

 <p>Cree School Board Commission scolaire crie</p>	<h1>Operational Policy Against Harassment</h1>	
	<p>Department responsible: General Administration Effective date: September 23, 2003 Amended on: July 1, 2013 Approved by: Director General</p>	
	<p>References:</p>	<ul style="list-style-type: none"> • Council Policy Manual: EL, EL-1, EL-2 and EL-10 • <i>Collective Agreements:</i> <i>Teachers: 10-9.00</i> <i>Support Staff: 1-4.00</i> <i>Professionals: 5-16.00</i> • <i>Charter of Human Rights and Freedoms of Quebec R.S.Q., c. C-12): ss. 4, 10, 10.1, 16 and 46</i> • <i>Civil Code of Quebec: s. 2087 (CCQ-1991)</i> • <i>An Act Respecting Occupational Health and Safety: s. 9 (R.S.Q. c. S-2.1)</i> • <i>An Act Respecting Labour Standards(R.S.Q. c. N-1.1):</i> • <i>Criminal Code (R.S.C. c. C-46)</i> • <i>Youth Protection Act: ss. 38-39 (R.S.C. c. P-34)</i>
	<u>Other Policies</u>	Youth Protection (ADM-02)
<u>Web resources</u>	www.cdpdj.qc.ca www.cnt.gouv.qc.ca	

The Cree School Board is committed to provide a learning and working environment, which is free of harassment. In this respect, the School Board will not tolerate any form of harassment namely the one defined in the Charter of Human Rights and Freedoms of Quebec and the Labour Standard Act.

1) General provisions

Principle **1.1.** The School Board recognizes the principle of basic human dignity for all members of its school community. Moreover, the Board acknowledges its responsibility to prevent harassment from occurring anywhere within its jurisdiction as defined in this Policy.

Application **1.2.** This Policy applies to all the personnel employed by the Board including all management levels, as well as all students, elected or appointed members, consultants as well as the volunteers and visitors.

Incident This Policy applies to any incident that occurs on the Board's premises or school buses as well as during any activities related to teaching, research, work, orientation or to activities of a social nature, which are organized by the Board or its departments, its representatives, its schools or Adult education centres

2) Definitions

Definitions

2.1. In this Policy, the following expressions mean:

- a) **alleged harasser:** the alleged perpetrator of the actions that may constitute harassment;
- b) **alleged victim:** a student, employee, elected or appointed member, consultant, volunteer and visitor who considers that he has been subjected to harassment;
- c) **complainant:** a student, an employee, elected or appointed member, consultant, volunteer or visitor who believes that has been harassed and files a written complaint in this respect;
- d) **Secretary General:** the Secretary General of the School Board or, if absent, the Director General as well as any other person mandated by the Secretary General to assume part of his responsibility;
- e) **employee:** includes any person who is employed or hired by the School Board for remuneration;
- f) **parent:** the father, mother of a student or, where applicable, any other person having the custody of, or parental authority over a student;
- g) **school administration:** the Principal or the CEA of a school/centre in the youth or adult sectors, and the Director of Post Secondary Student Services for the Cree School Board post-secondary students;
- h) **student:** a person who is enrolled as a student in the School Board, in the youth or adult sectors, as well as a person sponsored by the Cree School Board post-secondary program. .

3) Definition of Harassment

Harassment means engaging in a course of improper comment or conduct that is known or ought reasonably to be known to be unwelcome as explained in this Policy.

General provision

3.1. Harassment includes but is not limited to:

- a) behaviour that is unwelcome and/or one-sided, on a single or a repeated basis, which humiliates, threatens, insults or degrades. It may take the form of derogatory comments, condescension, or patronizing behaviour that undermines self-confidence. It also may include unwelcome invitations, requests or threats;
- b) inappropriate behaviour, which could reasonably be expected to cause physical, emotional or psychological distress. There may be circumstances where a single incident would not be considered to be harassment but a series of such incidents would constitute harassment;
- c) inappropriate behaviour, which has the purpose or effect of creating an intimidating or hostile learning or working environment. Hostile environment harassment consists of unwelcome conduct when such conduct has the effect of unreasonably interfering with an individual's work or academic performance or such conduct has the effect of creating an intimidating, hostile, offensive or uncomfortable working or learning environment.

[Psychological harassment](#)

3.2. Psychological harassment at work includes but is not limited to:

- a) intentional taunts, insults or offensive comments or actions which could reasonably be expected to demean or humiliate an individual;
- b) attempt to discredit through false accusations of incompetence, criminal acts, harassment, denunciations, etc. motivated by malice or mischief, and meant to cause harm to another person;
- c) improper use of authority or position, with its implicit power, to undermine, sabotage or otherwise interfere with the career of an employee or academic success of a student;
- d) denial of any promotion, benefit or opportunity based on age, record of offenses, family status, sexual orientation, etc.

[Exclusion / psychological harassment](#)

3.2.1. Psychological harassment does not include the appropriate exercise of supervisory, evaluation or operational responsibilities.

[Sexual harassment](#)

3.3. Sexual harassment includes but is not limited to:

- a) written or verbal remarks, insults, references or conduct or display of offensive or derogatory material, any of which is of a sexual nature or about a person's sexual orientation, which is known or ought reasonably to be known to be unwelcome in that it may cause insecurity, discomfort, offense or humiliation to another person or group;
- b) sexist or sexual orientation based jokes causing embarrassment or offence, told or carried after the joker has been advised by any person present that the jokes are embarrassing or offensive;
- c) sexually degrading words to describe a person;
- d) sexually suggestive or obscene comments or gestures;
- e) unwelcome sexual flirtations, advances or propositions;
- f) unwelcome inquiries or comments about a person's sex life;
- g) stalking;
- h) unwelcome requests for sexual favors;
- i) unwanted touching.

[Sexual abuse and sexual assault](#)

3.4. Sexual and physical assault are covered by the *Criminal Code*.

When the alleged victim is a student under 18 years old, and the allegations consist of sexual abuse or sexual assault, the case must also follow the procedure as explained in the "*Operational Policy on Youth Protection*".

[Exclusion / sexual harassment](#)

3.5. Sexual harassment does not necessarily include an occasional compliment, or relationships between consenting adults providing said relationship does not involve an adult who, as a student, is also in a student-staff relationship with the other adult.

[Racial harassment](#)

3.6. Racial harassment includes but is not limited to:

- a) written or verbal remarks, insults, references, jokes or stories based on a person's racial or ethnic background related to color, place of birth, citizenship, ancestry, customs, dress, creed or religion which are known or ought reasonably to be known to be unwelcome;
- b) the display of racist, derogatory or racially offensive pictures or material, which is known or ought to be known to be unwelcome;
- c) denial of any promotion, benefit or opportunity based on racial or ethnic grounds.

[Harassment of persons with handicap](#)

3.7. Harassment of persons with handicap includes but is not limited to:

- a) written or verbal remarks, insults, references, jokes or the display of offensive or derogatory material about a person's handicap, which are known or ought reasonably to be known to be unwelcome;
- b) denial of any promotion, benefit or opportunity based on handicap, as provided in the law.

4) Responsibilities

[School Board / responsibilities](#)

4.1. The Cree School Board is responsible for:

- a) discouraging and preventing harassment;
- b) ensuring that every written complaint of harassment is investigated;
- c) imposing disciplinary measures or any other measures appropriate in the circumstances, when a complaint of harassment against an employee, student, elected or appointed member, consultant, volunteer or visitor is found to have been substantiated, regardless of the status or seniority of the alleged harasser;
- d) providing professional advice, counsel and support to students or employees who have been victim of harassment.

[Any person / responsibility](#)

4.2. Any person who believes that a student, employee, elected member, consultant or volunteer has experienced or is experiencing harassment is encouraged to notify the School Administration, the Secretary General or any other person designated for this purpose by the School Board. However, when the harassment is of sexual nature and directed towards a student under 18 years old, any person has the obligation to report the situation as further explained in the "*Operational Policy on Youth Protection*".

5) Retaliation

[Sanction / retaliation](#)

5.1. The Board will discipline or take appropriate action against any student, employee, elected or appointed member, consultant and volunteer or visitor who retaliates against any person who reported or filed a complaint of harassment or against any person who testifies, assists or participates in an investigation relating to such harassment. Retaliation includes, without limitations, any form of intimidation, reprisal or harassment.

6) Prevention of Harassment

Employee awareness

6.1. The School Board should develop an information program on harassment for dissemination to employees of the Board and make sure that:

- a) pertinent School Board Policies on harassment are available on its web site;
- b) general information on other remedies or recourses in accordance with the Québec Charter of Rights and Freedoms is available.

Information/schools

6.2. A copy of the information program shall be maintained in each school and be made available for consultation by employees of the Board upon request. The information program is also available at the Human Resources Department.

Information/other employees

6.3. The School Administration of each school shall ensure, at the beginning of each school year, that employees of the Board are notified of the availability of the information program for consultation.

The Human Resources Department shall ensure that any other employees of the Board are notified of the availability of the information program for consultation.

7) Reporting of Harassment

Warning

7.1. Any student, employee, elected or appointed member, consultant, volunteer and visitor who consider that he has been subjected to harassment is encouraged to keep a record of the incident(s) complained of and, if practical, advise the alleged harasser that the behavior is unwelcome.

Report

7.2. Where the alleged victim does not wish to bring the matter directly to the attention of the alleged harasser, or where such an approach does not produce satisfactory result, the alleged victim may inform the School Administration, his immediate supervisor, the Secretary General or any other person designated for this purpose by the Board.

Initial intervention / CSB

7.3. The School Administration, immediate supervisor, Secretary General or any other person designated for this purpose by the School Board who has been notified of a potential situation of harassment shall advise the alleged victim of:

- a) the possibility of resolving the situation informally;
- b) the availability of counselling and other support services available in the community;
- c) the right to file a formal written complaint;
- d) the other avenues of recourses, such as the right to file a complaint under the Charter of Human Rights and Freedoms of Quebec, the right to file a grievance under a collective agreement or the right to undertake proceedings under the Criminal Code, where applicable.

Formal written complaint

- [Written complaint only](#) **7.4.** Complaints should be submitted in writing. on the form shown in **Annex A.**
- [Assistance](#) **7.5.** The School Administration, immediate supervisor, Secretary General or any other person may provide assistance to the alleged victim in filling the complaint form.
- [When alleged victim is a minor](#) **7.6.** When the alleged victim is under 18 years old, the parents of this minor who believe that he has been the object of harassment can file a complaint on behalf of their child.
- [Send to the SG](#) **7.7.** The written complaint has to be forwarded to the Secretary General as soon as received.

8) Investigation on Harassment

Preliminary study

[Delay to conduct preliminary study](#) **8.1.** Upon receiving a complaint, the Secretary General shall within 10 days review the information available to ascertain whether or not the conduct in question might constitute harassment as defined in this Policy.

[Complaint without merit](#) **8.2.** Should the allegations appear not to be founded, the Secretary General shall notify the complainant in writing.

[Complaint with merit](#) **8.3.** Should the Secretary General believe there is a possibility of harassment, he shall cause an internal investigation into the matter to be carried out by the Board.

Internal investigation

[Actions to be taken](#) **8.4.** As soon as an internal investigation is initiated, the Secretary General shall:

- a) ensure the Board takes immediate steps, at its discretion, to protect any person that may suffer prejudice (suspension, etc.);
- b) notify the parents of an alleged victim or alleged harasser when under 18 years old;
- c) notify the alleged harasser that a harassment complaint was filed against him and that an internal investigation has been initiated. In the notice, the alleged harasser shall be informed that he may be assisted by a person of his choice or, where applicable, by the union official.

[Resources to conduct the investigation](#) **8.5.** In order to conduct the internal investigation, the Secretary General may call upon any resource or mandate any person to assist in the investigation, including without limitation the school administration, the Human Resources Department, the concerned department and Student counsellors to act as investigators, conduct interviews and collect the required information.

[Legal right](#)

8.6. An internal investigation conducted in accordance with this Policy shall be carried out in a manner that respects the legal rights of the complainant as well as the alleged harasser.

[Delay to conduct the investigation](#)

8.7. Once an internal investigation has been initiated, the investigation should as much as possible be completed within 21 days.

Outcome of the internal investigation

[Complaint not founded](#)

8.8. If, following the internal investigation, the allegation is deemed to be without foundation, the School Board shall:

- a) inform the complainant and the person who was the alleged harasser, that the internal investigation has concluded that the allegation was without foundation;
- b) ensure that the records of the person who was the alleged harasser do not make reference to the allegation and complaint.

[Complaint founded](#)

8.9. If, following the internal investigation, the allegation is deemed to be founded in whole or in part, the School Board shall follow a two-step process to resolve the complaint:

- a) the School Board will attempt to resolve the complaint in an informal manner, if feasible having regard to the circumstances, by meeting with the harasser and the complainant with a view to obtaining an apology or such other resolution as will satisfy the complainant;
- b) if an informal resolution fails or is impractical in the circumstances, the School Board shall:
 - i) take the appropriate disciplinary measures against the harasser who is an employee including, without limitations, dismissal if deemed appropriate;
 - ii) take the appropriate disciplinary measures against the harasser who is a student including, without limitations, suspension and expulsion;
 - iii) take the appropriate measures against the harasser who is an elected or appointed member, consultant, volunteer or visitor.

9) Immunity and Confidentiality

[Protection / employee](#)

9.1. No employee of the Board who makes a report or provides information pursuant to this Policy shall be disciplined where the report is provided in good faith, and without gross recklessness, gross carelessness or gross negligence.

[Malicious unfounded allegation](#)

9.2. If it should be determined that a student or employee made unfounded and malicious allegations of harassment, the Board shall take disciplinary measures against that student or employee.

[Complainant record](#)

9.3. Substantiated allegations of harassment shall at no time be part of a complainant's employment or academic record.

[Privacy](#)

9.4. The School Board shall make every effort to respect the privacy of the complainant, alleged harasser and witnesses, consistent with its legal obligation to investigate, to take appropriate action and to conform to any discovery or disclosure obligations.

10) Final Provisions and Application of this Policy

[Cases where the SG shall not be involved](#)

10.1. Should the Secretary General be in a situation of conflict of interest because of the parties involved, the Director General would assume all the responsibilities of the Secretary General set in this Policy.

[Previous provisions](#)

10.2. The present Policy replaces all other policies of the Board pertaining to this subject, while respecting the *Council of Commissioners Policies/Ends* where applicable.

[Official version](#)

10.3. The official version of this Policy is kept by the Secretary-General of the Board.

[Responsibility](#)

10.4. Any person referred to in this Policy must abide by all its provisions and all managers of the School Board are responsible to ensure that all its provisions are applied and respected.

The Secretary General is the person responsible for providing support in the interpretation of this Policy and to ensure its revision when necessary.

Annex A

Harassment complaint Form

*****Filing this complaint may involve the launching of an investigation***

1) Name of the complainant: _____

2) Date: _____

3) School or location: _____

4) Individual(s) suspected of harassment: _____

5) Description of harassment (*use additional pages if necessary*):

6) Date(s), time(s) and place(s) the incident occurred:

7) Were there other individuals witnessing the incident?

if so: a) name these persons:

b) describe their role:

8) What was your reaction to the incident?

9) Have you informed your immediate superior? Describe

10) Describe any prior incident:

11) How would you like to see the situation addressed and resolved?

This complaint is filed based on my honest belief that _____
has harassed me.

I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Date: _____

Signature of complainant or parents / legal guardians

Annex B Guide

Guide for determining what constitutes harassment (Reproduced with the permission from the Treasury Board of Canada Secretariat)

Some questions that can help assess whether the behaviour (act, comment or display) constitutes harassment:

- a) Is the behaviour unwelcome or offensive?
- b) Would a reasonable person view the conduct as unwelcome or offensive?
- c) Did it demean, belittle or cause personal humiliation or embarrassment?
- d) Is it a single incident?
- e) Is it a series of incidents over a period of time?

It is also important to consider the severity and impropriety of the act, the circumstances and context of each situation, and whether the behaviour is prohibited under the *Canadian Human Rights Act*. The prohibited grounds are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction.

The following are some examples, but not an exhaustive list, to clarify what is meant by "harassment".

What generally constitutes harassment	What may constitute harassment	What does not generally constitute harassment
<ul style="list-style-type: none"> • <i>Serious or repeated</i> rude, degrading, or offensive remarks, such as teasing about a person's physical characteristics or appearance, put-downs or insults. • Displaying sexist, racist or other offensive pictures, posters, or sending e-mails related to one of the eleven grounds prohibited under the <i>Canadian Human Rights Act</i>. 	<ul style="list-style-type: none"> • Criticizing an employee in public. 	<ul style="list-style-type: none"> • Allocating work. • Following-up on work absences. • Requiring performance to job standards. • Taking disciplinary measures. • A <i>single or isolated</i> incident such as an inappropriate remark or abrupt manner.

What generally constitutes harassment	What may constitute harassment	What does not generally constitute harassment
<ul style="list-style-type: none"> • <i>Repeatedly</i> singling out an employee for meaningless or dirty jobs that are not part of their normal duties 	<ul style="list-style-type: none"> • Exclusion from group activities or assignments. 	<ul style="list-style-type: none"> • Exclusion of individuals for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient performance of the job.
<ul style="list-style-type: none"> • Threats, intimidation or retaliation against an employee, including one who has expressed concerns about perceived unethical or illegal workplace behaviours. 	<ul style="list-style-type: none"> • Statements damaging to a person's reputation. 	<ul style="list-style-type: none"> • Measures taken against someone who is careless in his work.
<ul style="list-style-type: none"> • Unwelcome social invitations, with sexual overtones or flirting, with a subordinate. • Unwelcome sexual advances 	<ul style="list-style-type: none"> • Making sexually suggestive remarks. • Physical contact such as touching or pinching. 	<ul style="list-style-type: none"> • A social relationship welcomed by both individuals. • Friendly gestures among co-workers such as a pat on the back.