
SCHOOL DISTRICT NO. 36 (SURREY)

No. 7210.1

REGULATION: SEXUAL HARASSMENT

PREAMBLE

Harassment is usually a statement about power and the victim is hesitant to seek help out of fear of reprisal. Harassment should be considered intolerable for it is only by changing attitudes that the workplace and schools will ever be free of harassment.

DEFINITION

Sexual harassment is any unwanted and/or inappropriate comment, conduct or action of a sexual nature which has the purpose or effect of detrimentally affecting the working/learning environment or leads to adverse job-related or schooling-related consequences for the victim of harassment.

Sexual harassment, which usually has a negative affect on the victim's ability to learn and/or work, is:

- an expression of power, authority or control through sex
- coercive in nature

PRACTICES WHICH CONSTITUTE SEXUAL HARASSMENT

Sexual harassment encompasses situations in which sexual demands are foisted on employees or students, or in which they must endure unwanted sexually-oriented comments or behaviour. It is not necessary that tangible economic rewards be attached to involvement in the behaviour.

Examples of sexual harassment include:

- A sexual advance, a request for sexual favours, other sexually-oriented remarks or behaviour which is known, or ought reasonably to have been known, by the person making the advance, request or remarks or engaging in the behaviour, to be unwanted by the recipient.
- A sexual advance, a request for sexual favours, other sexually-oriented remarks or behaviour made by a person in a position of trust and/or responsibility with the power to grant, confer or deny a benefit, privilege, or advancement to an individual in a less powerful position, such as a

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supervisor-employee or teacher-student relationship, where the person making the advance or request knows, or ought reasonably to know, that it is unwanted by the recipient.

- A sexual advance, a request for sexual favours and/or other verbal or physical conduct of a sexual nature when submission to such conduct is made a term or condition of employment or submission or rejection of such conduct is used as a basis for employment decisions.
- A sexual advance, a request for sexual favours and/or other verbal or physical conduct of a sexual nature when such conduct unreasonably interferes with work or learning performance or creates an intimidating, hostile or offensive working/learning environment.
- A reprisal, or threat of reprisal, or the denial of opportunity for the rejection of a sexual advance or request for sexual favours.
- Subjecting an individual to unwanted groping, propositions, leering, inappropriate comments of a sexual nature, off-colour jokes or obscene gestures.
- The display or distribution of sexually demeaning comments, pornographic and/or exploitative pictures, cartoons and graffiti in School District facilities, or on School District technology such as FAX machines, copiers and computer or in any material produced on School District premises.

Cooperation with the harassment as a result of threats or promises does not invalidate a claim of sexual harassment.

Some forms of sexual harassment such as child abuse, sexual assault, pornography, libel, slander or defamation of character, may be actionable.

GUIDELINES FOR DEALING WITH SEXUAL HARASSMENT

A student or employee may seek a remedy from several sources:

- pursuant to the School District's policy and regulation on sexual harassment
- under Collective Agreements
- pursuant to applicable College of Teachers by-laws and policies governing the professional conduct of members

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- by the filing of a complaint with the Human Rights Council of British Columbia through the Justice System

The Board is obligated under the Human Rights Act to investigate all cases of sexual harassment brought to its attention.

INFORMAL RESOLUTION OF A COMPLAINT

Complainants are encouraged, but not required, to immediately tell the other person when his/her behaviour is considered inappropriate and unwanted and ask that the unwanted conduct stop. Persons should comply immediately with the request without retaliation.

A complaint may be brought to the attention of any employee at the school or district level should the complainant not wish to file a formal written complaint.

The complainant may request that the employee meet with the alleged harasser with a view to obtaining an apology and an assurance that the offensive conduct will not be repeated.

The complainant may request that the employee meet with the alleged harasser with a view to arranging a meeting where the complainant can advise the alleged harasser of his/her discomfort and concern with the employee in attendance. The employee could then assist both parties to reach an acceptable resolution.

Alleged harassers will be informed immediately when a complaint has been filed against them.

FILING A FORMAL COMPLAINT

A complaint is to be filed, in writing, with the complainant's school principal or department supervisor, unless the principal/supervisor is the alleged perpetrator in which case the complaint is to be filed with the appropriate Area Superintendent or Department Manager. Alleged harassers will be informed immediately that a complaint has been filed against them.

Within five days of receiving the complaint a meeting will be held with the complainant, followed within ten days by a meeting with the alleged harasser who will be provided a written statement of the allegations and afforded an opportunity to respond. Both parties have the right to have a second party of their choosing attend each meeting.

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If a mutually acceptable solution is not achieved the matter will be referred to the Superintendent or designate within ten days of the meeting with the alleged harasser. The written complaint, the alleged harasser's written account of the incident(s) and a summary of discussions to date will be forwarded with the referral to the Superintendent. The Superintendent will convene a meeting within five days and recommend action(s) to the Board of School Trustees except in situations where an STA or CUPE member may be disciplined, in which case the Superintendent will adhere to the respective collective agreement.

Incidents of sexual harassment will be documented and placed on the employee's file. Where the employee is covered by a collective agreement, the provisions of the collective agreement with respect to the employee's file, will apply.

Reports of sexual harassment will be kept completely confidential, involving as few people as possible, with the goal of protecting both parties and stopping the behaviour.

Retaliation in any form against any person who has filed a complaint relating to sexual harassment is forbidden. If it occurs, it could be considered grounds for dismissal of staff or removal from the education setting for a student.

It is recognized that false or malicious complaints may damage the reputation of, or be unjust to other persons. Should a person be found to be making false allegations, he/she may be subject to disciplinary action.

INDEPENDENT INVESTIGATION

In certain instances the Board of School Trustees may appoint an outside investigator.

Approved: 1996-04-25
