

ADMINISTRATIVE GUIDELINE

Title: Human Rights

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1 – OVERVIEW

1.1 DUTIES AND RESPONSIBILITIES

A school board has a duty to maintain an environment respectful of human rights and free of discrimination and harassment for all persons served by it. It must be diligent in identifying anything that might interfere with this duty.

It is the responsibility of every Board employee to:

- x prevent discrimination and harassment
- x treat all students with respect and take all reasonable steps to ensure that their learning environment is safe
- x support individuals who are, or have been, targets of discrimination and harassment
- x take reasonable steps to remove any discriminatory barriers in employment policies and practices and in accessing programs, resources, and facilities
- x be aware of and sensitive to issues of discrimination and harassment
- x take all allegations of discrimination and harassment seriously and respond promptly
- x provide positive role models
- x respect the need for confidentiality in these incidents
- x not demonstrate, allow or condone behaviour contrary to this policy, including reprisal
- x report immediately hate group activity

It is the responsibility of school administrators, supervisors, superintendents and managers to:

- x review this administrative guideline and to follow the steps outlined in the operational procedure when he/she receives a report of discrimination or harassment
- x

is involved in a reprisal against a complainant, potential complainant, witness, supervisor, investigator or decisionmaker will be subject to disciplinary action up to and including dismissal. Allegations of reprisals will be investigated as formal complaints under these procedures.

1.4 ASSISTANCE FOR COMPLAINANTS, RESPONDENTS AND WITNESSES

Complainants, respondents and witnesses have a right to assistance throughout the procedure. The following people may provide support and may attend meetings related to the complaint, if the complainant, respondent or witness so requests:

- x Union/association representative
- x A colleague
- x A principal, supervisor or manager
- x A centrally-assigned staff person

Where the complainant, respondent or witness is a student, the following people may provide support and attend meetings related to the complaint, if the complainant, respondent or witness so requests:

- x A teacher
- x Another supportive adult in the school
- x A fellow student
- x A parent/guardian/other caregiver

1.5 COMMUNICATIONS:

Principals and staff shall not communicate with other students, other parents or the community about incidents of alleged human rights viol

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Note: Workplace harassment involves harassment of a more general nature ~~entirely~~ not related to the grounds prohibited under Human Rights legislation. Allegations of workplace harassment are addressed in the Workplace Harassment Administrative Guideline.

See Appendix A for some examples of harassment under the Human Rights legislation.

2.2 MAKING A COMPLAINT

DEFINITIONS:

For the purposes of this administrative guideline:

- x The “complainant” is the person making the allegation of a violation of their rights under the Human Rights Code.
- x The “respondent” is the person who is alleged to have engaged in the violation.
- x The “superintendent” in this administrative guideline is the Superintendent of Schools and Program who is responsible either for a school and/or staff in a central board program or the Superintendent of Business in his/her responsibility for staff in a central board function.

(a) Who May Initiate a Complaint?

Anyone to whom this policy applies is entitled and encouraged to complain if they believe they are targets of discrimination or harassment prohibited by Human Rights legislation. In addition, those who have witnessed discrimination directly, have received reports of discrimination incidents or have reasonable grounds to suspect that discrimination is occurring, may initiate a complaint. Third party disclosures should only go forward with the victim’s consent.

(b) Making a Complaint:

A complaint can be made orally or in writing.

(c) Timelines:

All complaints of discrimination and/or harassment under Human Rights legislation must be reported within twelve months of the most recent discriminating or harassing behaviour.

2.3 STEPS TO RESOLUTION

There are two procedures that a complainant may follow: the Informal Resolution Procedure and the Formal Complaint Procedure.

There is no requirement that the Informal Resolution Procedure be followed first. A complainant may request going to the Formal Complaint Procedure immediately. Superintendents, in consultation with the Superintendent of Business, may also determine that the allegations be addressed under the Formal Complaint Procedure without first going through the Informal Resolution Procedure.

Notes

- x If the principal, supervisor or manager is the person who allegedly behaved in a discriminatory or harassing behaviour, then the superintendent will be responsible for these steps.
- x If the superintendent is the person who allegedly behaved in a discriminatory manner, then the Director or designate will be responsible for these steps.
- x If the person who has allegedly behaved in discriminatory manner is the individual's principal, supervisor or manager, the complainant may approach the Manager of Human Resources for assistance in resolving the situation.
- x When principals, supervisors or managers are informed about an alleged incident of discrimination, they shall immediately contact the superintendent who will determine with them whether the Informal Resolution Procedure or the Formal Complaint Procedure will be employed. The Superintendent will consult with the Superintendent of Business before finalizing that determination and the Superintendent will be responsible for overseeing the implementation of this procedure.

2.4 THE INFORMAL RESOLUTION PROCEDURE

- x Individuals who feel that they have been subject to discrimination or harassment under the Human Rights legislation are encouraged (but not required) to advise the person(s) concerned that the behaviour is unwelcome and offensive and must stop. If the individual feels uncomfortable approaching the alleged violator himself to address the situation informally, the complainant may approach his/her principal, supervisor or manager for assistance in resolving the situation.
- x If the person who has allegedly engaged in a violation of human rights is the individual's principal, supervisor or manager, the complainant may approach another principal, supervisor, manager or a superintendent for assistance in resolving the situation.
- x When principals, supervisors or managers are informed about an alleged violation of human rights, they shall immediately contact the superintendent who will determine with them whether the Informal Resolution Procedure or the Formal Complaint Procedure will be employed. The superintendent will be responsible for

finalizing that determination and will be responsible for overseeing the implementation of this procedure.

- x When principals, supervisors and managers are attempting to resolve the situation informally, they must:
 - o Provide copies of this guideline to the complainant and the respondent
 - o Determine the details of the complaint and advise the respondent of the details of the complaint
 - o

- x determine, on the basis of the alleged incident(s), whether the complaint constitutes a potential violation of this section of the administrative guideline or of another administrative guideline.
- x inform the respondent that a complaint has been made under this guideline and procedure and that he/she will be informed of the details of the complaint as soon as possible by the person named as investigator

The investigator shall: s h a a l l :

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- x provide the complainant(s) and the respondent(s) with a copy of the final report and inform them of the actions he/she will take

Possible outcomes

The reviewer will report its findings to the Director who will affirm or amend a final decision or require that a new investigation be undertaken.

3.1 CONFIDENTIALITY AND SECURITY OF BOARD RECORDS

- x The Board understands that it is difficult to come forward with a complaint of discrimination and recognizes a complainant's interest in keeping the matter confidential.
- x All principals, supervisors and managers, complainants, respondents and other persons involved with the complaint process under these procedures will take all reasonable steps to ensure that all matters remain confidential.
- x Witnesses should be informed that personnel investigating the complaint will maintain their statements in strict confidence, subject to their ability to conduct a full and thorough investigation process to the extent practicable and appropriate under the circumstances and subject to any disclosures required by law.
- x All records of complaints, including but not limited to contents and/or notes of meetings, interviews, results of investigations or inquiries and other relevant material will be kept confidential by the Board and by all other involved personnel, except where disclosure is required by a disciplinary or other remedial process or where required by law or as a consequence of litigation, potential or actual. For example: The board may be required to provide information obtained during an investigation to an outside agency that has the right to require information otherwise protected by the Municipal Freedom of Information and Protection of Privacy Act (e.g. a tribunal or court).
- x All records pertaining to a complaint which has not yet been resolved will be treated as highly confidential and kept in a secure place.
- x The respondent, the complainant and witnesses shall, upon request, be permitted representation by a union/association representative, or be accompanied by a support person of his/her choice at any interviews or meetings in any process of investigating and resolving an incident of alleged culpable behaviour.
- x In the event that the allegation of human rights violation is not supported, no report of the investigation shall be placed in the personnel file of the employee who was alleged to have engaged in culpable behaviour.
- x There shall be no record in the complainant's personnel file of that individual's complaint against an employee unless it relates to disciplinary action taken as a result of a complaint that was unfounded and/or motivated by malice. In such an instance, the name of the employee shall not appear in any such report in the file of the complainant.

COMPLAINTS UNDER HUMAN RIGHTS

The following are examples of complaints under Human Rights; the list is not meant to be exclusive. The examples are stated very briefly for the purposes of example only; the circumstances around real, individual cases will impact on the determination of an actual complaint.

| EXAMPLES OF HUMAN RIGHTS COMPLAINTS |
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| Referring to a colleague using racial slurs |
| Constantly telling a female employee that she should not consider becoming pregnant if she wants to be considered for promotion |
| Repeatedly cornering a fellow student of the opposite sex in an enclosed space |
| A principal who continually makes jokes to his Office Administrator about homosexuals, even though he knows that he/she is gay |