



# Board Policy #240.0

## Respectful Workplace and Learning Environment

Document Integration Project Format

---

### **Policy Statement**

It is the policy of the York Region District School Board that all persons are entitled to work and learn in an environment that promotes human rights and equity of opportunity, free from discrimination and harassment.

The York Region District School Board recognizes its responsibility to provide a healthy and productive working environment that fosters respect for and is supportive of the dignity, self-esteem and fair treatment of everyone taking part in its activities. The Board recognizes the diversity of our people as a source of strength and does not tolerate any expression of prejudice. The Board respects the racial and ethno cultural diversity of its students, community and employees. The differing backgrounds, culture, language and ideas of our people help us in meeting our goals as an institution.

As a large employer and education provider to our learning community, this policy is intended to reflect our values relating to equity, inclusiveness, human rights and responsibilities and to ensure a safe, nurturing community. The Board is committed to ensuring equity in its policies and programs by identifying and eliminating systemic inequities and barriers.

### **Application of Policy**

This policy applies to all students, staff, trustees, contractors, parents, volunteers, permit holders and all other persons who are invited to or who work on Board property. This policy also applies to harassment which may take place outside of Board property but which has the effect of or results in adversely affecting the Board's working and learning environment. It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property will strive to maintain the highest level of professional and personal courtesy when interacting with Board employees and students.

### **Legislative Context**

#### *Ontario Human Rights Code*

The Ontario Human Rights Code exists to prevent discrimination or harassment and to foster programs to promote human rights in the Province of Ontario.

### **Definitions**

#### *Discrimination*

Based upon a prohibited ground under the Ontario Human Rights Code, differential treatment which negatively affects the status of a person.

### *Harassment*

Harassment is defined in subsection 10(1) of the *Code* as "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome". The Ontario Human Rights Code along with other explanatory information can be found at [www.ohrc.on.ca](http://www.ohrc.on.ca).

The Ontario Human Rights Code states that every person has a right to equal treatment with respect to employment without discrimination because of; race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status, or disability.

Furthermore, every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.

### *Non-Code related Harassment or Personal Harassment*

Patterns of comment or conduct of an excessive nature that are known or ought reasonably to be known to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate. Such behaviours include: physical intimidation and/or threats of violence; use of profanity (swearing) or vulgarity; bullying tactics such as ridiculing, taunting, threatening, belittling or humiliating another person; derogatory name calling, inappropriate use of computer images, email and websites.

### **Department**

Employee Services

### **Policy History**

Approved 1993

Revised 1998

Revised 2002

January 2005 to January 2006 (Working Document)

Approved 2006

*It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property will respect the policies and procedures of the Board.*



# Board Procedure #240.0 Respectful Workplace and Learning Environment

## Document Integration Project Format

---

The Board takes proactive steps to inform staff of its policies and expectations including Board Policy #240.0 *Respectful Workplace and Learning Environment*. This procedure refers specifically to mediation and the filing of complaints by an employee against another employee of the Board; by an employee against his/her supervisor; by an employee against a parent/guardian, visitor, contractor or other third party; by a student against an employee of the Board; by a student or by an employee of the Board against a student; or by an employee of the Board or a student against a trustee.

### **Mediation**

Mediation can take place at any time in the process. The parties may agree to mediation by contacting the Superintendent of Employee Services. If both parties belong to the same union/federation or association, they may also choose to request mediation through their union or professional association.

### **Procedure for filing a complaint**

It is to be noted that it is the responsibility of the Superintendent of Employee Services on recommendation by the assigned investigator to discern if the complaint meets the definition of harassment as defined by the Respectful Workplace and Learning Environment Policy #240.0.

The finding of the Superintendent of Employee Services is subject to appeal as delineated in this procedure.

### **Informal Complaint**

Any individual who believes that he/she has been harassed or discriminated against may at his or her option if he or she feels comfortable in doing so:

- Attempt to resolve the issue by directly approaching the person(s) involved, stating clearly that the behaviour or actions are objectionable and must be stopped.

### **Formal Complaint**

#### **A. By an employee against another employee of the Board**

1. If, having chosen to approach the person(s) involved, the complainant finds that the behaviour does not stop or that the behaviour escalates; OR if the individual does not wish to address the person(s) involved directly, he/she may contact his/her supervisor, school principal, designated Employee Services staff, Superintendent, Superintendent of Employee Services, or union representative for advice and possible courses of action.
2. Any behaviour of a violent nature including physical and/or sexual assault will be reported and a formal complaint filed.
3. Any individual who believes that he/she has been harassed or discriminated against may file a formal complaint. A formal complaint must:

- i. be in writing and signed;
  - ii. specify the name(s) of person(s) involved if known;
  - iii. be submitted to the Superintendent of Employee Services.
4. Any individual named as a respondent in a complaint will be provided with a copy of the written complaint within two days of its submission. This timeline may be extended up to five days in exceptional circumstances. The reason for the extension should be stated in writing to both parties by the Superintendent of Employee Services.
5. The Superintendent of Employee Services will designate a person to investigate the complaint. The person investigating may be internally appointed or, subject to internal workload or the complexities of certain complaints, engaged as a third party investigator.
6. A meeting must be held with each of the complainant and the accused individually. Every effort will be made to schedule these meetings within five working days or at a time mutually acceptable to the parties.
7. Each person has the right to be represented by a friend, federation, union or professional association representative during the meeting.
8. The respondent, in addition to being interviewed, is encouraged to reply in writing to the allegations.
9. Subsequent meetings will be held by the person investigating with witnesses deemed to have information key to the understanding and/or resolution of the complaint.
10. A joint meeting with the parties may or may not be arranged to facilitate a mutually acceptable solution. Since harassment and discrimination are issues of imbalance of power, such a meeting should only take place where it is absolutely certain that both parties are in agreement. Should one of the parties not wish a joint meeting to take place, such a meeting will not be arranged.
11. Where a solution is found, the complaint and the solution will be recorded in a report and retained for a period of three years. The decision, not disciplinary consequences will be provided in writing to the parties to the complaint.
12. If a mutually acceptable solution is not found, the Superintendent of Employee Services will be notified within two working days, and will, in a timely manner:
  - meet with the individual and the complainant and his/her representative(s) within 10 working days or at a time mutually acceptable to the parties;
  - make a determination regarding the merit of the complaint;
  - determine if disciplinary action is warranted;
  - communicate the decision without undue delay.
13. If the complaint is upheld, the report and decision will be filed in a confidential file for three years after the date of the report, after which it will be destroyed. If the decision upholds the accused, the record will be expunged unless otherwise requested by the accused.
14. The filing of an internal complaint does not preclude the rights of any employee under the provisions of a collective agreement or provincial or federal legislation and is supplementary to those rights.

**B. By an employee against his/her supervisor**

1. Any employee who believes he/she has been harassed or discriminated against by his/her supervisor may file a complaint directly to the person to whom the supervisor reports or to the Superintendent of Employee Services.

2. Leadership in the resolution of the complaint will be carried out by the person to whom the supervisor reports or as assigned by the Superintendent of Employee Services and will follow the steps outlined in the complaint procedure: employee/employee.

**C. By an employee against a parent/guardian, visitor, contractor or other third party**

1. An employee who believes he/she has been harassed by a parent/guardian, visitor, contractor or other third party may file a complaint directly with the principal of the school, supervisor of the program or department, or appropriate superintendent.
2. The procedure for investigating such a complaint will follow due process and attempt to find an appropriate and mutually agreeable solution.
3. Failing a mutually agreeable solution, the person leading the investigation will consult with the appropriate Board staff to determine what resolution is possible under the *Education Act* and its *Regulations*, within Board policies and/or civil or criminal statutes.
4. Should the complaint against the parent/guardian, visitor, contractor or other third party be upheld, the individual(s) against whom the complaint is made could be excluded from Board property, have their contract with the Board terminated, and/or be subject to civil or criminal procedures.

**D. By a student or parent against an employee of the Board**

1. All complaints by a student, or the parents/guardians/or the advocate of the student, against an employee of the Board, must be immediately reported to the school principal.
2. If the complaint is against the school principal or vice-principal, the complaint must be made to the Superintendent of Education for the Community Education Centre.
3. Verbal complaints must be followed by a written description of the situation. Students unable to write out a complaint may use the assistance of an adult third party.
4. The principal or the Superintendent of Education will immediately inform the parent(s)/guardian(s) of the student(s) that a complaint has been made. Contact with parents/guardians is not required for students who are 18 years or older unless the student so requests or agrees.
5. The principal or the Superintendent of Education will provide the respondent with a copy of the written complaint within two working days of the complaint being made.
6. The Superintendent of Education in conjunction with the Superintendent of Employee Services will designate the person who will investigate.
7. The principal or the Superintendent of Education or an external third party engaged to investigate the complaint, must hold a meeting with the persons involved within five days of the receipt of the complaint by the respondent or at a mutually agreeable time.
8. The person investigating will interview witnesses of the described events in a timely manner. Written and signed witness statements are desirable.

9. Further meetings with the parties may be arranged with a view to reaching a mutually acceptable solution. Joint meetings of the parties may be held but only if agreed to and desired by all parties, recognizing the imbalance of power in the case of a teacher or school administrator and a student or students that could render a joint meeting ineffective.
10. If a mutually acceptable solution is not found, the person investigating will submit within two working days, the written complaint, a summary report of the action taken to date and notification to the Superintendent of Education for a meeting to resolve the issues.
11. In the case of a complaint against a principal or vice-principal, the Superintendent of Education will submit the documentation referred to in step nine to the appropriate Coordinating Superintendent.
12. The next step meeting must take place within ten working days of the notification or at a time mutually agreeable to the parties.
13. The resolution to the complaint will be communicated in writing to the parties within five working days after the conclusion of the meeting. Where disciplinary action is recommended against an employee of the Board, contact must be made with the Superintendent of Employee Services to ensure system consistency.
14. The resolution to the complaint will be retained in the appropriate files for a period of three years.

Appeal Process/Final Review of Decision

1. Either party may make an appeal to the Director of Education.
2. An appeal must be submitted in writing within ten working days of receipt of decision of person investigating the formal complaint.
3. The Director of Education may designate the appeal to the appropriate Coordinating Superintendent or to an externally engaged third party if he/she deems it appropriate.
4. The Director of Education (or designate or third party) will review and then affirm the original decision or amend the decision and do so in writing within 15 working days.

**Note:** An appeal is not meant to duplicate the investigative procedure. A person who requests an appeal of a decision must have appropriate grounds for the appeal such as:

- the investigator did not follow the procedures;
- there is new evidence that was not known at the time of the investigation;
- witnesses that could corroborate a complaint or response or provide key information, were not interviewed;
- there is new evidence that could change the assessment of the credibility of one or more of the persons interviewed.

**E. By a student or by an employee of the Board against a student**

1. A student(s) or an employee(s) who reveal(s) that they have been harassed by another student or students must have their complaint reported immediately to the principal of the school or the head of the program/department where the harassment took place.
2. The principal or appropriate other senior system manager will hold discussions with the affected parties and attempt to resolve the incident/complaint within five working days.

3. Appropriate action will be taken in accordance with the school's Code of Behaviour and relevant policy and procedures.
4. Procedural assistance may be provided by the area Superintendent or the Superintendent of Employee Services.
5. The principal will immediately inform the parent(s)/guardian(s) of the student(s) that a complaint has been made. Contact with parents/guardians is not required for students who are 18 years or older unless the student so requests or agrees.
6. Employees who believe they have been harassed by a student or students must report the incident to the school principal immediately.
7. The principal will hold discussions with the parties to resolve the incident as soon as possible. The discussions will include the parents/guardians of the student or students except as described above. Employees have the right to be represented at all times by their union or federation.
8. If a resolution cannot be found at the school level, the Superintendent of Education will attempt to affect a resolution.
9. A student or students who is/are found to be responsible for an act of harassment is/are subject to the full range of disciplinary procedures up to and including expulsion.
10. A record of the incident and the resolution will be kept in the offending student's OSR file for a period of one year.

#### Appeal Process

An appeal may be made in respect to a disciplinary action against a student in accordance with Board procedures. These procedures are available through the school principal or office of the Superintendent.

#### **F. By an employee of the Board or a student against a trustee**

1. Any individual who believes he/she has been discriminated against or harassed by a Trustee should report the incident/complaint to their Superintendent. In the case of a student, to the school principal who shall report the incident to the Superintendent of Education.
2. The Superintendent shall bring the complaint forward to the Director of Education or designate who will report the incident/complaint to the Chair of the Board of Trustees.
3. An incident involving the Chair of the Board should be reported to the Director of Education or designate who will bring the matter to the Board of Trustees.

#### **Procedure History**

January 2005 to January 2006 (Working Document)  
Approved 2006

*It is the expectation of the York Region District School Board that all employees, students and persons invited to or visiting Board property will respect the policies and procedures of the Board.*