

## **Administrative Procedure 311**

# **HARASSMENT AND SEXUAL HARASSMENT (STUDENTS)**

### **Background:**

The Division believes that every student has the right to attend school and school related activities free from harassment and sexual harassment. The Division does not condone harassment or sexual harassment of any kind and expects its teachers, employees, students and any other individuals on school premises or at school sponsored events not to participate in or to condone such behaviour.

Neither harassment nor sexual harassment will be tolerated within the Division. Any student found to have engaged in conduct constituting harassment or sexual harassment will be subject to disciplinary action up to and including expulsion.

The Division has established this harassment and sexual harassment procedure for the following reasons:

- every student is responsible for being sensitive to the impact as well as the intent of his or her actions,
- students, teachers, and others who work in the school have the right to protection from all forms of harassment.
- victims of harassment must have avenues of recourse available to them without fear of reprisal, and
- all students who commit acts of harassment should be liable to disciplinary action, up to, and including, expulsion.

This procedure is designed to:

- increase student awareness of the issues,
- encourage complainants to report all incidents.

The Division has, as one of its basic values, "RESPECT". As such, the Division expects all members of the school community to be respectful and considerate of the feelings of others in the school setting. Although the definition of harassment in this administrative procedure is limited to the specific categories listed, the Division expects that, on an individual level, "respect" will be the hallmark of relationships. No one in the school

setting or at a school-sponsored event is to be subject to any course of vexatious comments or conduct that is known, or ought reasonably to be known, to be unwelcome or that demeans, belittles or offends his or her dignity.

Students or others in the school setting or at school-sponsored events, who feel that respect is not reflected in their dealings with someone in these contexts, are to discuss their concerns with the individual, and, if the concerns are not addressed satisfactorily, report the matter to the Principal, or, if necessary, to the designated Assistant Director. Such complaints will be investigated and dealt with as administrative or supervisory issues as opposed to being addressed under the provisions of this procedure.

### **Definitions:**

Harassment is any persistent, repeated, objectionable conduct, comment or display by a person that:

- Is directed at an individual,
- Is made on the basis of race, creed, religion, colour, sex (including pregnancy), sexual orientation, marital status, family status, physical size or weight, age, nationality, disability, receipt of public assistance, ancestry or place of origin; and,
- Constitutes a threat to the health or safety of the individual or his/her emotional wellbeing.

Sexual harassment is any sexually oriented practice that:

- Creates an offensive environment or interferes with learning, or
- Indication by a person in a position of authority that sexual favours are a condition of advancement,
- Physical assault such as deliberate touching, grabbing, pushing or unsolicited physical contact including leaning over, pinching or patting,
- Repeated and unwanted sexual comments, suggestions which are found objectionable or offensive and cause discomfort,
- Persistent propositions, invitations or uninvited pressure for dates,
- Gender based insults and taunting,
- Display of suggestive pictures or other material,
- Uninvited letters, telephone calls or other communications, or
- Leering or whistling

## **Procedures:**

### 1. Prevention:

The Division recognizes the importance of the prevention of harassment and sexual harassment and is committed to:

- 1.1. Clarify its objectives with respect to harassment and sexual harassment through communication and consistent application of this procedure, and support specific programs of education and awareness on harassment and sexual harassment.
- 1.2. Each Principal shall develop and implement a plan to raise staff and student awareness of harassment and its prevention. Such plans need to be reviewed annually.

### 2. Rules Concerning Harassment and Sexual Harassment:

No student shall harass in any way any student, teacher, or staff member, or any other person while on school premises or while at school sponsored activities.

#### 2.1. Harassment by a Student – Reporting

- 2.1.1. Any person who has been harassed by a student is advised to immediately tell the harasser to stop.
- 2.1.2. If a student knows or suspects harassment is happening to a fellow student the student is encouraged to:
  - 2.1.2.1. Support the fellow student, and
  - 2.1.2.2. Encourage the fellow student to report the harassment as soon as possible to the appropriate authorities.
- 2.1.3. If a student cannot confront the harasser, or if the harassment continues, the student is advised to report promptly the incident to any one of the following persons:
  - 2.1.3.1. A teacher,
  - 2.1.3.2. A school counselor, or
  - 2.1.3.3. The Principal.
- 2.1.4. If a staff member has been harassed by a student and if the staff member cannot confront the harasser or if the harassment

continues, the staff member shall promptly report the incident to the Principal.

3. Investigation:

3.1. The person to whom a complaint of harassment is made shall:

3.1.1. Speak directly with the alleged harasser and attempt to resolve the situation in an informal manner, or

3.1.2. Advise the Principal.

3.2. The Principal shall:

3.2.1. Attempt to resolve the situation in an informal manner, or

3.2.2. If the matter is more serious or if it cannot be resolved in an informal manner:

3.2.2.1. Notify the parents or guardians of the complainant,

3.2.2.2. Notify the parents or guardians of the alleged harasser, and

3.2.2.3. Investigate and prepare a formal report on the complaint.

3.3. The formal report prepared by the Principal shall be based on the following information:

3.3.1. A statement from the complainant indicating:

3.3.1.1. Where and when the incident occurred,

3.3.1.2. What exactly was said and done,

3.3.1.3. Whether there were any witnesses,

3.3.1.4. Any other details of the situation.

3.3.2. A statement from the alleged harasser

3.3.3. Statements from any witnesses, and

3.3.4. Any other information the Principal believes to be relevant.

4. Disciplinary Action:

4.1. If a student has violated the provisions of this administrative procedure, appropriate disciplinary action will be taken, up to and including expulsion.

4.2. Factors to be considered in determining the severity of the disciplinary action may include, but are not limited to:

4.2.1. The severity of the harassment,

4.2.2. The persistence of the harassment, and

- 4.2.3. Whether or not the harasser displays co-operation and willingness to change.
      - 4.3. If retaliation has occurred the disciplinary action will be more severe than if retaliation had not occurred.
      - 4.4. If a transfer is an outcome of the incident, the harasser will be transferred, not the complainant.
    5. Records of Complaints:
      - 5.1. Any person to whom alleged harassment is reported, and which is resolved in an informal manner, shall make a written note summarizing the complaint and its resolution. The note will be kept in a confidential, secured file, at the school, for a period of three years. If by that time no further harassment by that student has been reported, the note shall be destroyed.
      - 5.2. The Principal shall provide the Director with a copy of any formal report prepared as a result of an investigation and shall indicate the steps taken to resolve the complaint.
      - 5.3. All formal records relating to any complaint or investigation shall be kept on file for five years in a secured confidential file in the Division Office.
    6. Harassment by a Person Other than a Student:
      - 6.1. Reporting:
        - 6.1.1. If a student has been harassed in a school or school sponsored setting by someone other than a student the student is advised to report the harassment to one of the following persons as soon as possible:
          - 6.1.1.1. A teacher,
          - 6.1.1.2. A school counselor,
          - 6.1.1.3. The Principal, or
          - 6.1.1.4. The Director
      - 6.2. Investigation:
        - 6.2.1. The Director or designate shall:
          - 6.2.1.1. Notify the parents or guardians of the student of the incident,

- 6.2.1.2. Request the student to make a formal complaint which is to be as detailed as possible and should include the following information:
  - 6.2.1.2.1. Where and when the incident occurred,
  - 6.2.1.2.2. What exactly was said and done,
  - 6.2.1.2.3. Whether there were any witnesses,
  - 6.2.1.2.4. Any other details of the situation
- 6.2.1.3. Assist the student in making the formal complaint and shall, if necessary, put the complaint into writing for the student, and
- 6.2.1.4. Investigate the complaint; provided, however, that in the event the Director is the subject of the complaint, the Board shall appoint another person to be in charge of the investigation.
- 6.2.2. The person who investigates the complaint shall:
  - 6.2.2.1. Notify the alleged harasser of the complaint and provide the alleged harasser with information concerning the circumstances of the complaint, including a copy of the written complaint,
  - 6.2.2.2. Request the alleged harasser to respond in writing to the complaint
  - 6.2.2.3. Interview the complainant, the alleged harasser, and any other persons who may have knowledge of the conduct complained of,
  - 6.2.2.4. Make a written report of the complaint and the results of the investigation of the complaint to the Director, and
  - 6.2.2.5. Inform the student, the parents of the student and the alleged harasser of the results of the investigation in writing.
- 6.2.3. At any stage of the investigation the complainant and the alleged harasser may choose to be accompanied by a parent, friend, or other person of his/her choice.

6.2.4. Either party may, after receiving the results of the investigation, make a further submission in writing and such written submission shall be placed in the file.

6.2.5. All records relating to the complaint and investigation shall be kept on file for five years in a secured confidential file in the Division Office.

7. Disciplinary Action:

7.1. If a teacher or other employee violates the provisions of this administrative procedure, appropriate disciplinary action will be taken, from verbal reprimands up to and including termination of employment.

7.2. Factors to be included in determining the severity of the disciplinary action may include, but are not limited to:

7.2.1. The severity of the harassment,

7.2.2. The persistence of the harassment, and

7.2.3. Whether or not the harasser displays co-operation and willingness to change.

7.3. If a transfer is an outcome of the case, the harasser will be transferred, not the complainant.

7.4. If the harassment has been committed by a person who is not a student, teacher or other employee of the Division, the Director shall take whatever steps may be appropriate in the circumstances, up to and including banning the harasser from school premises and school activities.

8. Other Proceedings:

8.1. Nothing in this administrative procedure shall be construed as preventing a student or the parents or guardians of a student from dealing with an incident of harassment or sexual harassment by:

8.1.1. Filing a complaint under The Saskatchewan or Alberta Human Rights Code or any other applicable legislation, or

8.1.2. Reporting the incident to the police or other authorities if the circumstances so warrant.

8.2. If harassment of school employees by a student or his/her family occurs outside of the school context but is apparently based on the employment

situation, the employee is encouraged to report the matter to his/her Principal who may choose to endeavour to moderate the situation.

9. Confidentiality:

9.1. Receipt of a complaint will be held in strict confidence and information regarding a complaint will be communicated only to those persons who require knowledge of the information for the purposes of investigation or the imposition of discipline.

10. Complaints Made in Good Faith

Where harassment has not been substantiated, no action will be taken against a student who has made a complaint in good faith.

If, upon investigating, the Division should find that false accusations of harassment or sexual harassment were made knowingly and with malice, the Division may impose upon the offender disciplinary action up to and including expulsion.

**Reference:**

Section 85, 87, 108, 109, 150, 151, 152, 153, 154, 155, 175, 231 Education Act

**Revised:**

June 2009

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