

# DISCRIMINATION AND HARASSMENT

## Background

The Division is dedicated to fostering and maintaining a learning and working environment that is free from discrimination and harassment for all individuals. Any behavior that constitutes discrimination or harassment is strictly prohibited and will not be tolerated under any circumstances.

As part of its commitment to human rights, the Division aligns with the principles outlined by the *Alberta Human Rights Commission* and the *Alberta Occupational Health and Safety Act*. This includes a zero-tolerance approach to actions that contravene these standards.

The Division is also committed to ensuring that all reported incidents of discrimination and harassment are investigated promptly and thoroughly, with a focus on fairness, confidentiality, and compliance with relevant legislation.

Staff members or students found to engage in discriminatory or harassing behavior will be subject to appropriate disciplinary actions. These may include dismissal from employment, suspension, or expulsion from school, depending on the severity of the offense.

## Definitions

### *Complainant:*

An individual who files a complaint regarding prohibited behavior.

### *Conciliation:*

Is a voluntary process in which a professional facilitator assists employers and employees to resolve disputes when other efforts have not succeeded. The process can be described as a facilitated search for agreement between disputing parties.

### *Discrimination:*

Adverse treatment based on protected grounds such as race, religious beliefs, color, gender, physical disability, sexual orientation, mental disability, marital status, age, ancestry, place of origin, family status, or source of income. Discrimination denies individual rights and freedoms and contravenes the ***Canadian Charter of Rights and Freedoms***, the ***Alberta Human Rights Act***, or this Administrative Procedure. It may occur through direct or indirect actions, including improper actions taken against, or failure to act on behalf of, any student or staff member.

### *Formal Complaint:*

A documented complaint requiring a written statement filed with an appropriate person in authority, typically within one (1) year of the incident.

*Hostile or Poisonous Environment:*

A learning or working environment where the actions of one or more individuals create an atmosphere that adversely affects others' ability to work or learn effectively. Creating this environment is considered harassment, even if the actions are not directed at a specific individual.

*Informal Complaint:*

A verbal or informal written complaint made to a person in authority who acts to resolve the issue, potentially by intervening on behalf of the complainant.

*Investigator:*

An individual designated by the Superintendent of Schools to handle formal complaints as outlined in this Administrative Procedure.

*Learning and Working Environment:*

Includes the immediate school or Division worksite and extends to:

- Playgrounds
- School buses
- School or work-related social activities
- Work or school-related travel and field trips
- Activities such as field placements or cooperative educational work terms
- Use of electronic or digital media, including phones, email, and internet communications at any time.

*Mediation:*

A voluntary process where a neutral third party facilitates communication between the complainant and respondent to resolve the issue amicably.

*Person in Authority:*

An individual with a supervisory role within the Division, such as a supervisor, principal, or administrator. For students, this includes teachers and other employees to whom they are accountable.

*Personal Harassment:*

Unwelcome behavior, conduct, or communication, intentional or unintentional, that is offensive and based on protected grounds under the **Alberta Human Rights Act**, including race, religion, gender, age, disability, marital status, family status, sexual orientation, gender identity, or gender expression. Examples include threats, intimidation, ostracism, offensive gestures or remarks, and behavior that fosters a hostile environment.

The standard for determining harassment is whether a reasonable person would know the behavior to be unwelcome or inappropriate. Harassment can involve a single incident or a series of incidents and may include abuse of authority or inappropriate conduct among co-workers. Exercising supervisory authority appropriately is not considered harassment.

*Prohibited Behavior:*

Includes discrimination, personal harassment, sexual harassment and creating a hostile or poisonous environment.

***Protected Grounds:***

Characteristics explicitly protected under the ***Alberta Human Rights Act***, including but not limited to race, religion, color, gender, gender identity or expression, age, disability, marital status, family status, sexual orientation, and ancestry.

***Reasonable Accommodation:***

Adjustments or modifications provided to ensure individuals are not disadvantaged due to protected grounds under the ***Alberta Human Rights Act***, such as flexible work arrangements or accessibility measures.

***Respondent:***

The individual alleged by the complainant to have committed prohibited behavior.

***Retaliation:***

Any adverse action taken against an individual for reporting harassment or discrimination, participating in an investigation, or exercising their rights under this policy or applicable legislation. Retaliation is prohibited and subject to disciplinary action.

***Sexual Harassment:***

Unwelcome behavior of a sexual nature, including unwanted sexual advances, requests for sexual acts, or verbal or physical conduct that:

- Undermines personal dignity by causing embarrassment, discomfort, or offense
- Creates an intimidating or hostile work or learning environment
- Makes submission to such conduct a condition of employment or educational services
- Affects decisions regarding employment, promotion, salary, grades, or other opportunities

Sexual harassment includes actions such as unwanted touching, leering, sexist jokes, displaying sexually suggestive materials, degrading comments, or unwelcome sexual inquiries. Intent is not required; it is sufficient that the offender knows or ought reasonably to know that the behavior is offensive and unwelcome.

***Supervisor:***

An individual with the authority to direct and oversee the work or conduct of employees, responsible for maintaining a harassment-free environment.

***Support Resources***

Resources available to individuals affected by harassment or discrimination, including counseling, employee assistance programs (EAPs), or external support services like the Alberta Human Rights Commission.

***Third-Party Harassment:***

Harassment involving individuals not directly employed or enrolled by the Division, such as contractors, visitors, or volunteers.

***Workplace Violence:***

Any act or threat of physical violence, harassment, intimidation, or other disruptive behavior occurring at the workplace. This includes physical acts (e.g., hitting, shoving), verbal threats, or any behavior that creates fear for personal safety.

## **Procedures**

### **1. General**

- 1.1. These procedures apply to cases of discrimination, personal harassment, and sexual harassment between and among staff members, or by staff members toward students. Discrimination and harassment incidents by or among students shall be dealt with pursuant to Administrative Procedure 350 – Student Conduct, Administrative Procedure 352 – Student Harassment and Bullying, and Administrative Procedure 355 – Student Discipline.
- 1.2. Complainants, respondents and persons in authority who are involved in complaint resolution processes shall be provided with information regarding:
  - 1.2.1. Administrative Procedure 170 – Discrimination and Harassment;
  - 1.2.2. Any counselling, support, sick leave benefits, and advisor services available to employees;
  - 1.2.3. The right of the complainant and the respondent to be accompanied by a union or association representative or another individual;
  - 1.2.4. The right of the complainant to withdraw the complaint at any stage in the process.
- 1.3. Both the complainant and respondent have the right to seek representation from a union or professional organization, or another individual at no cost to the Division.

### **2. Responsibilities and Expectations**

#### **2.1. Superintendent and Division Leadership Responsibilities**

- 2.1.1. The Superintendent delegates to supervisory staff the responsibility to ensure, as far as reasonably practicable, that no employee is subjected to or participates in harassment or violence at any Division worksite.
- 2.1.2. The Division must provide employees with training on:
  - Recognizing harassment and violence;
  - Understanding the Division's policies, procedures, and workplace arrangements for addressing these issues;
  - Responding appropriately to incidents, including how to obtain assistance; and
  - Reporting, investigating, and documenting incidents of harassment and violence.

#### **2.2. Supervisory Staff Responsibilities**

Supervisors are responsible for ensuring, as far as reasonably practicable, that employees under their supervision are not subjected to or involved in harassment or violence at any Division worksite.

### 2.3. Employee Responsibilities

All employees must:

- Refrain from causing or participating in harassment or violence;
- Promptly report any incidents of harassment or violence they experience or witness to the Division; and,
- Cooperate fully with investigations and resolution processes.

## 3. Reporting Harassment or Violence

### 3.1. Internal Reporting Process

Employees who experience or witness harassment or violence must report it promptly to their supervisor or another designated authority within the Division.

### 3.2. Informal Complaint Option

Employees may make an informal complaint by:

3.2.1. Discussing the issue with a person in authority, who will provide options for resolution, including but not limited to:

- Direct communication with the respondent,
- Mediation facilitated by a person in authority, or
- Filing a formal complaint.

3.2.2. Filing a grievance through their union, if applicable, following the procedures outlined in the collective agreement.

3.2.3. Informal complaints are typically resolved at the level of the person in authority. However, the Superintendent must be notified if an informal complaint highlights systemic workplace issues, multiple incidents, a pattern that indicates a larger organizational problem, health or safety risks, or escalates to a formal complaint.

### 3.3. Formal Complaint Option

3.3.1. A formal complaint must be filed in writing with the Superintendent or designate, typically within one (1) year of the incident.

3.3.2. The Superintendent or designate will notify the respondent and relevant supervisors and assign an investigator to handle the complaint.

### 3.4. External Reporting Options

Complainants may also choose to report incidents externally to:

- The Alberta Human Rights Commission for discriminatory harassment (within one (1) year of the incident);
- Alberta Occupational Health and Safety for workplace harassment or violence; or
- The police for criminal matters such as assault or threats.

## 4. Investigation Process

### 4.1. Conducting the Investigation

4.1.1. The investigator will collect a written statement or conduct an interview with the complainant.

4.1.2. The investigator will interview the respondent and any relevant witnesses and gather necessary materials.

4.2. Investigation Timelines

4.2.1. A report of findings must be submitted to the Superintendent or designate within thirty (30) days of the formal complaint filing, unless an extension is granted.

4.3. Sharing Findings

A summary of the report or key findings may be shared with the complainant and respondent, subject to the privacy provisions under the ***Protection of Privacy Act (POPA)***.

5. **Mediation and Resolution**

5.1. Mediation Option

At any stage of the process, mediation may be pursued if both parties agree. Mediation allows the complainant and respondent to engage in facilitated dialogue to resolve the issue.

5.2. Resolution Through Conciliation

Conciliation efforts, led by a professional facilitator, may also be undertaken before proceeding to formal investigation.

6. **Confidentiality and Privacy**

6.1. Commitment to Confidentiality

The Division recognizes the sensitive nature of harassment and violence complaints and will maintain confidentiality throughout the process.

6.2. Disclosure of Information

Information about the complaint, including the identities of the parties, will only be disclosed as necessary for investigation or as required under POPA.

6.3. Anonymity of the Complainant

The identity of the complainant will not be disclosed or confirmed to the respondent without the complainant's explicit permission. While this choice may limit the response actions, it is the complainant's right to decide, as supported by Alberta Occupational Health and Safety regulations.

7. **Consequences of Prohibited Behavior**

7.1. Sanctions for Prohibited Behavior

If harassment or violence is substantiated, the Superintendent or designate may impose disciplinary actions, which may include:

- A written apology,
- A written reprimand,

- Referral to counseling,
- Transfer,
- Withholding of promotion,
- Demotion,
- Suspension or termination (for employees), or
- Suspension or expulsion (for students).

#### 7.2. Severe or Repeat Offenses

Serious or repeated offenses may result in dismissal or expulsion.

#### 7.3. Consequences for False Allegations

If it is determined that a complaint was made with malicious intent or knowingly false information, the complainant may be subject to disciplinary action.

### 8. Retaliation

#### 8.1. Prohibition Against Retaliation

The Division strictly prohibits retaliatory actions against individuals who report harassment or violence or participate in investigations.

#### 8.2. Consequences of Retaliation

Confirmed acts of retaliation will result in disciplinary measures, up to and including dismissal or expulsion.

### 9. Complaints Against the Superintendent

#### 9.1. Special Process for Complaints

9.1.1. Complaints against the Superintendent must be filed in writing with the Board Chair.

9.1.2. The Board Chair, in consultation with legal counsel, will determine the appropriate process for addressing the complaint.

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