



DEALING WITH HARASSMENT

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Preamble – Explanations

Freedom from harassment in the workplace is a fundamental right of all employees, students, and parents/guardians. The Portage la Prairie School Division will not condone or tolerate harassment in any form, whether it occurs on Division property or in relation to Division activities.

Individuals have the right to take assertive action when they encounter harassment in the learning or working environment. An individual who believes he/she is being harassed by any person affiliated with the Portage la Prairie School Division shall follow the procedures herein set forth.

See also: Workplace Harassment section of the Portage la Prairie Teachers' Association and the Portage la Prairie School Division Collective Agreement.

Definition of HARASSMENT

Consistent with the *Human Rights Code*, and the characteristics referred to in that code in Subsection 19(2), harassment is any one or more of the following:

- a) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any of the following characteristics:
 - i) ancestry, including color and perceived race
 - ii) nationality or national origin
 - iii) ethnic background or origin
 - iv) religion or creed, religious belief, religious association or religious activity
 - v) age
 - vi) sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy
 - vii) gender determined characteristics or circumstances other than those included in subsection (vi)
 - viii) sexual orientation
 - ix) marital or family status
 - x) source of income
 - xi) political belief, political association or political activity
 - xii) physical or mental disability or related characteristics or circumstance, including reliance on a dog guide or other animal assistant, a wheelchair or any other remedial appliance or device; [Subsection 19 (2)]
- b) a series of objectionable and unwelcome sexual solicitations or advances;
- c) a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, to recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonable to know that it is unwelcome;
- d) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.



Harassment may occur in a number of ways. Some examples may be student by a student, employee by employee, employee by student, student by employee, visitor by employee, employee by visitor, etc.

Explanation of SEXUAL HARASSMENT

Any repeated and unwelcome sexual comment, look, suggestion, or physical contact that creates an uncomfortable working or learning environment for the recipient. It is made by a person who knows, or ought reasonably to know, that such attention is unwelcome. Sexual Harassment may also be a single sexual advance, particularly one by a person in authority, that includes or implies a threat and/or a reprisal after a sexual advance is rejected.

Some examples of sexual harassment are:

- unwanted, persistent or abusive sexual attention;
- sexually oriented behaviour or remarks which create an intimidating, hostile, or offensive learning or working environment;
- demeaning remarks based on gender;
- suggestive jokes about sex;
- sexually-oriented verbal “kidding” or verbal abuse;
- inappropriate comments about clothing, physical characteristics, or activities;
- leering, ogling, and suggestive or insulting sounds;
- unwanted questions or comments about one’s private life;
- unwanted physical contact, such as brushing up against one’s body, patting, grabbing, or pinching;
- sexual assault (an offence under the Criminal Code);
- subtle pressures for sexual activity;
- suggestion or demands for sexual favors;
- expressed or implied promise of reward for complying with a sexually oriented request;
- the display of pornographic and/or exploitative pictures, cartoons, and graffiti in the schools and on other school division premises. This includes pictures and/or messages on clothing.

Explanation of RACIAL HARASSMENT

Words used or actions taken in an abusive or persistent manner by anyone, such that another person is disparaged or caused to feel humiliation because of her or his race, color, creed, ancestry, place of origin, or ethnic origin. Racial harassment may be overt or subtle, explicit, or in a disguised form such as humor or joking.



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Some examples of racial harassment are:

- slurs, gestures, name-calling, innuendoes or taunts about another's racial or ethnic backgrounds;
- similar remarks about other racial groups made in the presence of another employee or student;
- unwelcome banter, "teasing" or jokes that are racially derogatory or present stereotypical portrayals of racial or ethnic groups;
- displaying racist, derogatory or offensive pictures, materials, or graffiti;
- refusing to study with, work with, or have contact with, an employee, volunteer, or student in the work/school setting because of her or his racial or ethnic background.

The study of other cultures does not constitute racial harassment.

Explanation of OTHER FORMS OF HARASSMENT

Other forms of harassment include discrimination, (overt, subtle, and covert) on the basis of gender, sexual orientation, disability or economic/social status.

Some examples of other forms of harassment are:

- negative comments about the general unsuitability of an individual's or a group's educational or career goals to which they aspire; for example, generalizations about women's "proper place" or lack of ability in particular areas;
- derogatory comments about an individual's or a group's moral, intellectual, economic, or social status;
- unwelcome conduct or comment undertaken or made on the basis of medical circumstances or illness;
- unwelcome conduct or comment undertaken or made on the basis of physical appearance/attributes;
- taunting, teasing, criticizing, or demeaning remarks about individuals, or group members as a category;
- individual or group behaviour that is intimidating or threatening;
- stalking;
- unwanted or persistent invasion of personal space;
- bullying;
- hazing.



Where and when do these PROCEDURES APPLY

The procedures apply to, but are not limited to harassment which occurs:

- a) at a school or other Division facilities;
- b) outside of a school or other Division facilities;
- c) at a school or Division sponsored social function;
- d) in the course of an employment or school assignment outside of a school or other Division facilities;
- e) at an employment or school-related conference or training session;
- f) during employment or school-related travel; and
- g) by means of a communication medium (Internet, telephone, mail).

What is NOT HARASSMENT

Consensual banter or romantic relationships, where the people involved agree with what is happening, are not harassment. Appropriate performance reviews, counselling, or discipline by a superior or manager is not harassment.

I COMPLAINT PROCEDURE

1) General Information

- a) **Complainant** refers to the individual who believes he/she is being harassed and/or the individual who has filed a complaint of harassment.
- b) **Respondent** refers to the individual alleged to be the harasser and/or the individual against whom the complaint has been made.
- c) A witness or third party to an incident of harassment may file a complaint of harassment.
- d) All complaints of harassment will be acted upon in accordance with this procedure. Confidentiality will be respected, but when necessary, information will be shared on a need to know basis with affected and/or involved individuals. Complainants will be advised on the extent to which information may need to be shared and with whom.
- e) An investigation will be conducted of all complaints of harassment.
- f) Documentation of all harassment complaints (written complaint, record of investigation, and final disposition) will be retained confidentially at the Division Office. Information/Investigation files involving harassment complaints will:
 - be kept separate from the employee's personnel file pending resolution of the complaint;
 - be kept separate from the student's cumulative file pending resolution of the complaint.



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(i) In the event the allegations are substantiated through investigation, a summary of the investigation, final disposition, and any action taken shall be kept at the Division Office:

- for staff, in the employee's personnel file;
- for students, in a personal file with a general reference in the student's cumulative file to the complaint and contact person for information.

(ii) In the event the allegations are not supported through investigation, a summary of the investigation, final disposition, and any action taken will be maintained confidentially by the Superintendent until:

- for staff, the time at which the employee leaves the employ of the Division, when such documents will be placed in a sealed envelope in the personnel file;
- for students, the time at which the student graduates from the public school system or reaches the age of 21, whichever comes first, when such documents will be destroyed.

These documents will be accessible to the Superintendent as documentation, and will be accessed only for information related to the specific incident documented.

- g)** Respondents will be advised that retaliation against the complainant or interference in the process of investigation will not be tolerated and, if such occurs, will result in immediate disciplinary or legal action for staff, and suspension or expulsion for students.
- h)** Complaints made in a malicious or vindictive manner, or which have no substantiation in fact may result in disciplinary or legal action for staff, and suspension or expulsion for students.
- i)** The complaint procedures of the Division does not affect an individual's right to file a complaint or respond to a complaint with the Human Rights Commission, Collective Bargaining Association, or other agency, or to seek other redress as provided under the law.
- j)** In the interests of all parties involved in a harassment situation, individuals are encouraged to identify their concerns in a timely manner. However, individuals may lodge a complaint at any time they feel they are being harassed. All complaints must be documented and signed by the complainant and/or an individual in authority.
- k)** A harassment complaint may be dealt with through either an informal or a formal resolution process. The complainant can obtain information on both processes when making a complaint. See appendix for Mediation Process Guidelines (informal) See each section for Formal Resolution.



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- l) In the complaint procedures outlined, should a respondent be an individual identified as a participant in the investigation or appeal process, the role of the respondent will be assumed by his/her supervisor.
- m) A complaint involving an individual under the legal age of majority, which may be construed as child abuse, shall be dealt with according to the applicable legislation and School Division Policy JFJ – Child Abuse.
- n) The Superintendent will ensure the appropriate persons are informed on the status of the complaint as necessary.

II EMPLOYEE INITIATED COMPLAINTS

1) General Information

- a) When possible, the complainant shall inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.
- b) The complainant should document any or all incidents of harassment and identify:
 - the respondent's name,
 - date, time and location of the incident,
 - a brief description of the incident,
 - names of witnesses to the incident,
 - any action taken by the complainant in response to the incident.

Harassment Documentation and Complaint Forms will be available from the main office, in schools, or from the Division Office.

This documentation should continue on an ongoing basis if the unwanted behaviour continues.

- c) If the harassment continues or if the complainant chooses, the complainant should report the incident to a trusted responsible individual in a position of authority. (Example: Principal, Union Representative, Superintendent)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the individual they contact.



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2) An Employee Complaint About An Employee: Informal Resolution

The individual in authority who is contacted shall notify the Superintendent to determine if there have been any previous incidents of harassment involving the respondent. If no past incidents are evident the individual in authority may proceed with an informal resolution process. The individual in authority contacted should notify the respondent of the complaint and attempt to achieve a resolution to the problem through counseling and mediation. Involvement and consultation from the Superintendent may be requested at this point.

If informal resolution is achieved, a summary report outlining the issue and resolution will be maintained in a sealed envelope with the Superintendent.

3) An Employee Complaint About An Employee: Formal Resolution

- a) If: i) past incidents of harassment are evident, or
ii) if the situation is not resolved through informal procedures, or
iii) at the request of the complainant, the complaint shall be addressed through a formal complaint process. The trusted individual in authority who has been contacted, or the complainant, shall forward a written complaint to the Superintendent. **(NOTE: The Harassment Documentation and Complaint Form is recommended for this purpose.)**
- b) The Superintendent/designate will coordinate the formation of an investigative committee. The committee shall be composed of at least three (3) members with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. Members might include;
- i) the supervisor(s) of the parties involved in the complaint and/or
 - ii) member(s) to be appointed at the discretion of the Superintendent

This committee shall review and investigate the complaint of harassment by the following process.



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The committee will:

- i) set reasonable time frames;
- ii) define objectives and procedures to follow in the investigation;
- iii) interview the complainant and make detailed notes;
- iv) interview the respondent and make detailed notes;

- v) interview any witnesses and make detailed notes;
- vi) allow third party representation at the interview(s) (e.g., union representation, lawyer, friend, etc.)
- vii) follow the rules of natural justice, exercise fairness, sensitivity and objectivity in their investigation or fact-finding process;
- viii) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action, and provide recommendations or resolution or action where deemed appropriate; to the Superintendent.

The committee may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- c)** The Superintendent will be privy to all documents from the investigation, may undertake any subsequent investigation he/she believes is relevant, and may conduct a hearing with the individuals involved at his/her discretion. In the event a hearing is not called by the Superintendent, either the complainant or the respondent has the right to request a hearing with the Superintendent. Such request for a hearing must be requested in writing within ten (10) working days of receipt of a decision on the complaint. The Superintendent will conduct said hearing within fifteen (15) working days of receipt of the request. The Superintendent shall respond to the appellant on the findings of the hearing within ten (10) working days of conducting the hearing.

- d)** The Superintendent shall respond in writing to the complainant and respondent indicating the investigative committee's recommendation and stating the decision of the Superintendent on any disciplinary action to be taken and/or any action to be taken by the complainant or respondent. If the complaint is found to be valid, a record of the decision and action taken shall be placed in the harasser's personnel file. If the complaint is unfounded, then all written documentation of the complaint shall be maintained in confidence by the Superintendent.



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- e) The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all document from the complaint and the investigation. They may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appellant's request.

4) An Employee Complaint About A Student

When a complaint involves an employee making a complaint about a student, the procedures identified for A Student Complaint About a Student (Section III-.2 and III-.3) shall be followed. This procedure shall be followed with the understanding:

- a) the complainant is an employee not a student;
- b) and, the employee making the complaint will contact the Principal of the school the student attends;
- c) and, the principles of involving an investigative team notifying parents of the students, as outlined in Sections III-1, III-2, and III-3, will be maintained.

III STUDENT INITIATED COMPLAINTS

1) General Information

- a) The principal shall coordinate the development of an investigative team. This team will work with the Principal(s) and/or Superintendent as required or requested in the management and/or investigation of harassment complaints initiated by students.

Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.



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- b)** The complainant should document any or all incidents of harassment and identify:
- the respondent's name,
 - date, time and location of the incident,
 - a brief description of the incident,
 - names of witnesses to the incident,
 - any action taken by the complainant in response to the incident.

Harassment Documentation and Complaint Forms will be available to students in schools in locations such as the Guidance/Counseling office, the main office or from teacher advisors.

- c)** If the harassment continues and/or if the complainant chooses, the complainant should report the incident to a trusted, responsible adult in the school or Division Office. (Example: Principal, Teacher, Counsellor, Educational Assistant, Secretary, Superintendent)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the adult they contact.

- d)** The individual contacted shall notify the Principal of the school with details of the complaint. As per Section I point number m, in the event the complaint has been made against the Principal, the individual contacted shall notify the Superintendent of the school with details of the complaint.
- e)** When a student is named in a Harassment Complaint the parent(s)/guardian(s) of student(s) will be notified as per the following:
- i.** when a student(s) are under eighteen (18) years of age and a decision has been made to follow a formal resolution process, the complaints will be communicated to parent(s)/guardian(s); complaints to be resolved through an informal process will be communicated to parent(s)/guardian(s) at the discretion of the Principal/Superintendent;
 - ii.** when the student(s) are eighteen (18) years of age or older, communication with parent(s)/guardian(s) will be encouraged, with the consent of the student.

The student will be consulted and advised on the communication to occur and who will communicate with the parent(s)/guardian(s). The communication may be made by the student, the adult first contacted by the complainant, the Principal, the Vice-Principal or the Superintendent.



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- g)** A meeting will be arranged with the complainant and respondent and his/her parent(s)/guardian(s) if the student is under eighteen (18) years of age, and the Principal/Superintendent within five (5) school days of receipt of the complaint, to review the complaint and to outline the procedures that will be followed to investigate and resolve the matter.

2) A Student Complaint About A Student: Informal Resolution

When the complaint involves students, the Principal shall review the student's cumulative file and contact the Superintendent to check on past incidents of harassment involving the respondent. If no past incidents are evident the Principal may proceed with an informal resolution process. The Principal should notify the respondent of the complaint and attempt to achieve a resolution to the problem through mediation and counseling. Involvement from Guidance Counsellors, the investigative team and/or the Superintendent can be requested as appropriate by the Principal.

3) A Student Complaint About A Student : Formal Resolution

- a) If:**
 - i) past allegations of harassment are evident in a student's history, or
 - ii) at the request of the complainant the complaint shall be addressed through a formal resolution process.

The adult contacted by the student shall forward a written complaint to the Principal.

(NOTE: The Harassment Documentation and Complaint Form is recommended for this purpose.) (See AF-E)

- b)** The Principal shall coordinate the development of an investigative team involving the Principal or Vice-Principal, with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. This team will review and investigate the complaint of harassment by the following process. The team will:
 - i) set reasonable time frames;
 - ii) define objectives and procedure to follow in the investigation;
 - iii) interview the complainant and make detailed notes;
 - iv) interview the respondent and make detailed notes;
 - v) interview any witnesses and make detailed notes;
 - vi) allow third party representation at the interview(s) (e.g., parent, guardian, counsellor, friend, etc.);
 - vii) follow the rules of natural justice, exercise fairness, sensitivity and objectivity in their investigation or fact-finding process;



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- viii) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action, and provide recommendation on resolution or action where appropriate to the Principal.

The team may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- c) The Principal shall respond in writing to the complainant and respondent, and their parent(s) if they are under eighteen (18) years of age, indicating the investigative team's recommendation and stating the decision of the Principal on any disciplinary action to be taken and/or on any action to be taken by the complainant or the respondent.

A record of the decision and action to be taken shall be maintained in confidence by the Superintendent in a separate file. A notation to that effect will be made in the cumulative file (Cross-reference).

- d) The complainant or the respondent has the right of second appeal or the decision on action to be taken through written request to the Superintendent within ten (10) working days of the decision. The Superintendent will be privy to all documents from the complaint and the investigation, may hold a hearing with those involved at his/her discretion, and shall reach a decision. The Superintendent may undertake any investigation he/she believes is relevant and shall respond to the appellant in writing within fifteen (15) working days of receipt of the appeal.
- e) The complainant or the respondent has the right to third appeal of the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation, may hold a hearing with those involved at its discretion, and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appeal.



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4) A Student Complaint About An Employee: Formal Resolution

- a) When a student complaint is about an employee, the complaint shall be addressed through a formal complaint process. The adult contacted shall forward a written complaint to the Principal/Superintendent.
- b) The Principal shall forward a written complaint to the Superintendent.
- c) The Superintendent will coordinate the formation of an investigative team. The team shall be composed of at least three (3) members with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. Members might include:
 - the Principal(s)/Supervisor(s) of the parties involved in the complaint, and they will:
 - define objectives and procedures to follow in the investigation;
 - interview the complainant and make detailed notes;
 - interview the respondent and make detailed notes;
 - interview any witnesses and make detailed notes;
 - allow representation at the interview(s) (e.g., union representative, lawyer, friend, parent(s)/guardian(s), counsellor, etc.);
 - follow the rules of natural justice, exercise fairness, sensitivity and objectivity in the investigation or fact-finding process;
 - make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action and provide recommendations or resolution or action to be taken where appropriate to the Superintendent.

The team may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- d) The Superintendent will be privy to all documents from the investigation, may undertake any subsequent investigation he/she believes is relevant, and may conduct a hearing with the individuals involved at his/her discretion. In the event a hearing is not called by the Superintendent, either the complainant or the respondent has the right to request a hearing with the Superintendent. Such request for a hearing must be requested in writing within ten (10) working days of receipt of a decision on the complaint. The Superintendent will conduct said hearing within fifteen (15) working days of the request. The Superintendent shall respond to the appellant on the findings of the hearing within ten (10) working days of conducting the hearing.



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- e) The Superintendent shall respond in writing to the complainant and respondent indicating the investigative team's recommendation and stating the decision of the Superintendent on any disciplinary action to be taken and/or any action to be taken by the complainant or respondent.
- f) The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion, and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appeal.

IV VISITORS, VOLUNTEERS, PARENTS/GUARDIANS

1) Visitor, Volunteer, or Parent/Guardian Initiated Complaint

When a harassment complaint is initiated by a visitor, volunteer, or parent, the procedures as they apply to staff and students shall be followed as outlined in Section II and Section III.

2) A Complaint About A Visitor, Volunteer, or Parent

- a. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.
- b. The complainant should document any or all incidents of harassment and identify:
 - the respondent's name,
 - date, time and location of the incident,
 - a brief description of the incident,
 - names of witnesses to the incident,
 - any action taken by the complainant in response to the incident.

Harassment Documentation and Complaint Forms will be available from the main office, in schools or from the Division Administration Office.

This documentation should continue on an ongoing basis if the unwanted behaviour continues.



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- c. If the harassment continues or if the complainant chooses, the complainant should report the incident to a trusted, responsible individual in a position of authority. (Example: Principal, Vice-Principal, Superintendent, Union Representative)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the individual they contact.

- d. The individual in authority should refer the issue to the School Principal who shall notify the respondent of the complaint and attempt to achieve a resolution to the problem through counseling and mediation. Involvement and consultation from the Superintendent may be requested at this point. A written report outlining the complaint and/or recommended action and resolution will be forward to the Superintendent for review.
- e. In the event action is recommended, the Superintendent shall review the issue and shall respond in writing to the complainant and respondent indicating the investigative team's recommendation and stating any action to be taken by the complainant or respondent.
Whether the complaint is found to be valid or unfounded, a record of the decision, any action taken, and all written documentation of complaint shall be maintained in confidence by the Superintendent.
- f. The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees within ten (10) working days of the decision. The Board of Trustees will be privy to all documents from the complaint and the investigation, may hold a hearing with those involved at its discretion, and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within fifteen (15) working days of receipt of the appeal.



V GUIDELINES FOR THE INVESTIGATION OF HARASSMENT COMPLAINTS

The Guidelines herein, deal primarily with the formal resolution process for complaints. The informal process should follow a parallel process but may not involve an investigative team.

The foregoing procedures provide for both formal and informal resolutions of harassment complaints. An investigation must occur when a complaint is made. The investigation will be completed by the individuals identified in the procedures. The following provides a reference to guide individuals designated to investigate harassment complaints.

The purposes of the guidelines are:

- a)** to provide a common process for all harassment complaint investigations and to ensure consistency, equity and accountability in the process;
- b)** to assist investigators to complete the investigation in a timely and efficient manner;
- c)** to ensure investigators obtain the essential information required to make a recommendation on disposition of the complaint.

1) GENERAL GUIDELINES FOR FORMAL RESOLUTION: DUTIES OF THE INVESTIGATING TEAM

- a)** Ensure a written and signed account of the harassment incidents as identified by the complaint is evident (refer to Harassment Documentation and Complaint Form for information that should be available in the report).
- b)** Have a pre-investigative meeting to review the complaint and the procedure to be followed.
- c)** Notify the respondent of the complaint and the investigative procedure to be followed. (Reference the appropriate section(s) of the procedures.)
- d)** Notify the parent(s)/guardian(s) of complainant/respondent or witnesses, if appropriate, of the complaint and the role of their child in the complaint and/or investigation.
- e)** Advise individuals to be interviewed of their right to have a third party present during their interview (at the discretion of the individual being interviewed).



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- f) Arrange interview of all parties involved in the following order:
 - i Complainant
 - ii Respondent
 - iii Witnesses identified by the complainant
 - iv Witness identified by the respondent (if different from those identified by the complainant)
- g) Conduct interviews in a private location (refer to Interview Guidelines-Harassment Complaint below) and record objective notes.
- h) Discuss information obtained in the interviews, seek consultation as required, and provide a written report on findings and recommended action to be taken.

2) INTERVIEW GUIDELINES – HARASSMENT COMPLAINT

- a) Ensure the representation of the investigators at the interviews considers gender, race, and ethnicity where such factors may be a potential issue within the complaint.
- b) Establish prior to the interviews by the investigators a preliminary set of questions to be asked of each party interviewed (refer to Interview Format – Harassment Complaint below).
- c) Arrange by the coordinator of the investigation a private meeting room to conduct the interviews.
- d) Identify that the information obtained via the interviews will remain confidential to the investigative team and administrators involved in the harassment complaint procedure and ask that the individual being interviewed maintain this confidentiality by not discussing the interview or situation with others.
- e) Identify that written notes will be taken during the interview to ensure that the accuracy of the investigation is maintained. Keep accurate detailed notes which identify the individuals interviewed, dates, times and places and who was present. Record direct quotes whenever possible. Don't provide comment on your thoughts or editorialize (e.g., I don't believe her; he is overly sensitive, etc.).



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- f) Remain objective and neutral and do not speculate on the outcome of the situation with individuals being interviewed.

3) INTERVIEW FORMAT – HARASSMENT COMPLAINT

Introduce the investigative team if appropriate and review the intent of the interview as investigative and fact-finding.

On _____, it has been reported, an incident occurred between _____ and _____

_____ and that you were a witness or a party to that incident. Could you please discuss your recollection of the events that occurred during that incident?

- Ask the individual to recount the incident in his/her own words and clarify/question to ensure the following questions are answered:
 - a) Who was involved in the incident?
 - i) as an active participant
 - ii) as a witness
 - b) Where did the incident occur? (time, place, date)
 - c) Were there any significant events that led up to the incident or followed the incident?
 - d) Are you familiar with any similar incidents that have occurred involving these individuals?
 - e) How did this incident make you feel or affect you?

4) INVESTIGATION DOCUMENTATION GUIDELINES – HARASSMENT COMPLAINT

- a) Document in ink.
- b) Document what is said, not what is inferred. Record direct quotes of what was said by the complainant and the respondent during the incident. Clarify what is being said frequently and review with the interviewer what has been recorded. Don't try to transcribe the interview word for word.
- c) Identify the complainant and the respondent by initials only.



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- d)** Be sure notes reflect specific details of the incident including:
 - What happened.
 - How often it occurred.
 - Where the incident(s) took place.
 - How close the parties were to each other (both physical proximity and relationship.)
 - What the respondents said (exact quotes).
 - List of witnesses. Ensure accurate spelling of names.

- e)** At the end of each interview the team should discuss the interview and ensure an accurate representation of the interview is recorded. This record should include items of fact, points of common understanding and differences in interpretation.

- f)** Date and sign your notes and list all parties present during the interview.

5) FINAL DOCUMENTATION :

The team shall be responsible for preparing a final report including:

- a)** The allegations noting complainant and respondent.

- b)** A list of witnesses.

- c)** A list of all individuals and their representatives at the interviews.

- d)**
 - i) All original interview notes.
 - ii) The original complaint form as filed by the complainant.

- e)** The findings of the team.

- f)** The recommended action to be taken.

Final documentation of the team shall be filed with the Superintendent for consideration and response.



APPENDIX
MEDIATION PROCESS GUIDELINES

- Upon receipt of a complaint by the individual in a position of authority, the offending party shall be notified as soon as possible of the nature of the complaint and advised to contact:
 - For students.....contact parents/guardians
 - For Teachers.....contact MTS
 - For other staff.....contact CUPE.
- Notify the Superintendent.
- Complainant(s) should fill out the Complaint Form (AF-E).
- A copy of the written complaint is to be provided to the alleged harasser, who will be given an opportunity to respond within 3 days of receiving the written complaint. If both parties agree to mediation, then the following guidelines should be considered.
- There should be a brief recess of no more than 3 days to give the offending party time to read the concerns, contact advisors, make personal notes, and to collect his/her thoughts to recall events associated with the complaints.
- A meeting is to be held where the school team (Principal, Counsellor, and possibly Psychologist), complainant(s) and alleged perpetrator attend.
 1. Room should be set up in mediation format (not tables but chairs facing each other or in a circle, offended parties separated from offender).
 2. Chairperson -
 - a) Prepares an agenda to include: Welcome and reassurance of the seriousness of the incident and the appropriateness of the actions taken by the complainant(s) and the school team.
 - b) Summarizes the complaints to date.
 3. Reply by the accused to the concerns.
 4. Each complainant be given ample opportunity to respond (be sure to ask, "Is there more?" at least two or three times).
 5. Encourage the offended party to address the offending party directly (if able).
 6. Chair summarizes complaints and asks for further input from each complainant again.
 - At this time possible solutions are solicited from each side.
 7. Chair summarizes solutions.
 8. Chair asks for consensus.
 9. Agreement is reached for a schedule for the rest of the day for both parties (this may include going home, time out of class, etc.).
 10. Principal outlines the contents of a letter or follow up procedures to be communicated to the homes of students and invites open contact about further concerns. Principal also reassures complainants that absolutely no repercussions will be tolerated.
 11. Adjournment -separation of complainants from the offending party.
 12. Debriefing -both parties should have an opportunity to be debriefed by someone of their choice.
- Follow up:
 1. Letter home to parents/guardians.
 2. Letter to offending party.
 3. Letter to the Superintendent.
 4. Make arrangements for monitoring the situation (check with the students in a few days and then on a regular basis).