

# SCHOOL DISTRICT NO. 71 (COMOX VALLEY)

## POLICY MANUAL

<b>POLICY:</b>	<b>3065R1</b>
Date:	December 17, 2013
Revision:	3

### BOARD REGULATION

#### Workplace Bullying & Harassment Prevention Policy

##### A. Bullying & Harassment

1. For the purposes of this policy, workplace bullying and harassment shall be defined as not including:
  - (a) Behaviour within the bounds of acceptable professional practice; and
  - (b) Actions and activities that are a part of the employer's normal managerial or supervisory rights and responsibilities.
  
2. For the purposes of this policy, workplace bullying and harassment shall be defined as including:
  - (a) Inappropriate conduct or comment by a person towards a worker, where that person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated;
  - (b) The exercise of power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate, including such misuses of power or authority as intimidation, threats, coercion and blackmail.
  - (c) Sexual harassment. The definition of "sexual harassment" shall include:
    - (i) Comments, looks, suggestions, physical contact, or real or implied action of a sexual nature which creates a negative working environment for the recipient, made by a person who knows or ought reasonably to know such behaviour would be unwelcome;  
or

- (ii) Any circulation or display of material that has the effect of creating a negative working environment; or
- (iii) A real or implied promise of reward for complying with a request of a sexual nature; or
- (iv) A sexual advance made by a person in authority over the recipient that includes or implies a threat or a denial of an opportunity which would otherwise be granted or available.

**B. Procedures for Reporting, Investigation, and Remedy**

If the matters contained in this policy are covered under a dispute resolution in a collective agreement, that collective agreement must be followed. If this is not the case, the following process should be followed:

**1. Reporting the Incident**

Persons who believe that they are being bullied and harassed should take the following steps to stop the bullying and harassment and prevent reoccurrences:

- (a) To communicate immediately their disapproval or unease to the offending person, or if unable or unwilling to do so, to report the incident to an appropriate third party, and keep a written record of dates, times, the nature of the behaviour, and witnesses, if any.
- (b) If the incidents do not stop after procedure 1(a), individuals who believe that they have been bullied and harassed must report the incident(s) to the immediate supervisor. If the alleged harasser is the immediate supervisor the report must be directed to the Superintendent of Schools or designate. Unionized employees may be accompanied by a representative and excluded staff may be accompanied by a second excluded employee.
- (c) At all times, incidents of a serious nature should be reported to the immediate supervisor, or, if the alleged harasser is the immediate supervisor, to the Superintendent of Schools or designate.
- (d) If the alleged harasser is the Superintendent of Schools, the report should be directed to the Chairperson of the Board of Education.

**2. Investigation**

- (a) Complaints of alleged workplace bullying and harassment shall be handled with all possible confidentiality, sensitivity and dispatch by the

immediate supervisor. If deemed desirable, when receiving a report, the Superintendent of Schools or designate, (or the Board Chair) may refer the matter to a third party to undertake an investigation and provide a report.

- (b) In some cases the immediate supervisor or senior district official may choose to involve representatives of the Union(s) to resolve the matter, particularly when the dispute is between two members of the same Union(s).
- (c) If the complainant consents, a meeting may be sought with the alleged harasser with a view to resolving the dispute on the basis of a resolution that is satisfactory to the complainant and the harasser.
- (d) The name of the complainant or the circumstances of the complaint will not be disclosed to any person except where disclosure is necessary to investigate the complaint, or to take related disciplinary measures, or where disclosure is provided for at law. No documentation on the workplace bullying and harassment complaint will be placed in the complainant's personnel file.
- (e) If the investigation fails to find evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser.
- (f) In all circumstances, an individual who is accused of workplace bullying and harassment will be given the opportunity to fully explain themselves to the investigator and have those explanations properly considered.
- (g) At any time during the course of the investigation the parties may reach resolution or settlement of the matter. Where both parties agree, mediation may be used to facilitate resolution. Any resolution or settlement agreement reached shall be put in writing and signed by both parties.

### C. Resolution

1. Where it is found that workplace bullying and harassment have ~~has~~ occurred the following may be forms of action:
  - (a) education and training of individuals or groups;
  - (b) monitoring of the behaviour of individuals or groups in the workplace and/or learning environment;

- (c) effecting changes in the workplace and learning environment including but not limited to transfers, reassignments, and schedule changes;
  - (d) corrective and/or disciplinary action ranging from warnings up to and including dismissal;
  - (e) other strategies designed to eliminate and/or prevent workplace bullying and harassment; and
  - (f) any other remedies or penalties appropriate to the particular circumstances of the matter.
2. Review of related policies, procedures and/or practices in the workplace;
  3. Should the Superintendent of Schools or designate, (or the Board Chair) conclude that a complaint is not filed in good faith she/he will consider appropriate disciplinary actions, including those covered under item (1) above.
  4. Persons who make bona fide complaints of workplace bullying and harassment will not be subject to threat of reprisal or discipline.