

The Superintendent of Employee Services will decide whether or not the complaint is valid, in consultation with the investigator. The decision will be communicated to both parties. If the complaint is found to be valid, the Superintendent of Employee Services will determine any disciplinary action that may be warranted and communicate this information to the respondent.

Mediation of a complaint may be requested by either party at any time during the process. Mediation will only be arranged with mutual agreement by both parties to the complaint.

What if the accused person refuses to cooperate in an investigation?

If the respondent refuses to cooperate in an investigation, the refusal will be noted in the investigation file. The investigator may still decide on validity of the complaint, based on uncontradicted evidence and a balance of probability.

What disciplinary measures may be imposed for proven infractions?

Discipline against employees may range from a verbal warning or reprimand up to dismissal from employment. Students found in violation of the policy face disciplinary measures under the Board's Safe Schools Policy. Parents/guardians, contractors, volunteers and others found in violation of the policy may be subject to exclusion from Board property. Serious offences of harassment or discrimination committed by anyone may also be subject to civil and/or criminal prosecution.

Is there an appeal process?

Either party may appeal a decision to the Director of Education. Appeals must be submitted in writing. Appeals are not meant to duplicate the original investigation and will only be considered on the grounds of improper investigation procedure or new evidence not available as part of the original investigation. In addition, persons with complaints may choose to pursue them through the Ontario Human Rights Commission or, in the case of unionized employees, through the grievance process.

Are complaints considered confidential?

All complaints of harassment or discrimination filed through the Board's Respectful Workplace and Learning Environment complaint procedure will be handled confidentially by the Board. Under the Municipal Freedom of Information and Protection of Privacy Act, details of

complaints, investigations, findings and dispositions may not be shared publicly. Investigators will exercise discretion in discussing allegations with witnesses and others pertinent to the complaint. Any allegation of criminal wrongdoing shared as part of a harassment or discrimination complaint will be disclosed immediately to police.

What if complaints are found to be false or malicious?

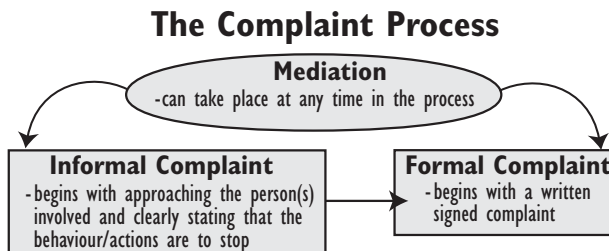
Complaints of harassment or discrimination that are found to be false or malicious will be dealt with seriously. Students or staff members who falsely accuse others may face internal discipline.

What can members of our school communities do to support Respectful Workplaces and Learning Environments?

- Treat all people with dignity and respect.
- Serve as a model of respectful behaviour to others in your daily life.
- If you are not a student, teacher, or school staff member, report to the reception area immediately on entering a school building.
- Allow time for staff to respond to phone calls and e-mail messages.
- Abide by parking lot / drop-off area rules and obey school traffic volunteers.
- Voice complaints in a constructive manner, beginning directly with the person whose behaviour has offended.



Respectful Workplace and Learning Environment



Note: Any behaviour of a violent nature including physical and/or sexual assault must be reported and a formal complaint filed.

Please refer to Policy and Procedure #240.0 for detailed information.



Information for Employees

A Respectful Workplace and Learning Environment

This means that we create and maintain a healthy and productive working and learning environment that fosters respect for and is supportive of the dignity, self-esteem and fair treatment of everyone taking part in its activities.

Creating a Respectful Workplace and Learning Environment is integral in the creation of a community of character. Respect is foundational to the quality relationships upon which working and learning are based. Strong relationships mean:

- knowing and trusting that we are being treated fairly and with respect;
- feeling welcome; and
- having rights validated through actions.

Good character is a cornerstone of a civil, democratic society of responsible, caring and contributing citizens. It ensures the ongoing development of a just workplace and learning environment.

Respectful workplaces and learning environments are free from discrimination and harassment.

Our Board's Policy Against Discrimination and Harassment

It is the policy of the York Region District School Board to foster and maintain working and learning environments that promote human rights and equity of opportunity, and are free from discrimination and harassment (Policy #240.0).

Discrimination and harassment include hurtful comments or actions defined under the Ontario Human Rights Code. The Code is provincial law under which every person has a right to equal treatment, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (faith), sex (gender), sexual orientation, age, record of offences, marital status, same-sex partnership status, family status or disability.

In addition, the Board defines non-code harassment as **any** “patterns of comment or conduct of an excessive nature that are ... unwelcome, unwanted, offensive, intimidating, hostile or inappropriate.”

Does this policy apply only to staff?

No. This policy applies to *all students, staff, trustees, contractors, parents, volunteers, permit holders and all other persons* who attend or are associated with our schools, offices and work locations. It also applies to comment or conduct not carried out on Board property (e.g. electronic communications) but having the potential to adversely affect working and learning environments.

What behaviours violate the policy?

Some examples of prohibited behaviour include:

- speaking in a threatening manner;
- bullying;
- swearing or using profane language;
- making rude, obscene or disparaging comments about someone;
- excluding or refusing to associate with individuals;
- personal insults or jokes intended to offend or marginalize others; and
- displaying offensive materials.

It is recognized that some incidents may occur in relationships in which there is an imbalance of power and authority, e.g. employees and supervisors, students and teachers, etc. Some conflicts can arise due to misunderstanding or misinterpretation.

How does the Board respond to violations?

All complaints of discrimination or harassment are taken seriously. The goal of any intervention is to resolve complaints and disputes so that working and learning can continue unimpeded by interpersonal conflict. All formal complaints are investigated thoroughly.

Must every concern be resolved through a formal complaint process?

No. Any person who has been subject to or has witnessed offensive conduct may speak directly to the person who has committed the infraction, if he or she feels comfortable in doing so. The offender should be told, specifically, the comment or conduct deemed offensive and asked to stop it immediately. Many problems can be resolved at an early, informal stage, just by letting a person know their behaviour is inappropriate. If the behaviour continues, a formal complaint should be filed. Any complaint involving an allegation of violence or sexual misconduct must be reported immediately and followed up with a formal, written complaint. Allegations of

criminal behaviour will be reported immediately to the police. If the allegations are in reference to victim under 16 years of age, the matter must also be reported directly to the CAS.

Who should be told about harassment or discrimination?

Any person who feels they have been subject to harassment or discrimination should speak to the person in charge of the school or workplace at which the incident occurred. All school administrators, managers and supervisory officers have received instruction on dealing with allegations and can provide advice on approaches to dealing with concerns. School and workplace leaders can provide guidance for reporting a formal complaint.

How and to whom should formal complaints be reported?

Formal complaints should be completed in writing, detailing dates, times, witnesses, contact information, and a precise description of the infraction. All formal complaints must be signed and dated. Formal complaints should be forwarded to the principal, manager or superintendent (as described in Procedure #240.0).

What steps are taken to resolve formal complaints?

The person investigating the complaint may be a trained Board employee or a third party. Any individual named as a respondent (accused person) will be provided with a copy of the written complaint within two working days of submission. The investigator will schedule individual meetings with the complainant and the respondent. Both parties may be joined at these meetings by a friend, union representative or other person of their choosing. Respondents are encouraged to file a written response. The investigator will schedule additional individual meetings with witnesses.

After reviewing all available information, the investigator may request a joint meeting with the complainant and the respondent to try to resolve the matter. A joint meeting will only be held with the agreement of both parties to the complaint. If a joint resolution is found, the outcome will be recorded in a report and held on file for three years. If a resolution is not reached, the Superintendent of Employee Services will be notified.