

Harassment, Sexual Harassment and Discrimination

1 | Purpose

The purpose of this administrative regulation is to:

- Provide clarity and set expectations regarding the Calgary Board of Education's (CBE) commitment to creating and maintaining a safe and caring environment that fosters and maintains respectful and responsible behaviours.
- Ensure that employees understand that acts of Harassment, Workplace Bullying, Sexual Harassment and Discrimination are unacceptable and will not be tolerated.
- Identify clear processes and accountabilities for reporting and investigating incidents of Harassment, Workplace Bullying, Sexual Harassment and Discrimination.
- Support CBE's obligations under the *Occupational Health and Safety Act*, including the maintenance of both psychologically and physically safe workplaces.

2 | Scope

This administrative regulation applies to:

- All CBE employees, volunteers and visitors to CBE sites.

3 | Compliance

All employees 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 creating and maintaining a culture of respect and trust in support of student learning.
- Interpersonal conflict in the workplace and concerns regarding the actions of another CBE employee should be addressed in the most informal and least disruptive manner possible.
- All incidents of Harassment, Workplace Bullying, Sexual Harassment and Discrimination that are experienced or observed should be reported and

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addressed, and appropriate action will be taken in accordance with this administrative regulation.

- Early intervention is important, where feasible, as informal resolution contributes to safe workplaces and helps prevent concerns from escalating.
- CBE supports the prevention of Harassment, Workplace Bullying, 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, Workplace Bullying, Sexual Harassment and 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, taking into consideration the circumstances and complexity of the complaint, external factors (e.g. natural breaks; leaves of absence of either Party) and the need to balance thoroughness and fairness in the process.
- The scope of the investigation and the investigation process will correspond to the severity and complexity of a complaint.
- Confidentiality will be maintained, except where required by law or when necessary, to communicate findings to the Parties or to take appropriate action. All individuals involved or aware of the investigation, including leaders and witnesses, are expected to maintain confidentiality regarding all aspects of the complaint and investigation processes.

5 | Definitions

CBE: means The Calgary Board of Education.

Complainant: means the individual who makes a complaint.

Discrimination: means limiting opportunities, benefits or advantages with respect to access to any term or condition of employment that is available to others under any protected ground identified by the *Alberta Human Rights Act* and/or the *Canadian Charter of Rights and Freedoms*. The behaviour giving rise to a complaint of discrimination may be direct or indirect and need not be intentional in order to be considered discrimination. With reference to employment, the above does not apply to a refusal, limitation, specification or preference based on a bona fide occupational requirement.

Dispute/Conflict resolution processes: are voluntary, collaborative problem-solving alternatives to the complaint process set out in section 7(7) in this regulation whereby individuals can communicate with the assistance of a neutral third party with the aim of identifying mutual interests and resolving a dispute. Examples of alternative approaches may include, but are not limited to, such strategies as face-to-face conversation, facilitated discussion or mediation.

Harassment: is objectionable or unwelcome conduct, comments, bullying, gestures, contact or actions based on race, religious beliefs, colour, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status,

gender, gender identity, gender expression or sexual orientation. The conduct is directed to an employee or group in the workplace within or outside regular work hours, by a person that knows or ought reasonably to know their actions would cause offence, humiliation or adversely affect the health and safety of another person. Harassing behaviour includes actions that occur at work, at any event or location related to work or resulting from work or that may negatively impact working relationships. Harassment normally refers to a series of incidents or repeated behaviour but can be one incident.

Harassment includes, but is not limited to, actions intended to intimidate, threaten, demean/degrade/devalue, ridicule, belittle, embarrass, taunt, coerce or bully another person or group. The actions create fear or mistrust and may be explicit or indirect, or physical, psychological, psychosocial or electronic in nature. Harassment includes a pattern of microaggression, which is a comment or action, often subtle, whether conscious, unconscious or unintended, that demonstrates a prejudiced attitude or bias towards a member of a marginalized group (e.g., expressions of racism, sexism, ageism or ableism; or based on gender, ethnic, cultural or economic assumptions).

Harassment excludes differences of opinion or minor disagreements within the workplace, any reasonable conduct of CBE or a supervisor related to the supervision and performance management of an employee, and a decision or action of a supervisor that results from balanced and informed decision-making.

Informal Resolution: means voluntary, non-adversarial processes to resolve issues without formal disciplinary actions or investigations. Common examples include direct conversations, third-party facilitation, and structured mediation where appropriate. These early interventions aim to support resolution of the concern, repair working relationships and establish professional behavioral expectations moving forward.

Parties: means the people directly involved in each complaint or dispute, most often this is the complainant and the respondent.

Prohibited Behaviour: means discrimination, racism, harassment (including sexual harassment) and/or workplace bullying.

Respect: means to honour and demonstrate consideration for the dignity, rights, feelings, opinions and property of others. Respect means treating others in a way that recognizes their worth and builds trust, relationships, well-being and a sense of safety as the foundation for a healthy work environment.

Respondent: means the individual who is alleged to have engaged in Prohibited Behaviour(s).

Sexual Harassment: is any unwelcome behaviour that is sexual in nature in the workplace or other related professional or social situation. Unwanted sexual advances or requests for sexual acts, and other verbal, physical or electronic/virtual conduct of a sexual nature constitutes sexual harassment when:

- Such conduct undermines another individual's personal dignity by causing embarrassment, discomfort, humiliation or offence.
- Such conduct interferes with an individual's work performance or learning opportunities by creating an intimidating or hostile work or learning environment.

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or of educational services.
- Submission to or rejection of such conduct affects decisions regarding that individual's employment or educational advancement, including but not limited to, such matters as promotion, salary, benefits, job security, employment references, ability to transfer within the CBE or performance rating.

Sexual harassment includes, but is not limited to, such actions as unwanted touching (e.g., pinching, patting, rubbing), leering, sexist or 'dirty' jokes, physical advances, display of sexually suggestive images/materials, derogatory or degrading comments, sexually suggestive gestures and unwelcome propositions, innuendos, demands, advances, comments or inquiries of a sexual nature.

Vexatious (includes Malicious): means a complaint which is:

- a) A misuse or abuse of the reporting process;
- b) Not reasonably purposeful, with no reasonable or appropriate outcome that would resolve the subject matter of the complaint;
- c) Motivated by ill will, hostility, malice, personal animosity, lack of fairness or impartiality, or dishonesty; or
- d) Directed, unreasonable conduct by a person who:
 - i. Attempts to re-open a matter that has been addressed and closed through the applicable process and offers no new relevant information;
 - ii. Is unreasonably persistent in pursuing an allegation which leads to resources being absorbed disproportionately, and causes disruption, delay, or disadvantage to other persons who are part of the allegation or to CBE as an organization;
 - iii. Is abusive or threatening.

Workplace Bullying: means the persistent negative, aggressive or hostile action by an employee or group of employees directed toward another employee or group of employees in or related to the workplace, whether or not it occurs in a CBE building or during the regular workday, that causes the targeted individual(s) to feel uncomfortable, intimidated, fearful or unsafe. Workplace bullying may be subtle or overt, threatened or actual, and verbal, physical or electronic in nature; and may or may not be in the context of an unequal power relationship between the Parties.

6 | Regulation Statement

Responsibilities

- 1) Superintendent of Human Resources
 - a) Ensure that real and potential hazards of Harassment, Workplace Bullying, Sexual Harassment and Discrimination, from here on referred to as Prohibited Behaviour, are recognized and that steps are taken to eliminate or control them to prevent harm to employees.
 - b) Ensure that this regulation and the supporting processes and resources are implemented and maintained.
- 2) Director, HR/LR or Designate
 - a) Ensure the complaint and investigation processes are conducted according to the processes outlined in this regulation.
 - b) Facilitate communication of information and education to all employees relative to this regulation, and related processes and resources.
- 3) Service Unit Directors and Education Directors, Supervisors, Managers, and Principals (hereinafter known as an “Operational Leader”)
 - a) Adhere to and ensure that all employees are aware of and adhere to, expectations outlined in this regulation and its related processes in order that all employees have the information they need to meet their obligations and support their safety and well-being of themselves and others in their workplace.
 - b) Address minor interpersonal issues in the workplace in a timely and fair manner.
 - c) Inform external partners and contractors of this regulation prior to work beginning at their work site and retain records of this communication.
- 4) Employees
 - a) Review this regulation annually to ensure awareness of expectations, obligations and support resources relative to this regulation.
 - b) Uphold this regulation by contributing to safe, healthy and respectful working environments free from Prohibited Behaviour and refraining from participating in Prohibited Behaviour.
 - c) Employees have the obligation to cooperate with investigation processes, as required, and to be forthcoming and truthful in

sharing information within the complaint and investigation processes.

- d) Employees have the obligation to maintain the confidentiality of any process under this administrative regulation, once they are aware of it, during the process and that obligation remains once the investigation is complete.

7 | Procedure

General

- 1) This administrative regulation applies to behaviours that may constitute Prohibited Behaviour against employees, whether or not the behaviour occurs at the work site or during regular working hours.
- 2) Retaliation against any individual involved in an investigation process is prohibited and may result in disciplinary action up to and including termination of employment with CBE.
- 3) This administrative regulation does not prohibit an employee who is subjected to Prohibited Behaviour from exercising their rights pursuant to any other law, including the *Alberta Human Rights Act*, or professional obligation, in addition to any action under this regulation.
- 4) Dispute resolution processes are available throughout the complaint and investigation process at the request of either party and if both Parties agree. This request can be made to the investigator on the file. An investigation process is suspended during a dispute resolution process.

Complaint Resolution Process

- 5) Direct action:
Individuals experiencing perceived Prohibited Behaviour are encouraged to take direct action by advising the Respondent, in person or in writing and as soon as possible, that their actions are unwelcome or offensive. A Complainant may request assistance from their Operational Leader or from the Director, HR/LR or Designate, where the Respondent is the Operational Leader, in communicating their concern to the Respondent.
 - a) Individuals experiencing perceived Prohibited Behaviour should keep a record of incident and the way in which they were managed.
- 6) Informal Resolution:
If a Complainant is not comfortable approaching the Respondent or if the offensive actions do not stop after they have approached the individual, the Complainant may choose to proceed with Informal Resolution, whereby an Operational leader or the Director, HR/LR or Designate, can support in finding a resolution to the concern.
 - a) If informal processes, where appropriate, do not successfully resolve the issue, the Complainant may choose to initiate a complaint.

7) Complaint:

A complaint is made in writing to Labour Relations, using CBE's current incident reporting process available on [Public SchoolWORKS](#).

- 8) The Director, HR/LR or Designate, will make a threshold determination as to whether there is sufficient information to investigate and whether the allegations, if proven true, would meet the definition of Harassment, Workplace Bullying, Sexual Harassment or Discrimination.
- a) The Director, HR/LR or Designate, may direct the complaint to an appropriate process (e.g., alternative dispute resolution strategy; referral to the Employee and Family Assistance Program; or process specific to another CBE administrative regulation), depending on the circumstances.
- 9) The Director, HR/LR or Designate, may dismiss the complaint if the Complainant does not provide adequate information within a reasonable time, lacks legitimate grounds, and/or the complaint does not meet the definition of Harassment, Workplace Bullying, Sexual Harassment or Discrimination as described in this administrative regulation.

Investigations

10) Initiating an Investigation – Reporting:

- a) Workplace investigations are conducted to gather relevant facts and information in order to review allegations of misconduct of an employee; to ensure that actions of employees support CBE regulations and policies; and to support accountability and identify opportunities for individual and systemic improvement.
- b) Investigations involving workplace violence or threats of violence may be managed under the provisions of Administrative Regulation 4080: Workplace Violence.

11) An investigation may be initiated by the Director, HR/LR or Designate, where:

- a) A pattern of inquiries or complaints over a period of time suggests that a specific problem has been identified but not corrected.
- b) There is reason to believe that a broader, systemic issue exists that causes or contributes to Prohibited Behaviour.
- c) There is a complaint by an external party against a CBE employee if sufficient information is provided and the external Parties are willing participants in an investigation process.

12) Complaints will not generally be accepted for investigation if:

- a) The Complainant is anonymous or third-party, though follow-up may occur and investigated where warranted and when sufficient information is provided; or
- b) The issue has been previously investigated, except in circumstances where previously unknown information emerges.

- 13) Complainants and Respondents will be provided with information regarding:
 - a) Administrative Regulation 4038: Harassment, Sexual Harassment and Discrimination.
 - b) Alternative approaches for addressing the complaint (e.g., conflict resolution processes).
 - c) Benefits and services available through CBE, or external supports relevant to the circumstances (e.g., Employee and Family Assistance Program; Calgary Communities Against Sexual Abuse).
- 14) The Director, HR/LR or Designate, determines that an investigation is the appropriate process to resolve a complaint pursuant to Section 7(11).
- 15) The Complainant may withdraw their complaint at any stage in the complaint or investigation process. CBE, however, may initiate and/or proceed with an investigation process at the discretion of the Director, HR/LR or Designate.
- 16) Information collected and retained as part of an investigation may be subject to release as part of a legal process or under Alberta's *Access to Information Act* or *Protection of Privacy Act*. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made. CBE will not disclose the circumstances of an incident or the names of the complainant, respondent, or witnesses, except where disclosure is necessary to:
 - a) Investigate the complaint or take corrective action,
 - b) Inform the appropriate Parties of results and corrective action,
 - c) Inform workers of a specific or general threat of violence, or
 - d) As required by law.
- 17) Notwithstanding 16(b) above, CBE will not share corrective action taken and this information shall remain confidential.

Investigation Process

- 18) The Director, HR/LR or designate, will inform the Superintendent, Human Resources, the Complainant, the Respondent and the Operational Leader(s) of the Parties involved of the general nature of the complaint and that an investigation has been initiated.
- 19) The Parties have the right to be accompanied during an investigation process by a union or professional association representative at no additional cost to CBE.
 - a) Parties are not permitted to audio or video record the investigation interview; however, written notes may be taken. The Parties will be provided the opportunity to confirm their statements and/or responses to the Investigator. The Investigator may audio or video record the investigation interview(s) to support their investigation process and report preparation.
- 20) The Investigator will provide a confidential investigation report to the Director, HR/LR or designate, that includes the Investigator's opinion, based on

gathered information, on findings specific to each allegation. The standard of proof used by the Investigator will be the balance of probabilities (i.e., whether it is more likely than not the alleged event has occurred), which is the standard used in human rights and civil matters. Findings of the Investigator are not subject to appeal.

21) Investigation findings will be prepared in accordance with privacy legislation and will be provided to the Parties by the Director, HR/LR or Designate. Appropriate action will consider the impact of the Prohibited Behaviour on the Complainant and the work environment and, while action may be progressive, it is not required to be progressive in nature. Appropriate action may include, but is not limited to, one or more of:

- a) Direction to make a formal, written apology;
- b) Letter of Expectation;
- c) Letter of Reprimand;
- d) Direction to participate in a relevant educational opportunity;
- e) Recommendation to the appropriate authority for:
 - i. Transfer to another CBE location.
 - ii. Demotion or withholding of a promotion.
 - iii. Suspension (with or without pay).
 - iv. Termination of employment with CBE.
- f) Any other measures deemed appropriate by the administrative supervisor.

22) If evidence indicates that the complaint was Vexatious or malicious or a deliberate attempt to avoid supervision and performance management, the Complainant may be subject to discipline, up to and including a recommendation for termination of employment with CBE.

23) The CBE, at its sole discretion, may include operational leaders (including in-scope leaders) in the investigation process. Such involvement may occur at any stage of the investigation and for purposes including, but not limited to, providing operational context, assisting with fact-finding, implementing interim measures, or supporting the resolution of matters arising from the investigation. Operational leader involvement will be managed to avoid actual or perceived conflicts of interest and to preserve the fairness and integrity of the investigation.

Employee File

24) If the investigation does not find evidence to support the allegation(s), no documentation concerning the complaint will be retained on the Respondent's employee file.

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

- Other Actions
- 26) This administrative 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.

8 | History

Approval	January 5, 2000
Next Review	June 2029
Revision/Review Dates	June 2026 June 2015 May 17, 2004

9 | Related Information

- B/CSR-4: Authority of the Chief Superintendent
- Operational Expectations | OE-4: Treatment of Employees

Administrative Regulations

- AR 1070: Occupational Health and Safety
- AR 4027: Employee Code of Conduct
- AR 4080: Workplace Violence
- AR 6005: Student Code of Conduct
- AR 6031: Welcoming, Caring, Respectful and Safe Learning and Work Environments

Legislation

- *Alberta Human Rights Act*, RSA 2000, c A-25.5
- *Education Act*, SA 2012, c E-0.3
- *Occupational Health and Safety Act*, SA 2020, c O-2.2
- *Occupational Health and Safety Code*, Alberta Regulation 191/2021
- *Access to Information Act*, SA 2024, c A-1.4
- *Protection of Privacy Act*, SA 2024, c P-28.5