

# **EDMONTON PUBLIC SCHOOLS DISCRIMINATION AND HARASSMENT INFORMATION BOOKLET**

## **FOREWORD**

Edmonton Public Schools, in co-operation with the Canadian Union of Public Employees (CUPE) Support, Custodial, and Maintenance Staff (Alberta Teachers' Association could be asked to sign on), is committed to a healthy harassment-free work environment for all employees. To this end, the district and its bargaining units have developed information about the district's procedures to prevent harassment and discrimination of employees and to deal quickly and effectively with any incidents that might occur. This information booklet provides information about the district's beliefs and procedures regarding harassment and discrimination.

For the purpose of this document, the term "harassment" is often used to refer to both harassment and discrimination. In addition, the term "complainant", refers to the individual who feels harassed whether or not a complaint has been made. The term, "respondent", refers to the individual who is alleged to have done the harassment or discrimination whether or not a complaint has been made.

## **CONFIDENTIALITY**

Harassment and discrimination are serious issues. All staff involved in any harassment or discrimination investigation are urged to keep the matter confidential. Reasonable efforts will be made to respect the confidential nature of a complaint. It must be recognized that, to the extent the complainant and/or respondent chooses to initiate proceedings or make comments outside the district's internal complaint procedures, confidentiality cannot be guaranteed. The *Freedom of Information and Protection of Privacy Act* (FOIP), protects information shared by and about others during an investigation. It must be recognized, however, that information collected and retained as part of an investigation may be subject to release as part of a legal process or otherwise in accordance with the Act.

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## What is harassment or discrimination?

Edmonton Public Schools recognizes the right of all employees, students, parents and volunteers to work and learn in an environment free from harassment or discrimination.

The Canadian Charter of Rights and Freedoms and the Alberta Human Rights, Citizenship and Multiculturalism Act give individuals the right to an environment free of discrimination and sexual harassment. In addition, in Edmonton Public Schools, individuals are guaranteed an environment free of intimidation, abusive treatment and other forms of harassment.

Harassment and discrimination can take many forms. It is **unwanted conduct that is offensive in nature and that detrimentally affects the work or school environment or leads to adverse job-related or personal consequences for the person being harassed or discriminated against.** Harassment does not include the legitimate exercise of an individual's supervisory or administrative authority. Harassment does include intimidating abusive treatment or abuse of authority. Sexual harassment is unwelcome behaviour of a sexual nature and is one type of harassment. Discrimination includes behaviour which is due to any personal characteristic such as race, religious beliefs, colour, gender, physical or mental disability, sex, marital status, age, ancestry, place of origin, or sexual orientation. Individuals may experience harassment related to the above characteristics.

Harassment and discrimination are actions or behaviours that are unwanted and offensive. They often leave the person feeling demeaned, intimidated or embarrassed. Sometimes the effects can even be physical. They go beyond the bounds of normally accepted behaviour. Harassment and discrimination may also be illegal. If you feel you are being harassed or discriminated against, you may call one or more of the following for information and advice:

- your bargaining unit representative
- your supervisor
- the respondent's supervisor
- staff member in the Employee Assistance Program (EAP)
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

## Key characteristics of harassment and discrimination

The key characteristics are:

- unwanted behaviour
- negative effects on job
- negative effects personally
- Illegal – if it violates Alberta's Human Rights, Citizenship and Multiculturalism Act
- may create an intimidating, hostile or offensive environment
- threats such as loss of promotion, pay, hours, position or poor grades may be made or implied

Discrimination involves behaviour or a way of doing things which singles out or has an adverse impact upon someone because of race, religious beliefs, colour, gender, physical or mental disability, sex, marital status, age, ancestry, place of origin, or sexual orientation.

You may be experiencing discrimination if you feel:

- offended
- threatened
- uncomfortable

## Definitions

“Complainant” refers to the individual who feels harassed or discriminated against.

“Respondent” refers to the individual who is alleged to have done the harassment or discrimination.

## A. If I am the complainant

### How do I know if I’m being harassed?

You have been the recipient of (experienced) behaviour which is unwanted or affects you negatively. Or, there is a method of doing things which is unwanted and affects you negatively. You may feel threatened, offended, or uncomfortable. You may feel that you must do something or not do something which is offensive to you, otherwise, there will be negative consequence(s) to you or your job. Just because others are treated the same way does not mean that it is not harassment or discrimination. The respondent and the complainant may be male or female, of any ethnic, linguistic, religious background, age, colour or mental ability. The behaviour may not have occurred at the workplace but affects your job or situation in the workplace.

### How do I know if I’m being sexually harassed?

If there are sexual overtones to unwanted behaviour, it is sexual harassment. It does not have to involve touching or the threat of physical contact, but can include any conduct that makes the work or school environment intimidating, hostile or offensive. Sexual harassment may include gestures, looks, displaying pictures, telling of jokes, comments or suggestions, and other conduct. Just because others are treated the same way and do not mind, doesn’t mean that you are not being sexually harassed. Good-natured flirting which both parties find acceptable, or an appropriate romantic relationship that both parties willingly engage in, and which does not adversely affect others, is not considered sexual harassment. If you think you are being sexually harassed, you may feel embarrassed, confused or intimidated. You do not have to ignore your feelings. Feel free to call one or more of the following:

- your bargaining unit representative
- your supervisor
- the respondent’s supervisor
- a staff member in the Employee Assistance Program (EAP)
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

## Can it be my fault?

**You did not ask to be harassed.** Harassment may be motivated by a number of different things: fear, insecurity, power-seeking, need for control, etc. It is behaviour that the person ought reasonably to have known would be unwelcome. The issue is not what you might have done to invite harassment. It is important to let the person know, either yourself or through someone else (or both) that the conduct is unwelcome.

## What if the respondent or others tell me I'm being too sensitive?

Many times people do not harass or discriminate maliciously or even intentionally. Some people use the guise of good-natured teasing to isolate or control someone who is different. But what they consider good-natured teasing may in fact be hurtful or embarrassing. It is important to let the person know that you do not appreciate the behaviour. If you do not feel comfortable doing this directly, you may ask another to intervene on your behalf. In most cases of unintended harassment, the behaviour will stop. If it continues consider seeking the help of one or more of the following:

- your bargaining unit representative
- your supervisor
- the respondent's supervisor
- a staff member in the Employee Assistance Program (EAP)
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

## Effects of harassment

People who have been harassed speak of feeling:

- humiliated
- ashamed
- embarrassed
- angry
- stressed
- afraid

Some people also report experiencing symptoms such as:

- headaches
- nervousness
- insomnia
- stomach problems
- panic attacks

**Remember, if this is happening, please see your doctor!**

Harassment and discrimination may negatively affect the workplace and decrease job satisfaction.

Harassment may lead to absenteeism and staff turnover.

## What should I do if I'm being harassed?

### Advise one or more of the following:

- your bargaining unit representative
- your supervisor
- the respondent's supervisor
- a staff member in the Employee Assistance Program (EAP)
- a lawyer
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

## There are lots of things you can do:

Talk to someone:

- your bargaining unit representative
- your supervisor
- the respondent's supervisor
- a staff member in the Employee Assistance Program (EAP)
- a person in authority whom you trust
- your principal or an administrator
- a lawyer
- your doctor or health care practitioner
- Edmonton Police Services  
(for assault or other severe cases)
- Human Rights and Citizenship Commission

Do not ignore it.

Keep a written record of all events (see p.16 steps in investigation).

Avoid being alone with the person .

If possible, leave the situation .

Please be aware that there are various and sometime(s) very short timelines in place which may limit your ability to file a complaint with certain parties. It is best to consult your bargaining unit to find out what applies for you.

Depending on the situation, some of the options you may want to explore include:

- a formal or informal complaint under district procedures
- a grievance through your bargaining unit
- a complaint to the Human Rights and Citizenship Commission
- a civil law suit
- a criminal charge

You may want to pursue more than one of these options at the same time. Again, it is important not to miss certain time limits, so it is best to consult the people at the back of this booklet for appropriate information.

If you become ill or experience stress as a result of the situation, see your doctor or health care practitioner. You may have access to sick leave and Employee Assistance, to Worker's Compensation or extended disability benefits.

## What if I cannot confront the person to stop the behaviour?

It is natural to feel embarrassed, intimidated or guilty. You may think that if you just ignore the harassment, or give nonverbal cues that you don't welcome it, it will stop. However, it is important to verbalize your concerns. Harassment rarely goes away on its own -- in fact, it usually gets worse.

In many cases, the respondent does not intend to harass you. The respondent may not realize the behaviour is inappropriate, or that it is making you uncomfortable. Once you bring it to the person's attention, the behaviour will usually stop.

If you don't want to speak to the respondent in person, try writing a letter. This helps you take an active role in handling the situation when circumstances make it difficult to speak to the person directly.

If you think you just can't confront the respondent by yourself, ask your bargaining unit representative, a staff member in EAP (employee assistance program), or some other trusted person for advice and support in voicing your concerns. Don't ignore the situation -- call for help if you need it!

### WRITE A LETTER

Here are some tips on how to write a letter to the respondent:

1. Clearly outline the behaviour you want stopped. State the facts as you see them, without judgment. Be as detailed and precise as possible with dates, places, and descriptions of the incidents.
2. Describe your reactions and feelings about the incidents.
3. State what you want to happen next. This part may be very short, since you probably want the behaviour to stop. However, if you believe a remedy is necessary, include it.
4. Keep a copy of the letter. The letter should be delivered in person, by registered mail or courier. It helps to have proof that the letter was received.

**IMMEDIATELY**, inform the respondent that the behaviour is unwelcome and unwanted. Do so before a witness, if possible. If the situation makes this difficult, inform the person over the telephone, in writing or through a representative. You can also seek advice from your bargaining unit representative, a staff member in EAP or a person in authority.

Once you inform the respondent that the behaviour is unwelcome he or she will normally stop. If the behaviour continues, make a written record of dates, times, the nature of the behaviour and the names of any witnesses. You may consider starting the complaint process. Reasonable efforts will be made to respect the confidential nature of a harassment complaint.

## **Informal complaint**

Advise one or more of the following:

- your bargaining unit representative
- your supervisor
- the respondent's supervisor
- a staff member in EAP
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

Provide them with a copy of the written record. They will advise you of your options and ask you how you would like to proceed.

You may request them to resolve the complaint informally by intervening on your behalf.

You may also enter into voluntary mediation with a neutral third party. Mediation requires the agreement of all the parties involved. Through a mediation process, a mutually acceptable resolution may be worked out.

## **What do I do if the behaviour doesn't stop after I've confronted the respondent?**

If you've tried to resolve the situation on your own with no success, you need to get someone else involved. Whom you choose and how you want them to intervene will depend on the situation -- how serious it is, how long it has been going on, who the respondent is, and so on. Consider talking to:

- your bargaining unit representative
- your supervisor
- the respondent's supervisor
- a staff member in EAP
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

Prepare for the next step by making a written record of the dates, times and nature of the behaviour, and the names of any witnesses. If the harassment consisted of verbal remarks try to write down the exact words used. Also, record what you did to stop the behaviour or show disapproval. Do this as soon as possible after the harassment occurs, so the details are fresh in your memory. Once you have noted things down, sign and date your account of the incident. Keep a copy of this record.

## **What is an informal complaint under district procedures?**

If you make an informal complaint, an attempt will be made to resolve the situation. This could be done by having someone intervene on your behalf or through a mediation process. Mediation is a voluntary process that requires the agreement of all parties involved. The mediator will encourage the parties involved to discuss the situation, either face to face, or through the mediator, and come to an agreement. The mediator will be a mutually acceptable person. If this does not successfully resolve the issue, the complainant may choose to initiate a formal complaint. It is not necessary to initiate an informal complaint before filing a formal complaint.

## What is a formal complaint under district procedures?

A **formal complaint**, under district procedures, involves a thorough investigation into incidents of harassment. A mutually acceptable investigator will be appointed to investigate complaints of harassment and will meet with the complainant(s) and the respondent(s) separately to obtain each person's version of the incidents. The investigator will give each person a chance to respond to the allegations made against them. A report will then be prepared for the Superintendent of Schools.

## How quickly do I need to make a complaint?

You should be aware that timelines for filing complaints vary. The sooner you make a complaint, the easier it is to establish the facts and resolve the situation.

If you are filing a complaint with Edmonton Public Schools, you must do so within **six months** of the incident(s).

If you believe there may be grounds for a grievance associated with your situation, consult your bargaining unit, as timelines vary.

If you are filing a complaint with the Human Rights and Citizenship Commission, you must file it within **one year** of the incident(s).

In extreme cases, harassment may be a criminal offense. In that event you may also lay a complaint with the local police. If you are filing a complaint with Edmonton Police Services, you should file it as soon as you can after the incident has occurred.

## How do I prove I have been harassed?

If there were any witnesses to the harassment, they can help you verify the complaint. If you have made a written record of the incidents soon after they occurred, this can also help. The more details you give about the incidents, the easier it will be to resolve the situation.

## Formal complaint

Failure to make objections known through an informal process does not preclude one from filing a formal complaint.

You may wish to file a formal written complaint immediately under district procedures with the person(s) appointed to handle harassment complaints. This person will initiate the complaint process.

If you make a formal complaint, it is very important to include your written records of dates, times and the nature of the behaviour, and the names of any witnesses. Also note anything you did to let the respondent know that his or her behaviour was unwelcome and unwanted.

If you are a bargaining unit member, you should also enlist the help of your bargaining unit representative.

You may file a complaint with the Human Rights and Citizenship Commission.

In extreme cases, harassment may be a criminal offense. In that event you may also lay a complaint with the local police.

## Retaliation

If you experience any retaliation after bringing your complaint forward, contact:

- your bargaining unit representative
- your supervisor
- the respondent's supervisor
- a staff member in EAP
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

## What if I am harassed in the workplace after I have made a complaint?

In Edmonton Public Schools, management is responsible to protect you against retaliation. In a situation where sexual or personal harassment and/or discrimination has been alleged and a complaint has been initiated, reasonable measures shall be taken to ensure that the employees directly involved in the situation shall not be required to work in close proximity to one another until such time as the complaint has been resolved.

If you experience any retaliation after you have made a complaint, immediately advise someone in authority. Retaliation may include even subtle forms such as a "chilly climate" in your workplace.

### THE ISSUE OF CONFIDENTIALITY

Harassment is a serious issue. Allegations of this type may involve sensitive disclosures and cause strong emotional distress for the complainant and respondent. Individuals who experience harassment are usually reluctant to come forward due to the confidentiality issue. All staff involved in any harassment investigation are urged to keep the matter confidential. Reasonable efforts will be made to respect the confidential nature of a harassment complaint. It must be recognized that, to the extent the complainant and/or respondent chooses to initiate proceedings or make comments outside the District's internal complaint procedures, confidentiality cannot be guaranteed. The *Freedom of Information and Protection of Privacy Act* (FOIP), protects information shared by and about others during an investigation. It must be recognized however that information collected and retained as part of an investigation may be subject to release as part of a legal process or otherwise in accordance with the Act.

## **B. If I am the respondent**

### **What should I do if someone accuses me of harassment?**

Make sure you understand the exact behaviour that is making the person feel uncomfortable. Stop the behaviour immediately. If you think there has been a misunderstanding about the behaviour between you and the person, ask someone you trust to work with you to resolve the situation on an informal basis.

### **If I've always acted this way, why all of a sudden is it harassment?**

Each person reacts differently to certain situations. What is harassment to one person may not be to another. For example, some people may find a certain behaviour, such as a colleague putting an arm around an employee or a person telling an ethnic joke, to be entirely appropriate. Others may consider this harassment. In cases such as this, the person who is uncomfortable with the behaviour has a responsibility to let you know his or her feelings. However, you also need to notice how an individual reacts to your behaviour. Look for body language that indicates the person is uncomfortable with what you are doing or saying. If you are unsure of the reaction, ask the person if your behaviour is unwelcome.

### **What if I didn't intentionally harass the person?**

The results of the behaviour, rather than intentions are what matter. If your behaviour is offensive in nature, unwelcomed by the complainant, and causes the person to feel uncomfortable, embarrassed or degraded, then it is harassment.

### **Stop immediately!**

Stop any behaviour, which someone tells you is unwelcome or unwanted.

To help resolve the issue on an informal basis, ask:

- your bargaining unit representative
- your supervisor
- the complainant's supervisor
- a staff member in EAP
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

It is important to record the events surrounding all discussions.

## **If someone files a complaint against you**

If someone files a formal complaint against you, a mutually acceptable investigator will inform you of the details and give you a chance to respond. You may want to seek advice before responding. You are entitled to assistance and representation during this process. You may want to seek advice from:

- your bargaining unit representative
- your supervisor
- the complainant's supervisor
- a staff member in EAP
- a lawyer
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

## **What are my rights in an investigation?**

If you are a bargaining unit member, you may seek advice from your bargaining unit. If you are not a member of a bargaining unit you may wish to seek advice from a staff member in EAP. In either case you may wish to seek legal representation.

You have the right to know who has made the allegations against you and the exact nature of those allegations. You have the right to give your side of the story. It is in your best interest to seek advice before making a statement or responding to the allegations.

## **Am I "innocent until proven guilty"?**

YES. No determination will be made until the matter has been fully investigated. You will be treated fairly, with as much consideration and the same rights as the complainant.

## **Who will decide?**

A mutually acceptable investigator will provide all the information surrounding the situation to the superintendent of schools, the complainant(s) and the respondent(s). After reviewing the situation, the superintendent will decide what action will be taken.

## C. If I am the supervisor

### What are my responsibilities as a supervisor?

You have the responsibility and an obligation to take all reasonable steps to provide a harassment-free workplace. In recent cases, employers have been held liable where the courts have determined that sufficient actions to prevent the harassment were not taken.

### What can I do to prevent harassment?

- Be a role model. Never engage in or condone behaviour that could be interpreted as harassment.
- Walk through the workplace to monitor the working environment. Inappropriate pictures or posters, insults or offensive jokes may indicate a harassing environment.
- Show you take the issue seriously. Post the policy and discuss it at meetings. Host an awareness session.
- Watch for signs that harassment may be taking place. Rumors, sudden changes in staff turnover or absenteeism, decreased motivation and lower job performance may indicate that harassment is taking place.
- Respond to complaints promptly.
- If you receive a complaint be supportive.

### Supervisor's responsibility

You have the responsibility and an obligation to take all reasonable steps to provide a harassment-free workplace.

Some of your responsibilities are to:

- ensure that complaints are handled promptly - this includes advising the individual(s) of all the various options that are available for resolving the situation;
- inform the complainant(s) or respondent(s) of the options and avenues available including who may be contacted (see p. 19)
- ensure that all complaints are handled with appropriate confidentiality;
- make sure that all individuals know who is designated to receive complaints;
- take steps to prevent any recurrence of workplace harassment;
- take steps to protect from retaliation an individual who makes a complaint in good faith.

You must follow up on any incidents or complaints of harassment that come to your attention. Approach the person appointed to receive and investigate complaints for advice on the best way to handle the situation.

### **What do I do when I get a complaint?**

You have an obligation to treat every harassment complaint seriously. You must respond to any complaints made to you immediately, without delay. You must also treat them discreetly, with respect for the sensitivity of the situation. Edmonton Public Schools has specific procedures for dealing with both informal and formal complaints. Check with a staff member in EAP for advice on the best way to handle the situation.

### **Can the problem be resolved without anyone else getting involved?**

That depends on the circumstances. In many cases, it is to everyone's advantage to resolve the situation informally. If an individual brings an informal complaint of harassment to you, you can act as a mediator between that person and the respondent. Discuss the situation with the two people, and determine what type of solution will work for both parties. Advise both parties of all their options.

### **When should I turn the matter over to someone else and who should that be?**

If the problem cannot be resolved informally, or if the complainant wishes to make a formal complaint immediately, then notify the Superintendent of Schools who will appoint a mutually acceptable investigator.

## **What do I do if I see harassment in my work location?**

As an employee, what should I do if I think harassment is occurring in my workplace?

In instances that involve crude language, jokes, name-calling or leering, the respondent's behaviour is apparent to more people than just the complainant. Tell the respondent that you consider the actions inappropriate.

If you see a situation that looks like harassment, discuss it with the complainant. Be supportive and understanding if the person discusses the situation with you. Encourage this person to take steps to stop the offending behaviour. If the person is too intimidated to take action, offer to accompany the complainant in taking the matter forward to one or more of the following:

- a bargaining unit representative
- a supervisor
- the respondent's supervisor
- a staff member in EAP
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

If you have relevant information, be prepared to share it. This will help in the investigative process.

## **Should I talk to the person who I think is doing the harassing?**

If you see someone behaving in a way that could be called harassment, tell that person in private that the behaviour is inappropriate. This gives the respondent the opportunity to stop behaving in that manner, and may prevent a formal complaint being made.

## **Should I report what I have seen?**

Every Edmonton Public Schools employee is responsible for helping to keep the workplace free of any form of harassment. If, despite your encouragement, a person still does not want to bring a complaint forward, you may want to seek advice from one or more of the following:

- your bargaining unit representative
- your supervisor
- the respondent's supervisor
- a staff member in EAP
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

## **What are your responsibilities if you know of a case of harassment?**

- Discuss your concerns with the recipient of the behaviour.
- Encourage and help the individual to bring the incident to the attention of one or more of the following:
  - the bargaining unit representative
  - a supervisor
  - the respondent's supervisor
  - a staff member in EAP
  - a person in authority, whom they trust
  - your principal or an administrator
  - a person noted at the back of this booklet

## **Will I have to testify?**

If you have witnessed harassment, and a formal investigation is conducted into the incident(s), you will be interviewed by the investigator to find out what you saw or heard.

If another type of complaint is pursued (see page 6), you may be required to testify in that particular process.

## D. Process

### How are harassment complaints investigated under EPS procedures?

Basic rules of fairness apply to any case of alleged harassment. When a complaint is investigated:

- All parties involved are asked if they would like the complaint resolved less formally through a third party.
- If this is not an option, both parties will be advised that an investigation will take place.
- The process and possible outcomes will be outlined for both the respondent and the complainant.
- Each party is entitled to assistance and representation during this process (see pages 9 and 12).
- Each party will be given the opportunity to provide evidence.
- Each party will be provided a copy of the other party's statement.
- Each party will be allowed to respond to this statement.

### What are the steps in an investigation?

The investigator interviews the complainant(s), who should be prepared to answer the following kinds of questions:

- Who is the respondent?
- What did he/she do or say?
- When and where did it happen?
- What took place before and after the event?
- Were there any witnesses or other evidence?
- Has it happened before?
- Do you know if it has happened to others?
- What have you done so far?
- Did you let the respondent know the behaviour was unwelcome?
- Do you have any suggestions on how the situation should be resolved?
- Is there any other course of action you would like to take? (grievance, Human Rights and Citizenship Commission, police, legal)

It should be noted that these are not the only questions the investigator may ask.

The investigator will obtain a signed statement from the complainant(s).

The investigator informs the respondent of the complaint. The information given will include the name of the complainant(s), the details of the incident(s) and any other relevant information. The investigator will then interview the respondent to obtain that person's account of the event(s). The respondent may be asked the following kinds of questions but should seek advice before responding:

- What did you do or say?
- Where and when did the event(s) take place?
- What took place before and after the event(s)?
- Were there any witnesses or other evidence?
- Has it happened before?
- Did the person let you know the behaviour was unwelcome?
- What have you done so far to resolve this?
- Do you have any suggestions on how the situation should be resolved?

## Steps in investigation continued

The respondent is also asked to provide a signed statement.

The investigator will interview any witnesses.

The complainant and the respondent are each allowed an opportunity to respond to each other's statements.

Edmonton Public Schools' practice is that reasonable efforts are made to hold all discussions and documented material in confidence. Notes from interviews and discussions are filed in confidence according to the district's established procedure.

The investigator prepares a report to go to the superintendent. The superintendent will make a decision based on the information provided.

In reaching a conclusion as to whether the alleged conduct constitutes harassment, all the facts, the nature of the alleged behaviour, the environment and the context in which the harassment is alleged to have taken place will be considered. If the investigation supports the allegation of harassment, action will be taken.

The action taken will depend on the seriousness of the misconduct, the circumstances surrounding the incident(s), and other relevant factors. Any action will be decided by the superintendent.

NOTE: If the complaint proceeds to the Human Rights Commission or to a judicial level, all records are open to disclosure.

## The right to appeal

If either party is dissatisfied with the outcome, either party has the right to appeal to the Board of Trustees. You should contact the board secretary to initiate an appeal. For further advice about an appeal, you may wish to contact:

- your bargaining unit representative
- your supervisor
- a staff member in EAP
- a person in authority, whom you trust
- your principal or an administrator
- a person noted at the back of this booklet

If either party is dissatisfied with the outcome of the appeal to the Board of Trustees, either may seek a judicial review to determine whether the process followed was fair and reasonable.

## Process continued

- The respondent will be informed of any further facts or allegations that have come up in the investigation.
- The investigator's report will be provided to the superintendent.
- The superintendent will make a decision on the complaint and provide that decision to each party in writing.
- You have the right to appeal, to the Board of Trustees, any decision made by the superintendent.

### **What are the consequences of harassment?**

Harassment is a serious matter. The consequences will depend on the circumstances in each case. The respondent may face a reprimand, a verbal or written warning, transfer, demotion, suspension, or termination of employment.

It is also a serious matter to knowingly make a false accusation of harassment. The range of consequences are similar to being found guilty of harassment.

### **What will happen to the respondent?**

The actions taken will depend on the seriousness of the misconduct and the circumstances surrounding the harassment. Possible actions could include required attendance at courses, support groups, counselling, a reprimand, transfer, demotion, suspension, or dismissal.

### **What if the person is found innocent? Will I be disciplined?**

The matter is then considered to be resolved. You will be disciplined only if you are found to have knowingly made a false accusation against the individual. The consequences for making a known false accusation can range from a reprimand, transfer, demotion, or suspension, to dismissal. If you are found to have made the complaint in good faith, then no action will be taken.

### **What if I am wrongfully accused of harassment?**

The investigation process should establish your innocence. If it fails, you are entitled to an appeal.

### **Will this affect my personnel file?**

If you are found guilty of harassment, your personnel file will be documented.

If you are found not guilty, no documentation of the complaint or the resolution would normally be included in your file. If for any reason you wish to have something placed on your file, you have to make the request.

## Where can I go for information and help?

Discrimination and harassment can leave many lasting psychological, physical and social effects. If you are involved in a situation of harassment in any way, whether you have experienced it or are being accused of it, you may be embarrassed to talk about it or worry what people think. It is a time when you need support from others.

There are many who can give you information, help and support if you are involved in a situation of discrimination or harassment.

They include:

- your bargaining unit
  - support staff 455-1435
  - custodial 447-5858
  - maintenance 425-5238
  - CUPE Regional Office 484-7644
  - ATA 455-2164
- your supervisor
- your EAP representative 429-8102
- a person in authority, whom you trust
- your principal or an administrator
- your doctor or health care practitioner
- Human Rights and Citizenship Commission 427-7661
- a lawyer who has experience with harassment and discrimination issues. For information 1-800-661-1095
- your friends and family
- Edmonton Police Services (for assault or other severe cases) 423-4567
- Sexual Assault Centre of Edmonton (for sexual assault only) 423-4102
- Workers' Health Centre 486-9009

Interpreters for a number of languages, including American Sign Language, can be made available through the district.

**Discrimination and harassment will not be tolerated within Edmonton Public Schools.**