

Administrative
Regulation No.
4038

Classification:
Staff

Effective Date:
June 24, 2015

Harassment, Sexual Harassment and Discrimination

1 | Purpose

The purpose of this Administrative Regulation is:

- to ensure that employees understand that acts of harassment, sexual harassment and discrimination are unacceptable and will not be tolerated.
- to identify the processes and accountabilities for reporting and investigating incidents of harassment, sexual harassment and discrimination.

2 | Scope

This Administrative Regulation applies to:

- All CBE employees, volunteers and visitors to CBE sites

3 | Compliance

All individuals mentioned in Section 2 are responsible for knowing, understanding and complying with this Administrative Regulation.

Failure to comply may result in disciplinary action up to and including termination of employment or exclusion from the school, work site or organization.

4 | Principles

The following principles apply:

- CBE is committed to a culture of respect and trust in support of student learning.
- CBE supports the prevention of harassment, sexual harassment and discrimination and promotes an abuse free environment in which all people respect one another and work together to achieve common goals.
- Harassment, sexual harassment or discrimination by any employee, parent or volunteer against another employee, parent or volunteer is strictly prohibited and will not be tolerated.
- Investigations regarding incidents will occur in an objective and timely manner.

5 | Definitions.

CBE: means The Calgary Board of Education.

Discrimination: means any type of behavior that includes practices or actions, intentional or otherwise that is exclusionary, denies access or

differentiates adversely and is based on such aspects as: race, religious beliefs, colour, gender, sexual orientation, physical/mental disability, ancestry, place of origin, marital status, family status, source of income or age.

Harassment: means any behavior or pattern of repeated behavior that disparages, humiliates or harms another person, or denies an individual's dignity and respect and is demeaning or humiliating to another person.

Sexual Harassment: means any unwelcome sexual behavior that adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions or prospects for promotions.

6 | Regulation Statement

General

- 1) Employees, parents, volunteers and members of the public must conduct themselves in a manner which promotes and protects the best interests and well-being of students, staff, co-workers, parents, volunteers or visitors.
- 2) No CBE employee shall subject any person to harassment or discrimination.
- 3) Action may be taken against individuals whose conduct has resulted in harassment, sexual harassment or discrimination of students, employees, or representatives of the Calgary Board of Education.
- 4) The legitimate and proper exercise of management's authority or responsibility does not constitute harassment.

Role of Supervisor

- 5) All supervisors are responsible for:
 - a) informing themselves and their employees, volunteers, and visitors of this regulation.
 - b) taking immediate and appropriate action to address harassment, sexual harassment or discrimination, in consultation with Human Resources personnel.

Role of employee

- 6) CBE employees are responsible for:
 - a) complying with this regulation;
 - b) conducting themselves appropriately;
 - c) making the decision to file a harassment, sexual harassment or discrimination complaint;



- d) cooperating with efforts to report, investigate and resolve matters related to harassment, sexual harassment or discrimination issues.

Reporting

- 7) Individuals are encouraged to make their objection known to the offender when they believe they have been the subject of harassment, sexual harassment or discrimination by a Calgary Board of Education employee, student or volunteer.
- 8) Any harassment, sexual harassment or discrimination complaint must be made within one year from the date the last incident occurred.

Resolution

- 9) A harassment, sexual harassment or discrimination complaint may be resolved by any one or all of the following methods:
 - a) informing the respondent that the actions are unwelcome and must stop immediately;
 - b) requesting a colleague, administrator or supervisor to provide informal intervention towards an acceptable resolution of the situation where the complainant is uncomfortable approaching the respondent directly, and
 - c) completion of a formal investigation initiated through a formal complaint.

Informal Resolution

- 10) An informal resolution may take place between the complainant and the alleged offender, directly or with the assistance of a third party.
- 11) If the complaint is not resolved by an informal resolution, the complainant may initiate a formal complaint.

Formal Complaint

- 12) A formal complaint must be submitted, in writing using the current form, to the Superintendent of Human Resources.
- 13) If the complaint is made against the Superintendent of Human Resources, the complainant must submit the complaint in writing to the Chief Superintendent.

Review of allegations

- 14) A review of a formal harassment, sexual harassment or discrimination complaint will be conducted by the Superintendent of Human Resources, to determine if any further investigation is required, unless the complaint is made against the Superintendent of Human Resources.
- 15) The review may include interviewing the complainant, the respondent, and witnesses to the incident or circumstance that led to the complaint.

16) The findings of this review and recommendations for further action must be communicated in writing to the complainant and respondent within 10 working days of receipt of the formal complaint form.

Investigation

17) If an investigation is recommended, the Superintendent of Human Resources, must

a) advise the respondent, in writing, of the nature and specifics of the complaint, of their rights to representation and of the investigation;

b) advise the complainant of the investigation; and

c) assign the investigation to an investigator.

18) The investigator will make a written report with the findings of the investigation to the Superintendent of Human Resources within thirty (30) working days from the date the respondent is advised of the complaint.

19) The Superintendent of Human Resources may extend the time lines depending on the circumstances.

20) The Superintendent of Human Resources must review the report and determine a plan of action within fifteen (15) working days of receiving the report.

21) The Superintendent of Human Resources must advise the complainant and the respondent, in writing, of the outcome of the investigation.

22) Individuals found to be engaging in harassing or discriminatory behaviour may be subject to disciplinary action up to an including termination of employment or exclusion from the school or work site.

**Investigation of
Non-specific
Complaint**

23) In the absence of a specific harassment, sexual harassment or discrimination complaint the Superintendent of Human Resources may recommend an investigation where

a) there is a pattern of inquiries or complaints over time which suggests the existence of a specific problem which has been identified but not corrected;

b) there is reason to believe that a broader, systemic problem exists in the learning and working environment which causes, contributes to or encourages harassment, sexual harassment;

- c) as the result of an investigation, a specific complaint is not supported but there is reasonable evidence that a broader systemic problem exists; or
 - d) in any other circumstances the Superintendent of Human Resources deems it appropriate.
- 24) When an investigation of a non-specific harassment, sexual harassment or discrimination complaint is approved, the Superintendent of Human Resources must:
- a) appoint an investigator, and
 - b) advise the parties
 - i. of the independent investigation,
 - ii. the reason for initiating the investigation,
 - iii. the name of the investigator, and
 - iv. the process and procedures which will be used in the investigation.

Retaliation

- 25) Any retaliation against an individual for
- a) invoking this regulation whether on their own behalf or on behalf of another individual;
 - b) participating or cooperating in any investigation under this regulation; or
 - c) associating with a person who has invoked this regulation or participated in procedures under this regulation;

is strictly prohibited and will be subject to discipline, up to and including termination of employment, or exclusion from school or work site.

- 26) If an individual believes they have experienced retaliation, they must inform their supervisor and/or the assigned investigator about the exact nature of the behavior.
- 27) The supervisor and/or assigned investigator may initiate an investigation into the allegations of retaliation.

False Accusations

- 28) If an investigation determines that a complainant falsely accused another of harassment, sexual harassment or discrimination knowingly or in a malicious or vindictive manner, the complainant may be subject to disciplinary action, up to and including termination of employment.

Confidentiality

- 29) Harassment, sexual harassment or discrimination inquiries or complaints are confidential and may only be disclosed to a CBE

delegated person in accordance with current legislation for the purposes of:

- a) investigating and responding to an inquiry or complaint,
- b) advising the respondent about the complaint and the identity of the complainant,
- c) advising the supervisor of the complaint and the identity of the complainant and respondent, or
- d) disclosing the outcome of the investigation.

30) Any unauthorized disclosure of confidential information relating to a harassment, sexual harassment or discrimination inquiry or complaint may result in disciplinary action.

Employee Personnel File

31) All records of a harassment, sexual harassment, discrimination or retaliation investigation must be kept separate from the respondent employee's personnel file except where the complaint is determined to be substantiated.

32) If the complaint is determined to be substantiated, the record of notice of any disciplinary action will be kept in the respondent's employee personnel file.

Other actions

33) This regulation does not affect an individual's right to file a complaint or to respond to a complaint with the Alberta Human Rights and Citizenship Commission or to seek other redress as may be provided by law, or by an employee's union or association.

7 | History

Approval	January 5, 2000.
Next Review	January 2019.
Revision/Review Dates	May 17, 2004. June 2015

8 | Related Information

- 4002 - Administrator Growth, Supervision and Evaluation, Administrative Regulation
- 4003 - Teacher Growth, Supervision and Evaluation
- 6001 - Student Discipline
- 6024 - Student Records