

<b>Administrative Procedures 432</b>	
<b>Prevention of Harassment and Violence</b>	
	<b>Adopted:</b> June 28, 2011 <b>Amended:</b> July 23, 2018
	<b>External References:</b> <ul style="list-style-type: none"> <li>• Education Act: Sections 85, 175</li> <li>• The Saskatchewan Human Rights Code</li> <li>• The Saskatchewan Employment Act</li> </ul>

## Background

All members of the education community have a right to work and learn in a respectful environment that is free from harassment and violence.

The Division is committed to creating and maintaining work environments where employees, students and volunteers are treated with respect and dignity. The Division recognizes its responsibility to provide education regarding harassment and work place violence, and to provide the opportunity for training to resolve situations that occur.

## Definitions

Personal harassment is any objectionable behaviour, comment, or display directed at another based on, but not limited to gender, race or place of origin, physical appearance, age, sexual orientation, or disability. Examples of such harassment may include unwanted physical contact, inappropriate jokes or teasing, display of derogatory materials, or conduct which may reasonably cause hurt, humiliation, or awkwardness so as to negatively affect an individual's well-being, work relationships, or job performance.

For the purpose of this administrative procedure, the person who feels harassed is the complainant and the alleged harasser is the respondent.

Violence is the attempted, threatened, or actual conduct of a person that causes or is likely to cause injury and includes any threatening statement or behaviour that gives a worker reasonable cause to believe that the worker is at risk of injury.

## Procedures

### 1. General

- 1.1 The Director is responsible for maintaining and keeping current these procedures and to ensure they are available in accordance with the Saskatchewan Employment Act in all work centers.
- 1.2 The Director or designate is to provide for the collaborative review of these procedures every three (3) years.

### 2. Harassment Reporting

- 2.1 Reasonable supervisory practices are not to be construed as personal harassment.

- 2.2 If an employee, student or volunteer reasonably believes that s/he has been personally harassed, appropriate measures are to be undertaken in accordance this administrative procedure.
- 2.3 Because allegations of personal harassment are of a sensitive nature and may have serious consequences on both the complainant and the respondent, it is strongly encouraged that:
  - 2.3.1 Complainants, respondents and supervisors keep a record of all events, dates and circumstances related to any alleged incident or review.
  - 2.3.2 Reviews are conducted so as to respect the confidentiality of all parties but recognize the principles of fairness and justice.
  - 2.3.3 Summaries of decisions confirming complaints form part of the personnel file or appropriate student file of the respondent.
  - 2.3.4 The initiation of vexatious or malicious complaints is of itself a form of personal harassment and is subject to the provisions of this administrative procedure.
  - 2.3.5 Employees, students or volunteers may, at any time throughout a harassment review or investigation, file a complaint with the Saskatchewan Human Rights Commission or Saskatchewan Labour, Occupational Health and Safety Branch.
  - 2.3.6 Each school or workplace staff is to discuss a code of conduct intended to establish common understandings as to acceptable standards.
- 2.4 The Director may designate from time to time persons to whom complaints may be addressed.

### 3. Harassment Complaints

- 3.1 Complainants have three (3) recommended courses of action: personal contact, an oral report, or a written report.
- 3.2 Because it is often best if allegations of personal harassment are resolved closest to the source of harassment, it is recommended that the complainant first approach the respondent to attempt to resolve the alleged harassment.
- 3.3 If the complainant believes personal contact would not satisfactorily resolve the situation, the complainant may report the incident orally to his/her immediate supervisor.
- 3.4 The immediate supervisor is to review the complaint and report orally his/her findings to the complainant and the respondent within two (2) weeks. Such a review is to include an interview with the respondent and may include other interviews as deemed appropriate.
- 3.5 Notwithstanding the preceding procedures, the complainant may submit a formal, written complaint to his/her Division Office supervisor. In the event the respondent is the immediate supervisor, the written complaint is to be forwarded to the Director.
- 3.6 Following receipt of the formal, written complaint, the immediate supervisor or Division Office supervisor is to investigate the complaint and provide a written response to the Director within three (3) weeks. A copy is to be provided to the complainant and to the respondent. Such a review is to include an interview with the respondent and may include other interviews and collection of evidence as deemed appropriate.
- 3.7 If the alleged harassment is proven or deemed to be true, the respondent will be subject to disciplinary procedures as determined by the Director up to and/or including dismissal.
- 3.8 The complainant will be contacted at the completion of the investigation.

3.9 The complainant and respondent may appeal the disciplinary procedures to the Director within two (2) weeks. Such an appeal is to be reviewed by the Director and a report provided within thirty (30) days to the respondent and complainant.

#### 4. Violence Prevention

4.1 The Director or designate is to ensure that the Division minimizes the potential for violence by adopting preventive measures such as training for employees, students and volunteers by:

4.1.1 Developing ways and means of recognizing potentially violent situations.

4.1.2 Establishing anticipatory approaches to prevent or minimize violence.

4.1.3 Developing procedures for dealing with incidents of violence and how to obtain assistance.

4.1.4 Establishing procedures for reporting, investigating and documenting violent incidents.

4.2 The Director or designate will intervene and take supportive and appropriate action when any acts of violence, threats or intimidation occur.

4.3 Principals and Supervisors shall advise employees, students and volunteers annually of these procedures.

4.4 Employees, students and volunteers are to use Form 432-1 Violent Incident Report for investigation of an incident of violence.

#### 5. Violence Prevention and Reporting – Employees

5.1 Principals are to inform employees who work in settings where they could be at a higher risk of violence. These may include:

5.1.1 Employees who work with students who have a history of violence.

5.1.2 Employees who work with students who suffer from specific medical conditions, which can increase the probability of those students being perpetrators of violent acts.

5.1.3 Employees who provide services to a student whose parent or guardian has a history of violence or who has threatened school staff.

5.2 All employees have a responsibility to ensure a safe workplace. To that end, employees are to promptly communicate issues relating to violence as follows:

5.2.1 Employees who believe they have been subjected to a violent act will report the incident to the Principal or supervisor immediately.

5.2.2 Employees who have been the victim of a violent incident must complete Form 432-1 Violent Incident Report and forward it to the Principal or supervisor.

5.2.3 Employees who believe a student, colleague, or visitor to the workplace represents a danger to the safety of the workplace are to notify the Principal or Supervisor immediately.

5.2.4 Principals or supervisors are to inform the Director or designate and the local Occupational Health and Safety Committee of all reports of violent incidents.

5.3 All violent incidents are to be investigated as soon as possible following receipt of a complaint. Principals and supervisors are to investigate all reports of violent incidents as follows:

- 5.3.1 Review the complaint and interview the complainant, alleged perpetrator(s), if possible, and any witnesses.
- 5.3.2 Summarize the information and review Form 432-1 Violent Incident Report.
- 5.3.3 Permit the alleged perpetrator to provide a statement.
- 5.3.4 Advise the complainant of his or her right to report the complaint to police.
- 5.3.5 Complete a written report of the results of the investigation and forward it to the Director.
- 5.4 The complainant and alleged perpetrator may choose to be accompanied by an employee representative at any stage in the investigation.
- 5.5 The Director or designate will review the findings and respond.
- 5.6 Following an investigation that confirms the occurrence of a violent incident:
  - 5.6.1 Where the alleged perpetrator is an employee of the Division, the Division will take appropriate supportive and disciplinary action.
  - 5.6.2 Where the alleged perpetrator is a student, the Principal will take appropriate supportive and disciplinary action.
  - 5.6.3 Where the alleged perpetrator is a parent or another member of the public, the Director will take the appropriate action necessary to minimize the risk of another incident.
- 5.7 Employees affected by a violent incident will be contacted following the investigation and review.