a letter of discipline, a transfer, a suspension, or termination

of employment. A copy of the sanction shall be retained in the respondent's personnel file. With respect to students, they may face either a suspension or expulsion from school in accordance with the applicable administrative procedure and subject to the applicable regulation with a notation on the student record.

- 2.4.2 If the results of the investigation do not support the allegations or are inconclusive, the complaint will be dismissed and a letter will be issued indicating to the complainant and the respondent that the allegations were not substantiated and the complaint has been dismissed.
- 2.4.3 If the results of the investigation are a determination that the allegations were false or were frivolous and vexatious, the complainant and the respondent shall be informed.
- 2.4.4 If after investigation it is determined that the complainant made false allegations, or that the complaint was frivolous and vexatious, the Deputy Superintendent may impose, or recommend, a range of sanctions for the complainant. The sanctions will depend upon the nature and seriousness of the offence and other relevant factors. Sanctions may include: a verbal warning, a written reprimand, transfer, suspension, termination of employment or a recommendation of termination. With respect to students making a false complaint, they may face either a suspension or expulsion from school in accordance with the applicable administrative procedure.
- 2.4.5 The complainant and respondent shall be provided with a summary of the results of the investigation, but are not entitled to a full copy of the investigation report.

2.5 Review

- 2.5.1 Either the complainant or the respondent may request a review of the investigator's findings and any disciplinary sanctions imposed to the Superintendent of Schools. Any review conducted by the Superintendent of Schools is final and binding and subject to no further review or appeal.
- 2.5.2 Either party has the right to seek civil and/or criminal redress through the courts, file a complaint with the Alberta Human Rights Commission, file a grievance in accordance with the provisions of the applicable collective agreement or other recourse afforded under the *Occupational Health and Safety Act*, the *Education Act* or *Teaching Profession Act*.

2.6 Retaliation


- 2.6.1 No employee\student\the Division shall take retaliatory action with the intent of dissuading or punishing an individual for filing a complaint, participating in the investigation in any capacity, or the complaint resolution process. Disciplinary sanctions may be imposed for retaliatory conduct.
- 2.6.2 Retaliation against individuals participating in the investigation or the complaint resolution process is not to be confused with sanctions imposed for violence, discrimination, harassment, sexual harassment, or making false allegations.
- 2.6.3 Any allegations of retaliatory conduct must be made in writing to the Deputy Superintendent.

3 Program Review and Evaluation

- 3.1 As part of the Division’s Health and Safety Program, the Division will engage in a program evaluation process to monitor the effectiveness of its policy and procedures. Given that the purpose of this Policy and procedure is to minimize the occurrence of workplace violence, harassment, and discrimination and establish an environment of non-tolerance to conduct of this nature, the process will be evaluated against that measure at least every three (3) years, or following a reported incident, whichever is earlier.
- 3.2 The evaluation program will include the following:
- a needs assessment of complainants and respondents;
 - a review of the Division’s worksite training initiatives;
 - process evaluation in order to measure whether the program is meeting its intended objective; and
 - outcome evaluation to determine whether the program has met its objectives and whether additional opportunities for improvement in the program can be identified.

This program review and evaluation can include canvassing individuals who have made complaints in addition to other employees as to their understanding of this Administrative Procedure and perception of the efficacy and fairness of the process. Where required, the Health and Safety Committee will participate in the evaluation and review of this Procedure.

Appendix I: Complaint Form

References: <i>Education Act, SA 2012, c E-0.3</i> <i>Freedom of Information and Protection of Privacy Act, RSA 2000, c F-25</i> <i>Alberta Human Rights Act, RSA 2000, c A-25.5</i> <i>Occupational Health and Safety Act, SA 2020, c O-2.2</i> <i>Occupational Health and Safety Code, AR 191/2021</i>	Approved: 
	Date Approved: February 2008
	Reviewed or Revised: June 2008, February 2023

Note: References shall be updated as required and do not require additional approval