

**Procedures 9.05**

**Category: Safety and Wellness**

**Workplace Discrimination, Violence,  
Harassment and Abuse**

**BACKGROUND & RATIONALE**

The CAPE Charter Board is committed to the maintenance of a safe and caring school environment for all employee, volunteers, and contract operators. It also believes in zero tolerance for workplace discrimination, violence, harassment and abuse in any form.

**PURPOSE & DEFINITIONS**

The purpose of these procedures is to ensure that: individuals are aware of and understand that acts of discrimination, violence, abuse or harassment are considered a serious offence for which necessary action will be imposed; those subjected to acts of discrimination, violence, abuse or harassment are encouraged to access any assistance they may require in order to pursue a complaint; and individuals are advised of available recourse if they are subjected to, or become aware of, situations involving discrimination, violence, abuse or harassment.

1. Discrimination is defined as differential treatment which is to the detriment of an individual or group of individuals.
2. Violence is defined but is not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take many forms and be a various intensity.
3. Abuse can be of sexual, emotional, verbal, psychological, or physical. It can also take the form of harassment or neglect. These are defined in Policy 9.5.
4. Harassment is defined by the Canadian Human Rights Commission considers personal harassment to include:
  - verbal abuse or threats
  - unwelcome remarks, jokes or innuendoes or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, etc.
  - displaying pornographic, racist or other offensive or derogatory pictures
  - practical jokes which cause awkwardness or embarrassment
  - unwelcome invitations or requests, whether indirect or explicit, or intimidation leering or other gestures
  - condescension or paternalism which undermines self-respect
  - unnecessary physical contact such as touching, patting or pinching, or punching

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- physical assault.
5. Sexual harassment, being discrimination on the grounds of gender, is a violation of the *Individual Rights Protection Act*. Unwanted sexual advances, unwanted requests for sexual favours, and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:
- Submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment.
  - Submission to or rejection of such conduct by an individual affects that individual's employment.

Sexual harassment can include such things as pinching, patting, rubbing or leering, dirty jokes, pictures or pornographic materials, comments, suggestions, innuendoes, requests or demands of a sexual nature.

The behaviour need not be intentional in order to be considered sexual harassment. It is offensive and in many cases intimidates others”

In an effort to prevent any incidents of discrimination, violence and abuse, the CAPE Charter Board charges the principal with keeping all staff informed of all available counselling and supports, for providing professional development initiatives on a regular basis, and making mediation support available as the need arises.

The principal is responsible for ensuring that all those to whom these procedures apply are aware of these procedures, understand these procedures, and have continuous access to them.

**PROCEDURES**

**Informal Resolution**

6. Any individual who is subject to any form of discrimination, violence, abuse or harassment may choose to initiate informal action(s) to resolve workplace discrimination, violence, abuse or harassment.
7. Firstly, the complainant is to inform the respondent verbally or in writing that the actions are unwelcome and that these must stop immediately.
8. Secondly, the complainant requests the involvement of the principal or designate to provide informal intervention.
9. The complainant must provide the principal or designate a written statement which includes the nature, timeline and specifics of the complaint.

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10. Within 10 working days of the complaint or within a shorter period of time if the nature of the complaints warrants immediate action, the principal must inform the respondent of the complaint and secure a written response to the complaint. The principal will solicit written statements from witnesses to the incident(s).
11. Subsequent to this consultation and exploration process, the principal will meet with the complainant and respondent and make a recommendation to resolve the matter. The Superintendent may choose to be present or may choose to receive the recommendation.
12. If the recommendation is accepted by both the complainant and respondent, the matter is considered resolved.
13. The principal or designate will maintain written records of all meetings, will share these with those present and secure signatures attesting to the accuracy of the notes.
14. All written information will be kept private and confidential, and secure but not in the personal employee file of the respondent.
15. If the recommendation is not accepted by one or both of the complainant and respondent, the matter is moved to the formal resolution process.

**Formal Resolution**

16. An employee may choose to initiate formal action(s) to resolve workplace discrimination, violence, abuse or harassment.
17. The complainant will submit a formal written complaint to the principal or designate.
18. The complainant must provide the principal or designate a written statement which includes the nature, timeline and specifics of the complaint.
19. The principal or designate will inform the respondent that a complaint has been received.
20. The principal or designate will secure a written statement from the respondent.
21. If a staff member receives a complaint, the staff member will inform the principal or designate. The principal or designate will then meet with the complainant and proceed as above.
22. The principal will solicit written statements from witnesses to the incident(s).
23. Upon receipt of a formal written complaint, the principal will decide whether or not to suspend the respondent until the matter is resolved.

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24. If the respondent is to be suspended, the principal or designate will inform the Superintendent and Board Chair and consult with the Superintendent and the Board Chair, and will suspend with pay or without pay the respondent until the matter is resolved.
25. The principal or designate will forward a written report with the findings of the investigation and the recommendations to the Superintendent within thirty (30) working days of the-receiving the complaint.
26. If the findings support the complaint, the Superintendent will take action consistent with Board policies and practice.
27. Possible action include:
  - <sup>a</sup>counseling
  - mediation
  - written reprimand that becomes part of the employee’s file
  - a written apology
  - suspension
  - dismissal
28. If the findings do not support the complaint, the Superintendent will take no further action unless the complaint is found to be intentionally false, malicious or vindictive. If this is the case, the Superintendent will take disciplinary action against the complainant. These actions may include a letter of reprimand, dismissal, suspension without pay, or legal action.
29. The Superintendent will inform the complainant and the respondent of the outcome of the complaint, as permitted under the Freedom of Information and Protection of Privacy Act. The information provided to the complainant will be limited to whether or not workplace discrimination, violence or abuse has occurred within the meaning of this Policy, and whether or not disciplinary action has been imposed as a result. The specific nature of any disciplinary action will not be disclosed to the complainant.
30. Any attempt at retaliation following the investigation and final disposition of the original complaint will be viewed as harassment and will be subject to the provisions of this policy.
31. In the event of an unsuccessful resolution of a workplace discrimination, violence or abuse complaint, an employee, volunteer, or parent may pursue the matter further through the Alberta Human Rights Commission, criminal charges, or civil litigation as appropriate.

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32. An employee, volunteer, or parent may pursue workplace discrimination, violence or abuse incident(s) resolution directly through the Alberta Human Rights Commission, criminal charges, or civil litigation as appropriate.
33. All parties are help accountable for abiding by the *Freedom of Information and Protection of Privacy Act*.

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***References:***

*Policy 9.05*

*School Act, Sections 45, 60, 61*

*Human Rights Act*

*Criminal Code of Canada*

*Occupational Health and Safety Act*

*Individual's Rights Protection Act*

*Human Rights, Citizenship and Multiculturalism Act*

*Freedom of Information and Protection of Privacy Act*

*Teachers' Code of Professional Conduct*

*CAPE Codes of Conduct*

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