



Date: February 28, 2024 **Agenda Item:** 8.5

To: Board of Trustees

From: Shawna Warren, Superintendent

Originator(s): Lisa Lacroix, Associate Superintendent of Human Resources

Governance Policy: [Board Policy 110: Welcoming Inclusive, Safe and Healthy Environments](#)

Additional Reference: [Board Policy 105: Vision, Mission and Values](#)
[Board Policy 115: Sexual Orientation and Gender Identities](#)
[Board Policy 900: Student Conduct and Discipline](#)
[Administrative Procedure 711: Employee Conduct - Welcoming Inclusive, Safe and Healthy Environments](#)
Education Act: Sections 16, 35, 35.1
Vision, Mission and Values Statement
Canadian Charter of Rights and Freedoms
Alberta Human Rights Act
Freedom of Information and Protection of Privacy Act

Assurance Domain: Governance

Superintendent Leadership Quality Standard (SLQS)
SLQS Competencies ([SLQS](#) / [Board Policy 700](#)):
Building Effective Relationships
Ensuring First Nations, Métis, and Inuit Education for All Students
School Authority Operations and Resources
Supporting Effective Governance

Subject: ***Administrative Procedure 717: Workplace Violence and Harassment***

Purpose:

For information.

Background:

Board Policy 105, defines the Division's Vision, Mission and Values: "Students, staff and parents all deserve to be treated with respect. By fostering reciprocal respect within our system, we will all be able to reach our full potential".

Policy 110 captures the Board's governance statement for harassment: "The Board believes it is the collective responsibility of all those involved with the Division to create and maintain positive cultures in our schools and workplaces. As such, the Board is committed to providing environments free from harassment, bullying, discrimination and violence".

AP717: Workplace Violence and Harassment has been created to uphold the commitment of the Board of Trustees to foster a learning and working environment free from violence and harassment as outlined in Policy 110. The AP establishes a comprehensive framework outlining the Division's stance against such acts and provides procedures to address them, emphasizing roles and responsibilities to ensure a safe and respectful environment.

The Associate Superintendent of Human Resources is responsible for maintaining this Administrative Procedure, which covers definitions of harassment, reprisal, violence and related terms. It establishes the Division's commitment to addressing workplace violence and harassment involving employees, students, parents, volunteers and members of the public.

The Superintendent or designate is tasked with ensuring that all employees receive training on recognizing workplace violence and harassment and training on appropriate responses and procedures for reporting. This information is essential for fostering a culture of awareness and proactive prevention. Clear reporting mechanisms are outlined, emphasizing the importance of promptly reporting any concerns related to school safety or unsafe situations. Alternative reporting options are provided to address situations where the designated recipient of harassment complaints is the alleged harasser.

This new AP describes the investigation procedures and the commitment to confidentiality. It explicitly prohibits reprisals against those who report incidents in good faith.

The Administrative Procedure, along with associated training practices, is subject to regular review and updates. Compliance is reinforced through legal references such as the Alberta Human Rights Act, the Canadian Charter of Rights and Freedoms, Alberta Government guidelines and the Occupational Health and Safety Act.

Administration is prepared to respond to questions at the February 28, 2024, Public Board meeting.

Attachment(s):

1. *Administrative Procedure 717: Workplace Violence and Harassment*

Administrative Procedure 717

Workplace Violence and Harassment

Responsible Administrator: Associate Superintendent of Human Resources

Purpose

The Board of Trustees of Sturgeon 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.

Process

The Associate Superintendent of Human Resources shall maintain this Administrative Procedure.

Definitions

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

Harassment includes a sexual solicitation or advance 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 excludes reasonable conduct by an employer or supervisor in 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 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. A copy of this Administrative Procedure shall be made publicly available through the Division website.

With respect to Reporting

3. 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 Associate Superintendent of Human Resources. Reports made to a supervisor shall be communicated to the Superintendent or the designate.

4. Alternative reporting mechanisms shall be accessible to employees when the designated recipient of harassment complaints is the alleged harasser.

4.1 Should the respondent be the direct supervisor the matter should be referred to the Associate Superintendent of Human Resources.

4.2 Should the respondent be the Associate Superintendent of Human Resources the matter should be referred to the Deputy Superintendent of Education Services.

5. 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.

6. Employees who are at risk of domestic violence in the workplace are encouraged to notify their immediate supervisor and the Associate Superintendent of Human Resources.

Consideration for an Informal Practice:

7. Employees who experience violence and/or harassment can take the following actions without fear of reprisal:

7.1. 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.

7.2. Discuss the situation with the respondent's supervisor, the alleged victim's supervisor, or the Associate Superintendent of Human Resources.

7.3 Carefully record details of the incident and identify witnesses to the conduct.

7.4 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:

8. An employee is subject 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 Associate Superintendent of Human Resources. No correspondence related to the complaint will be placed in the complainant's personnel file.

8.1. The formal complaint must be in writing and include:

8.1.1. Date and time of each reported incident.

8.1.2. The nature of the violence or harassment.

8.1.3. Names of individuals involved in the incident.

8.1.4. Names of witnesses.

8.1.5. A full description of the incident.

9. Upon receiving a written complaint, the Superintendent or designate shall conduct a thorough investigation.

9.1. 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:

10. Investigations shall be conducted as promptly as possible by the Superintendent or designated authority and shall include:

10.1. Informing the respondent of the complaint.

10.1.1 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.

10.1.2 The reply shall be made known to the complainant before the case proceeds.

10.2 Interviewing the complainant, individuals involved in the incident, and identified witnesses.

10.3. Interviewing any other persons with knowledge of the incident.

10.4 Taking statements from all parties involved in the incident.

11. If necessary, the Superintendent or designate may employ outside assistance or request the use of legal counsel.

12. 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:

13. 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.

14. 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.

15. The Superintendent or designate shall retain investigation reports for a minimum of two years after the incident.

Systematic Harassment

16. 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:

17. 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:

18. 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.

19. In cases where criminal proceedings are forthcoming, the Superintendent or designate shall assist police agencies, lawyers, insurance companies, and courts to the fullest extent.

20. 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.

20.1. 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.

20.2. 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:

21. 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.

Disciplinary Measures:

22. 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:

23. 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.

24. 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:

25. An employee who witnesses violence or harassment in the workplace concerning a colleague should:

25.1. Inform the victim that, in the opinion of the employee, violence or harassment was witnessed and is unacceptable.

25.2. If the victim does not perceive themselves as a victim of violence or harassment, the incident should be considered closed.

25.3. If comfortable, the employee may inform the alleged offender that their actions are unacceptable.

25.4. Encourage the victim to report the incident to their school administrator or site supervisor.

With respect to School Administration and Site Supervisors:

26. School administrators and site supervisors are legally responsible for creating and maintaining a violence and harassment free workplace.

27. School administrators and/or site supervisors shall enforce this Administrative Procedure and ensure its consistent application in the daily operations of the Division.

28. 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.

29. 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.

Review:

30. 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.

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.

References:

[Policy 105: Vision, Mission and Values](#)

[Policy 110: Welcoming Inclusive, Healthy and Safe Environments](#)

[Administrative Procedure 711: Welcoming Inclusive, Safe and Healthy Environments](#)

[Alberta Human Rights Act](#)

[Canadian Charter of Rights and Freedoms](#)

[Alberta Government: Harassment and Violence in the Workplace](#)

[Occupational Health and Safety Act](#)