

**BOARD OF EDUCATION
School District #33 (Chilliwack)**

402.2

ADMINISTRATIVE REGULATION

**Respectful Workplace - Reporting, Investigation and
Resolution Procedures**

REPORTING

Bullying and harassment, discriminatory harassment and retaliation can cause the target to feel intimidated, uncertain, threatened, embarrassed, fearful or concerned about possible reprisal. The Board and the District recognize these concerns and provide, along with steps to prevent or minimize discrimination and bullying and harassment, a number of methods to address conduct of concern. The intent of the Board and the District is to provide a variety of options and to encourage individuals to resolve workplace concerns.

Confidentiality

All persons to whom this Regulation applies are expected to respect and preserve the confidentiality of any complaint and process brought under this Regulation.

Confidentiality of any complaint or process under this Regulation will be maintained to the extent possible and information will be disclosed only to the extent necessary to carry out procedures provided for within this Policy, including the conduct of a fair investigation and the implementation of corrective and remedial measures, and where disclosure is required under lawful authority. In all circumstances, only the minimum amount of information required will be disclosed.

A breach of confidentiality may result in discipline or other corrective action as appropriate.

What to do if you believe you have been subjected to Prohibited Conduct

- 1) If you are comfortable doing so, as soon as possible let the other individual know clearly that his/her/their conduct is unwelcome, that you believe the

Cross Refs: Policy 402, AR 402.1, Provincial Teachers' Collective Agreement, CUPE Collective Agreement, BCPSEA - Investigation-Training Manual for Harassment and Sexual Harassment, Davis & Co./BCSSA Harassment Workshop

Adopted: May 25, 1999

Reviewed:

Revised: February 13, 2018

conduct falls under this Regulation – and tell the offending party to stop. In many cases this will put a stop to conduct of concern;

- 2) If there is more than one incident, keep a written record of dates, times, the nature of the behavior, and witnesses, if any;
- 3) If you are uncomfortable approaching the person responsible for the conduct of concern, or if the incidents do not stop after you have attempted to speak with the individual involved, promptly contact an appropriate supervisor (the Board Chair for Board members) for assistance in raising concerns with the other individual. You may also contact Human Resources for assistance or to discuss alternative courses of action, which may include informal resolution options or a formal complaint;
- 4) If you are represented by a Union or Association, you may wish to seek assistance from your Union or Association at any time;
- 5) You can obtain a copy of the Chilliwack School District Workplace Bullying and Harassment form, which is available at the worksite or online at the Chilliwack School District Health and Safety Page (the “Form”). Complete the Form and submit it as follows:
 - a) to your Principal, Vice Principal or Supervisor;
 - b) if the person responsible for the conduct of concern is another employee, a Principal, Vice-Principal, Supervisor, Department Head, District Manager, Director, Secretary Treasurer of the District you may submit directly to Human Resources;
 - c) if the person responsible for the conduct of concern is a School Board Trustee or the Superintendent of Schools, directly to the Secretary Treasurer.

What to do if you believe you have witnessed Prohibited Conduct

- 1) If you are comfortable doing so, talk to the impacted individual, advise her/him of the Regulation and suggest that she/he/they talk to their supervisor or Human Resources;
- 2) If you are comfortable doing so, talk to the individual responsible for the conduct of concern to help her/him/they become aware of the impact she/he/they may be having; or,
- 3) If the above actions do not resolve your concern or the concern is serious, share your concerns with a supervisor or Human Resources as appropriate. You may also speak to your Union or Association.

What to do if you have been told that your behavior is unwelcome

Individuals who are informed their behavior is unwelcome may feel surprised, embarrassed or defensive. It is important to remember that Prohibited Conduct can occur even if a person does not intend it.

If you are told that your behavior is unwelcome, you should:

- 1) Listen to the other individual, rather than ignoring the situation or becoming hostile, defensive or angry;
- 2) Consider what the person is saying, and how your behavior might be impacting others;
- 3) If appropriate, change behaviors that are unwelcome, remembering that all employees share a responsibility to each other, and to the District or Board, to refrain from unwelcome Prohibited Conduct towards others at work;
- 4) Seek assistance from management or Union as necessary to understand this Regulation and to work on skills that will contribute to a respectful workplace.

INVESTIGATIONS

The following will apply to investigations however, these procedures and any investigation carried out are intended to be flexible in order to respond to the specific circumstances at issue. The District reserves the right to engage in a different procedure as deemed appropriate in any given circumstance in order to meet its statutory obligations regarding a respectful workplace.

When the Respondent is employed by the District

- 1) The Form will be forwarded to Human Resources for investigation and follow-up. Human Resources will ensure the investigation processes applied are consistent with WorkSafeBC requirements and any applicable collective agreement Processes, policy or other requirements. Where the matter involves employees under more than one collective agreement, Human Resources will determine the applicable process to investigate the conduct.
- 2) Human Resources may designate an investigator which may be a member of the Human Resources department, a designate employed by the District, or an external investigator.
- 3) Investigation documentation and records will be submitted to and confidentially maintained by Human Resources. Any letters respecting remedial corrective action or discipline will be placed in the appropriate personnel file.

When the Respondent is not employed by the District or Board and is not a Board Member

- 1) The Director of Human Resources, Principal, Vice-Principal, or appropriate Supervisor will review the submitted Form and applicable definitions of Prohibited Conduct and determine if the alleged conduct falls under the Regulation. If so, he or she will conduct an investigation. In extraordinary circumstances, he or she may designate another person employed by the District or an external investigator to do so.
- 2) The investigator will make findings of fact based on available relevant evidence, including separate interviews with the Complainant, Respondent and relevant witnesses as identified by the investigator and review of relevant

documents or other material evidence, including electronic documents, collected by the investigator.

- 3) Based on the findings of fact, the investigator will make a determination as to whether the allegations constitute Prohibited Conduct and will determine any applicable remedial and corrective action.
- 4) The investigator will prepare a written report of the investigation in a format outlined by the District which will include the names of all parties, relevant dates, a summary of findings and where applicable, it will include recommended corrective actions. If a designate has conducted the investigation, the Report will be provided to the Director of Human Resources, Principal, Vice-Principal or Supervisor as appropriate for decision as to the outcome.
- 5) Investigation documentation and records will be submitted to and confidentially maintained by Chilliwack School District Health and Safety.

When the Respondent is a Board Member or the Superintendent of Schools

- 1) The Secretary Treasurer may receive a Form from a Complainant directly when the allegations relate to conduct of a Trustee or the Superintendent of Schools.
- 2) Without undue delay, the District will engage an external independent investigator.
- 3) Investigation documentation and records will be submitted to and confidentially maintained by the Secretary Treasurer
- 4) Where parties include Board members, the Director shall seek legal advice to determine an appropriate process which engages the Board and which may fall under the School Board Member Ethics Policy and Regulation.

In all circumstances where an investigation is conducted

- 1) The District will ensure that the investigation processes applied are timely, and consistent with due process and any applicable legislated or policy requirements.
- 2) Those involved with an investigation will maintain confidentiality of related information and will share such information only as necessary to ensure that the investigation is fair, to address the outcome of any investigation, including the implementation of any corrective or disciplinary measures or other recommendations, and as may otherwise be required by legislation or enforceable order.
- 3) When a formal investigation is completed, the Complainant and Respondent will be notified of the conclusion and outcome of the investigation and appropriate remedial steps will be taken by the District.
- 4) Participants in an investigation are expected to cooperate fully and truthfully in any investigation process undertaken by the District.

- 5) For District employees, subject only to any applicable grievance process, the decision of the District in respect of the outcome of a complaint is final and not subject to appeal.

RESOLUTION OPTIONS

A complaint of Prohibited Conduct may be advanced by any employee of the District or Board or by a Board member by submitting the Form as described above. When this occurs or where a concern otherwise comes to the attention of the District, steps to promote timely resolution will be taken including by means of the following:

Informal Complaint Resolution

Depending on the nature and severity of the alleged conduct and subject to the consent of the individual who is the subject of the alleged Prohibited Conduct, informal complaint resolution may first be tried to resolve the issue informally. Informal complaint resolution can include, but is not limited to, mediation, drafting of behavioral guidelines, agreements, apology, or other resolution agreed between the parties and the District (or the Board as applicable). If a resolution is reached informally, then all persons involved must agree that the outcome is satisfactory. The Union(s) may also be involved in informal complaint resolution.

Formal Complaint Resolution

- a. If informal resolution is unsuccessful or not pursued, allegations brought to the District's attention will be formally reviewed and where appropriate, investigated.
- b. Any formal complaint will be treated seriously and responded to promptly. Any individual bringing a complaint forward as the person impacted by the alleged Prohibited Conduct or as a witness to it (the "Complainant") must submit the required Form. The information submitted should include the following:
 - o as much detail as possible about the circumstances including dates, times, persons involved, witnesses, and the specific conduct (including specific words);
 - o available relevant documents or other evidence that may support the allegations (including emails, handwritten notes or photographs).
- c. If in extraordinary circumstances a Complainant is unable to prepare a Form, the Complainant should request to meet with Human Resources for assistance.
- d. Formal complaints by an individual cannot be carried out anonymously, and the identity of the Complainant and the nature of the complaint shall be made known to the individual alleged to have engaged in Prohibited

- Conduct (the “Respondent”). The Respondent shall be provided an opportunity to explain his or her behavior and to have such explanations properly considered.
- e. In the event that a Complainant does not proceed with a formal complaint, the District may still initiate an investigation if deemed necessary to ensure the commitment to providing a respectful workplace, health and safety of persons at the workplace or to comply with any applicable laws including the B.C. *Human Rights Code* and the *Workers Compensation Act* and applicable regulations and policies.
 - f. If there is a sufficient basis in the written complaint or in any circumstances where the District otherwise deems it necessary to do so, the District will carry out a formal investigation, promptly, thoroughly, and in a manner that protects the privacy interests of all involved to the extent possible while ensuring a fair investigation.

REMEDIAL STEPS AND CONSEQUENCES

All conduct that is found to constitute a breach of this Regulation will be addressed by attempting to remedy the harm caused and prevent further harm. This may include:

- Introduction of procedural safeguards including limitations on conduct;
- Restorative processes;
- Counselling or mediation;
- Conflict resolution or other applicable training;
- Shifts in work assignment or organization;
- Corrective or disciplinary action as appropriate, up to and including termination of employment;
- Application of the *School Act*;
- Measures under the Student Code of Conduct or the Board Member Ethics Policy or Regulation.

Any person who makes knowingly false, frivolous, malicious or reckless allegations of Prohibited Conduct will also be subject to appropriate remedial steps and consequences.