

SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD

Section	PERSONNEL	
Management		
Guideline	WORKPLACE HARASSMENT and HUMAN RIGHTS	
Applicable Policy	WORKPLACE HARASSMENT and HUMAN RIGHTS	717

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1.0 GENERAL

The Superior-Greenstone District School Board (SGDSB) is committed to providing a safe, nurturing, equitable and respectful Workplace. It is a shared responsibility across SGDSB to foster a Harassment/Discrimination and Workplace Harassment free Workplace, where every individual is treated with dignity and respect.

This management guideline articulates the procedures to support the implementation of the Workplace Harassment and Human Rights Policy, 717 (the Policy). These procedures apply to all Employees and are for addressing incidents and complaints of Harassment/Discrimination and Workplace Harassment from all sources.

2.0 DEFINITIONS

These are terms that need to be defined for implementing these procedures.

Allegation is an unproven claim or assertion that someone has done something wrong based on a reasonable belief that a violation of the Policy has occurred.

Complainant refers to anyone who makes a complaint under the Policy alleging that Workplace Harassment and/or a Human Rights violation has occurred.

Disability ¹ is defined (Ontario Human Rights Code) as:

- x any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- x a condition of mental impairment or a developmental disability,
- x a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- x a

neutral, but disadvantage certain groups of people. Types of discrimination include systemic discrimination and poisoned environment.

Employee/Worker refers to all persons employed by SGDSB. Employee is any person included in the definition of “worker” under the Occupational Health and Safety Act (OHSA) and includes all SGDSB employees. Worker is an employee who performs work or supplies services and includes, a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.

Gender identity ² is each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same ah330002 Tw 0. befnspecttnei [(bot)-6.6 (h,)42 Tc 0.002 -w 3.761 0 Td ()Tj7-0.00233

individuals that are involved with SGDSB. Other Users does not include Employees or Students of SGDSB.

Poisoned Environment ⁴ is a form of discrimination. It may be created when unwelcome conduct or comments are pervasive within the organization, which may result in a hostile or oppressive atmosphere for one or more people from a Code-protected group. This can happen when a 282056 (05/10) 15 (0)

Education.

2. Incidents/complaints against the Director of Education or the Board Compliance Officer (as outlined in Policy 726 – Whistleblower) will be referred to the Chair of the Board.
3. Incidents/complaints of harassment or behavior of a violent nature including physical assault and sexual assault must be formally reported according to SGDSB's Workplace Violence Policy and its management guidelines. The individual(s) may refer the matter to the Police. SGDSB may refer the matter to the police.

- 3.3 All human rights complaints must be filed within one year of the last alleged incident. In the event the complaint is being filed after one year, the complainant must identify in writing the reason(s) for the delay in filing the complaint, for consideration by SGDSB.

It is within the discretion of SGDSB to determine whether a complaint can be filed beyond the one-year anniversary of the last alleged incident. Prompt reporting is encouraged as it allows for more thorough and accurate investigations. Investigations will be conducted within a reasonable timeframe, respecting both the need for a prompt resolution and the need for a thorough and complete investigation.

- 3.4 ~~SGDSB Dispute Resolution Process~~ Complaints must be filed to comply with 3ge02 (om)-6 (pl)2.7 (at)-6D 22 >>BDC

B: SGDSB may offer mediation or other forms of alternative dispute resolution to the complainant(s) and respondent(s) where it is appropriate and feasible to do so. Mediation is a voluntary process and involves a mediator

meeting(s). The final summary is provided to the complainant, respondent and the appropriate Superintendent. This summary will respect confidentiality to every extent possible.

5.6.9

- 5.7.7 Once the Principal/Vice Principal has conducted adequate research, a summary of the findings will be prepared and provided to the complainant and respondent. This summary will respect confidentiality to every extent possible.
- 5.7.8 In cases where there is a finding that a breach of the Workplace Harassment or Human Rights Policy has occurred, appropriate disciplinary/remedial sanctions are implemented. It should be noted that the complainant should not be informed of the exact disciplinary sanctions imposed on the respondent, however, should note if corrective action has been or will be taken, as well as measures put in place to prevent the matter from taking place again.
- 5.7.9 Where a resolution cannot be reached, or if the complainant, and or their parents/guardians are not satisfied with the solution, an outside agency may become involved. The Board will cooperate as required with any external proceedings (i.e. Police, Ontario Human Rights Tribunal).
- 5.7.10 Should the complaint be determined to be malicious or in bad faith (unjustified), the complainant will be subject to the disciplinary actions as described in this procedure.

5.8 Formal Other User Complaints

- 5.8.1 Participants involved in the formal investigation procedure will include the complainant, the respondent, witnesses (if any), their representatives, and an investigator/investigation team.
- 5.8.2 Once a written complaint is received, the appropriate Superintendent will appoint an investigator/investigation team. The investigator or members of the investigation team should not be directly involved with the complainant or respondent (i.e. in a direct report relationship). All efforts will be made to ensure the investigator(s) are an impartial third party.
- 5.8.3 The investigator(s) will meet with the Supervisor/Manager to discuss the issue. All those involved will keep detailed notes pertinent to the investigation as outlined in "records of investigation" (5.5.5).
- 5.8.4 The investigator/investigation team may choose to meet with the complainant to get clarification on issues that may be unclear.
- 5.8.5 The investigator/investigation team will meet with the respondent in the absence of the complainant. A copy of the formal signed complaint will be submitted to the respondent, indicating the name of the complainant and respondent, the places, times, dates and nature of the alleged incidents being investigated. The respondent may (at any stage of the investigation) respond to the allegations.
- 5.8.6 If necessary, the investigator/investigation team conducts further fact-finding meeting(s) to ascertain the severity of the situation, interview potential witnesses, etc.
- 5.8.7 Once the investigator/investigation team has conducted adequate research, a summary will be completed, and provided to the complainant and the respondent. This summary will respect confidentiality to every extent possible.
- 5.8.8 In cases where there is a finding that a breach of the Workplace Harassment or Human Rights Policy has occurred,-appropriate disciplinary/remedial sanctions are implemented. It should be noted that the complainant should not be informed of the exact disciplinary sanctions imposed on the respondent.

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5.8.10 Should the complaint be determined to be malicious or in bad faith (unjustified), the complainant will be subject to the disciplinary actions as described in this procedure.

6.0 Possible Remedial/Disciplinary Actions

The following lists are non- exhaustive.

6.1 For Employee respondents:

- an oral or written reprimand and/or a letter in file;
- counselling/training with an educational component focused on the impact of discrimination;
- continuing the Employee in his or her assignment with precautionary measures where appropriate;
- transfer;
- demotion;
- assigning the Employee to an alternate work situation;
- suspending the Employee without pay; and
- dismissal.

Depending on the severity of the remedial or disciplinary action, the SGDSB may also notify the Employee's professional regulatory body (i.e. the Ontario College of Teachers).

6.2 For Student respondents:

- an oral or written reprimand and/or a letter in OSR;
- counselling with an educational component focused on discrimination;
- informing parents where applicable according to Board policy (i.e. Freedom of Information restriction);
- suspension;

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- the names of complainant(s) and respondent(s);
- the nature of the alleged harassment;
- a record of meetings, specifying meeting dates, times and names of attendees;
- a copy of any correspondence between parties;
- the present disposition of the complaint, including final resolution;
- a signed formal complaint (if applicable);
- any disciplinary action taken
- background information gained through interviews, meetings, etc.;
- proper documentation required for both the informal process and the formal investigation; and
- Human Resources will maintain all investigation records in a confidential file.

7.3

Reporting Harassment/Discrimination. Workplace Harassment and
Violent Incidents Via the eBase Platform

For Access from non-Board computers

Step 1: Visit <http://www.sgdsb.on.ca/> Look for a Staff menu with a green background and click the 'Resources' link.

Step 2: There are a number of options arranged in a 7x3 grid. Scroll all the way down to the bottom and click the option in the lower left hand corner entitled: eBase Login

Step 3: A new window will open with a login screen to access the eBase platform. In the spaces provided, enter your Board username and password (same as Board email).

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