



## 401.2AP Bullying/Personal/Sexual Harassment

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### LEGAL REFERENCE:

- *Education Act Section 31 (e), 33, 35, 35.1, 36*
- *Alberta Human Rights Act*
- Canadian Charter of Rights and Freedoms
- Criminal Code of Canada
- Alberta Government: Harassment and Violence in the Workplace
- Alberta Government: Harassment and Violence in the Workplace – OHS Information for Employers, Supervisors and Workers
- Occupational Health and Safety Act

### CROSS REFERENCE:

- [100BP Board Mission, Vision, Values & Guiding Principles](#)
- [901BP Welcoming, Caring, Respectful and Safe Workplace & Learning Environments](#)
- [400.1AP BTPS Staff Code of Conduct](#)
- [202.7AP Student Code of Conduct](#)
- [202.3AP Appeals Concerning Student Matters](#)
- [401.3AP Public Interest Disclosure \(Whistle Blower Protection\)](#)

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### Purpose

The Board of Trustees of Buffalo Trail Public School Division is dedicated to fostering a learning and working environment free from violence and harassment. This Administrative Procedure outlines the Division's stance against acts of violence and harassment involving employees, students, parents, volunteers, and members of the public. It establishes procedures for addressing workplace violence and harassment and clarifies roles and responsibilities to ensure a safe and respectful environment.

## **Definitions**

Harassment: refers to any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying (including cyberbullying), or action by a person which the person knows or ought reasonably to know will or would cause offense, humiliation or adversely affect an employee's health and safety.

Harassment includes sexual solicitation or advances and actions related to, 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.

Harassment does not include any reasonable conduct by an employer or supervisor in respect to managing employees or a work site.

Reprisal: denotes any act of retaliation, either direct or indirect.

Violence: encompasses threatened, attempted, or actual conduct of a person, whether at a worksite or related to work, that causes or is likely to cause physical or psychological injury or harm and includes domestic or sexual violence.

Worksite: refers to a location where an employee is or is likely to be engaged in any occupation and includes any vehicle or mobile equipment used by an employee in an occupation.

## **Procedure:**

### **With respect to Training and Education:**

1. The Superintendent or designate shall ensure that on at least a bi-yearly all employees receive training and education on workplace violence and harassment, including understanding their roles and responsibilities under this Administrative Procedure. This training shall cover, at minimum, the following topics:
  - 1.1 Recognizing workplace violence and harassment.
  - 1.2 Appropriate response to workplace violence and harassment, including seeking assistance.
  - 1.3 Procedures for reporting, investigating, and documenting incidents of workplace violence and harassment.
2. All staff will be required to read and acknowledge their understanding of this policy through the Hour-Zero Platform on a yearly basis.
3. A copy of this Administrative Procedure shall be made publicly available through the Division website.
4. The Superintendent or designate shall develop a structured harassment and violence prevention plan, which includes procedures for regular reviews every three years, or sooner if an incident or recommendation by the Joint Worksite Health and Safety Committee occurs.

### **With respect to Reporting**

5. Employees must promptly report any concerns related to school safety, unsafe or harmful situations at a worksite, that they are aware of, or is likely to occur to their supervisor, the Superintendent or designate or the Assistant Superintendent of Human Resources.
  - 5.1. Reports may be made in person or via the Hour-Zero online Incident Report System.
  - 5.2. All reports should be documented in the Hour-Zero Incident Report system, either by the reporter or the supervisor (if the report is made in person). Reports made to a supervisor shall be communicated to the Superintendent or the designate.
6. Alternative reporting mechanisms shall be accessible to employees when the designated recipient of harassment complaints is the alleged harasser, the superintendent or one of the division's confidential investigators. Confidential investigators will be clearly identified in the Hour-Zero platform so all staff are aware.
  - 6.1. Should the respondent be the direct supervisor the matter should be referred to the Assistant Superintendent of Human Resources.
  - 6.2. Should the respondent be the Assistant Superintendent of Human Resources the matter should be referred to the Superintendent of Schools or the Secretary Treasurer.
  - 6.3. Should the complaint be against the Assistant Superintendent of Human Resources, the matter should be made in person to the Superintendent or the Secretary Treasurer.
  - 6.4. Should the complaint be against the Superintendent, the matter shall be referred to the Secretary Treasurer to investigate on behalf of the Board of Trustees.
7. Appropriate assistance shall be extended to any employee who is the victim of violence or harassment, including referring them to a healthcare professional if necessary and informing them of the Employee Family Assistance Program (EFAP) and advised to consult a health professional if needed.
8. Employees who are at risk of domestic violence in the workplace are encouraged to notify their immediate supervisor and the Assistant Superintendent of Human Resources.

### **Consideration for an Informal Practice:**

9. Employees who experience violence and/or harassment can take the following actions without fear of reprisal:
  - 9.1 Express their concerns to the alleged offender verbally or in writing, requesting the unwelcome behavior or action cease immediately. The complainant may seek the assistance of a third party.
  - 9.2 Discuss the situation with the respondent's supervisor, the alleged victim's supervisor, or the Assistant Superintendent of Human Resources.
  - 9.3 Carefully record details of the incident and identify witnesses to the conduct.
  - 9.4 Employees are not required to engage in the informal process before filing a formal complaint and may switch to the formal complaint process at any time during the informal procedure.

### **Consideration for a Formal Practice**

10. An employee subjected to violence and/or harassment may file a written complaint with their school administrator or site supervisor. If the respondent is the direct supervisor or school administrator, the complaint should be brought to the attention of the Assistant Superintendent of Human Resources. No correspondence related to the complaint will be placed in the complainant's personnel file.
  - 10.1 The formal complaint must be in writing and include:
    - 10.1.1 Date and time of each reported incident.
    - 10.1.2 The nature of the violence or harassment.
    - 10.1.3 Names of individuals involved in the incident.
    - 10.1.4 Names of witnesses.
    - 10.1.5 A full description of the incident.
  - 10.2 Employees are encouraged to file formal complaints through the Hour-Zero Incident reporting system.
11. Upon receiving a written complaint, the Superintendent or designate shall conduct a thorough investigation.
  - 11.1 Employees shall not be demoted, dismissed, disciplined, or denied a promotion, advancement, or employment opportunity for lodging a complaint when they genuinely believed they were the subject of violence, harassment, or the threat of violence in the workplace.

### **Investigation Procedures:**

12. Investigations shall be conducted as promptly as possible by the Superintendent or designated authority and shall include:
  - 12.1 Informing the respondent of the complaint.
    - 12.1.1 A copy of the complaint detailing the complaint's allegations shall be provided to the respondent and shall explain that the respondent may reply to the complainant's allegations in writing.
    - 12.1.2 The reply shall be made known to the complainant before the case proceeds.
  - 12.2 Interviewing the complainant, individuals involved in the incident, and identified witnesses.
  - 12.3 Interviewing any other persons with knowledge of the incident.
  - 12.4 Taking statements from all parties involved in the incident.
13. If necessary, the Superintendent or designate may employ outside assistance or request the use of legal counsel.
14. The Superintendent or designate shall take all measures to prevent any unnecessary disclosure of the incident and the identities of the parties.

### **Disposition of the Complaint:**

15. Following the investigation the Superintendent or designate will determine the complaint is substantiated. If the investigation finds that violence and/or harassment have occurred, a written

report of the remedial action will be given to the affected employees, as appropriate.

16. If the complainant decides not to file a formal complaint, senior management may decide to file a formal complaint based on the investigation of the incident, against the alleged offender.
17. The Superintendent or designate shall retain investigation reports for a minimum of two years after the incident.

**Systematic Harassment:**

18. Regardless of whether a complaint has been made, when concerns about a worksite or school environment are brought to the attention of the Superintendent or designate, the Superintendent may direct a systemic review of the worksite or school.

**Regarding Fraudulent or Malicious Complaints:**

19. Unfounded, frivolous, or fraudulent allegations of violence and/or harassment can cause significant harm to the respondent, the Division, or the Division's staff. Therefore, if the Superintendent or designate determines that an employee knowingly has made false statements regarding an allegation of workplace violence or harassment, immediate disciplinary action including possible dismissal shall be taken.

**Regarding Confidentiality:**

All records of violence or harassment and subsequent investigations are considered confidential and strictly prohibited from being disclosed to anyone except as required by law.

20. In cases where criminal proceedings are forthcoming, the Superintendent or designate shall assist police agencies, lawyers, insurance companies, and courts to the fullest extent.
21. The Superintendent or designate shall take all necessary measures to protect the privacy of the individuals involved and to ensure that complainants and respondents are treated fairly and respectfully.
  - 21.1 The Superintendent or designate shall protect this privacy so long as doing so remains consistent with the enforcement of this Administrative Procedure and adherence to the law.
  - 21.2 Neither the name of the person reporting the facts nor the circumstances surrounding them shall be disclosed to anyone unless such disclosure is necessary for an investigation or disciplinary action.

**Reprisal:**

22. This Administrative Procedure prohibits reprisals against individuals who, acting in good faith, report incidents of workplace violence and/or harassment or act as witnesses. The Superintendent or

designate shall take reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence and/or harassment.

Record Retention:

23. The Superintendent or designate shall retain all investigation records for at least two years after each incident to comply with OHS requirements.

**Disciplinary Measures:**

24. If the Superintendent or designate determines that an employee has been involved in harassing or violent behaviour or unacceptable conduct towards another employee, immediate disciplinary action shall be taken. Disciplinary measures may include counselling, formal warnings, and other disciplinary actions, and could include possible immediate dismissal without further notice.

**Employee Roles and Responsibilities:**

All employees are personally accountable and responsible for complying with this Administrative Procedure. Employees are expected to make every effort to prevent and eliminate violence and/or harassment in the work environment and to promptly report a problem or incident when observed or reported to them.

25. Any employee who has been a victim of, or is at potential risk of domestic violence, is encouraged to inform human resources if they believe that the aggressor may attempt to contact them at work. The Division shall take all reasonable precautions to protect the employee from domestic violence that has followed them into the workplace.

**With respect to Colleagues:**

26. An employee who witnesses violence or harassment in the workplace concerning a colleague should:
- 26.1 Inform the victim that, in the opinion of the employee, violence or harassment was witnessed and is unacceptable.
  - 26.2 If the victim does not perceive themselves as a victim of violence or harassment, the incident should be considered closed.
  - 26.3 If comfortable, the employee may inform the alleged offender that their actions are unacceptable.
  - 26.4 Encourage the victim to report the incident to their school administrator or site supervisor.

**With respect to School Administration and Site Supervisors:**

27. School administrators and site supervisors are legally responsible for creating and maintaining a violence and harassment free workplace.
28. School administrators and/or site supervisors shall enforce this Administrative Procedure and ensure

its consistent application in the daily operations of the Division.

29. School administrators and/or site supervisors shall address potential problems in the workplace before they escalate, supporting the employee without bias and documenting offensive actions.
30. If a school administrator and/or a site supervisor becomes aware of violence and/or harassment in the workplace, and fails to address it, they may be named as co-respondents in a complaint and may be liable in legal proceedings.

**Special Circumstances:**

31. If an employee has a legal court order such as a restraining order or “no- contact” order against another individual, they are encouraged to notify their supervisor, and provide a copy of that order to the human resources department. This action may be necessary if the employee believes the aggressor may attempt to contact them at work, in direct violation of the court order. Such information shall be kept confidential.
32. If any visitor at the workplace is seen with a weapon, known to possess one, or makes a verbal threat or assault against an employee or another individual, employee witnesses must immediately contact the police, emergency response services, their immediate supervisor, and the human resources department.

**Right of Appeal:**

33. Employees who are not satisfied with action taken with respect to enforcement of the administrative procedure are entitled to pursue the matter in the manner set forth as follows:
  - 33.1 An appeal may be made in writing to the Superintendent within ten (10) working days;
  - 33.2 The Superintendent will respond within thirty (30) working days;
  - 33.3 Either party has the right to seek civil or criminal redress through the courts or to file a complaint with their union, association, or the Alberta Human Rights Commission.

**With respect to Students and Parents**

34. Reporting:
  - 34.1 Students who experience or witness bullying, harassment, or violence, or parents who have concerns about their child being affected, should report the incident in person to the student’s teacher as soon as possible. The teacher will document the incident and take appropriate steps in line with the school’s procedures to ensure the student’s safety and well-being.
  - 34.2 If the complaint is against the teacher, students and parents should report the incident directly to the principal in person. The principal will address the complaint following school protocols, maintaining confidentiality, and ensuring a thorough and unbiased review of the situation.

35. Confidentiality

35.1 The school is committed to respecting the privacy of the individuals involved as much as possible. Information regarding the complaint will only be shared as necessary to investigate and address the situation appropriately.

36. Supports for students

36.1 Students affected by bullying, harassment, or violence will have access to appropriate support services, including counseling, conflict resolution, and additional resources as needed. Parents are encouraged to work with school staff to ensure their child receives the support they need.

37. Response and Investigation

37.1 Once a report is made, the teacher or principal will document the incident, gather relevant information, and take necessary steps to address the issue. The school's response may include conflict resolution strategies, disciplinary measures, or referrals to additional support services.

38. Zero Tolerance for Retaliation

38.1 Retaliation against a student for reporting an incident of bullying, harassment, or violence is strictly prohibited. Any student found to be engaging in retaliatory behavior will be subject to disciplinary action in accordance with division policy.

39. Students who are not satisfied with action taken with respect to enforcement of this-procedure are entitled to pursue the matter set forth as follows:

39.1 An appeal may be made in writing to the Superintendent or designate within ten (10) school days;

39.2 The Superintendent or designate will respond within thirty (30) school days;

39.3 Appeals beyond this point are pursuant to 202.3AP, Appeals Concerning Student Matters.

Review:

40. This Administrative Procedure and its associated training procedures shall be reviewed and updated as necessary, including after an incident of violence or harassment occurs or upon recommendation from the Joint Worksite Health and Safety Committee or representative or at least every three years.