

School District #62 (Sooke)

PERSONAL HARASSMENT	No.: E-154
	Effective: Oct. 26/93 Revised: Apr. 11/95; Sept 13/05; Mar. 28/06; May 24/16 Reviewed: Feb. 16/16; Apr. 18/16

SCHOOL BOARD POLICY

The Board recognizes the right of all employees to work in an environment free of harassment. The Board accepts its responsibility to promote, monitor and maintain a workplace environment free of personal harassment.

The Board expects the relations between employees and all those they come in contact with to be free from-behaviour that can be identified as being personally harassing in nature. The employer considers harassment in any form to be unacceptable and will not tolerate its occurrence. Proven harassers shall be subject to discipline and/or corrective actions. Such actions may include counselling, courses that develop an awareness of harassment, verbal warning, written warning, transfer, suspension or dismissal.

No employee shall be subject to reprisal, threat of reprisal or discipline as the result of filing a complaint of harassment which the complainant reasonably believes to be valid. Complaints that are proven to be frivolous or vexatious shall be considered as to whether they constitute harassment.

In cases where a complainant is covered by a collective agreement which includes a provision for addressing personal harassment, that language shall supersede this.

Definition:

Personal Harassment shall be defined as any remarks, behaviour or communication which are known, or ought reasonably to be known, to be unwelcome, cause offence or humiliation to any person and where:

1. submission to the conduct is made explicitly or implicitly a term or condition of employment or the learning environment; or
2. submission to or rejection of the conduct is used as a basis for employment or educational decisions; or
3. the conduct has the purpose or effect of interfering with work or educational performance; or
4. the conduct creates an intimidating, hostile or offensive educational or working environment; or
5. the behaviour that is determined to be harassment has a detrimental effect at the workplace/school on the target of the harassing behaviour.

A link between the workplace/school must be established.

Single acts of sufficient severity may constitute harassment.

The Sooke School Board prefers not to use the term “bullying”, because there is not currently a definition for this term in law. However, the Occupational Health and Safety (OHS) regulation issued by WorkSafeBC in 2013 define bullying and harassment as a single term. Therefore, for the purposes of this policy, Personal Harassment and Bullying, shall also be defined as follows:

Personal Harassment and Bullying includes:

- any improper behaviour that is directed at or offensive to another person, is unwelcome, and which the person knows or ought to reasonably know would cause that employee to be humiliated or offended or intimidated,
- objectionable conduct, comment or materials or display that demeans, belittles, intimidates, or humiliates another person,
- the exercise of power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate, and
- such misuses of power or authority as intimidation, threats, coercion and blackmail.

Personal Harassment and Bullying excludes:

- the legitimate exercise of management rights and any reasonable action taken by the district or a supervisor relating to the management and direction of employees or the place of employment, including:
 - job duties and work to be performed,
 - workloads and deadlines,
 - supervisory decisions involving work direction,
 - layoffs, transfers, promotions, and reorganizations,
 - work instruction, supervision, or feedback,
 - performance evaluation/management,
 - discipline, suspensions, or terminations.
- the reasonable exercise of parent and student rights in bringing forward concerns about the treatment of students by employees, when done in a respectful manner.
- interpersonal conflicts or interpersonal relations, unless they involve personal harassment.

All complaints are very serious matters. In the event that the Board determines that a complaint was filed for malicious or vexatious reasons, the Board will take disciplinary action.

The above definitions are not intended to inhibit interactions or relationships based on mutual consent or normal social contact between employees nor to prevent the routine exercise of the Board’s managerial and/or supervisory rights and responsibilities.

All complaints must be made within six months of the last alleged incident. This policy does not prevent an individual from pursuing action through alternate resolution procedures including legal action; however there is no entitlement to duplication of process. This means that:

- No action will proceed under this policy if the complaint has already been dealt with through some other process. (Human Rights, Collective Agreement or WorkSafeBC)

- If a complainant makes a complaint under this policy and also pursues the complaint through some other process, proceedings conducted under this policy may be adjourned or terminated as appropriate.

The complaint with specific details of the actions perceived to be harassment or bullying is to be reported to the supervisor or administrator. If that report involves above supervisor/administrator, it is to be made to the Superintendent or Executive Director of Human Resources.

The reporting process and annual review process are outlined in the administrative procedures E-154.

Other legislation:

Other legislation, policies and contracts must be considered in conjunction with this policy:

- For school district employees, this policy does not supersede any provision of an applicable Collective Agreement.
- For school students this policy does not supersede any provision of The *School Act*, the Ministry of Education's Teacher Regulation Branch, the *Child, Family and Community Services Act* and the District's Collective Agreements.
- This policy is not intended to address incidents of discrimination under the *BC Human Rights Code*.