

REGULATION #7210.1 DISCRIMINATION AND BULLYING AND HARASSMENT: REPORTING AND INVESTIGATION PROCEDURES

1. Definitions

- 1.1. **Bullying and Harassment:** inappropriate conduct or comment by a person towards an employee that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Examples of conduct or comments that might constitute Bullying and Harassment include:

- a) Words, gestures, actions or practical jokes, the nature consequence of which is to humiliate, ridicule insult or degrade.
 - b) Threats or intimidation.
 - c) Cyber bullying.
 - d) Physical assault.
 - e) Persistent rudeness, taunting, malicious gossip, patronizing behavior, vandalizing belongings or other conduct which adversely affects working conditions or work performance.
- 1.2. **Complainant:** an employee who believes he or she has been subjected to or observed discrimination or bullying and harassment in the workplace.
- 1.3. **Discrimination:** defined by the B.C. Human Rights code and is specific to race, colour, ancestry, place of origin, religion, marital or family status, physical or mental disability, sex, sexual orientation, age (19 years and over), criminal conviction (unrelated to employment), political belief. Discrimination includes sexual harassment, as defined below.
- 1.4. **Person:** includes any individual, whether or not they are employed by the board. This means that a 'Person' could be a contractor, student, parent or a member of the public that employees have contact with within the workplace.
- 1.5. **Policy:** means the Workplace Discrimination or Bullying and Harassment Policy.

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- 1.6. **Respondent:** a person in the workplace against whom a complaint of discrimination and/or bullying and harassment has been made.
- 1.7. **Sexual Harassment:** means conduct or comments of a sexual nature that is unwelcome, and that detrimentally affects the work environment or leads to adverse job-related consequences. Sexual harassment includes, but is not limited to: unwanted touching; unwelcome sexual flirtations, advances or propositions; sexually suggestive, obscene or degrading comments or gestures; offensive jokes of a sexual nature; leering or staring; displaying or circulating pictures or other material of a sexual nature; or unwelcome questions or remarks about a person's sex life, appearance or clothing.

2. Responsibilities

- 2.1. All employees must:
 - a) Refrain from engaging in discrimination or bullying and harassment in the course of their employment.
 - b) Report using the following procedures if discrimination or bullying and Harassment is observed or experienced.
 - c) Enforce and comply with the policy and these regulations.
- 2.2. Supervisors/managers/principals are expected to:
 - a) Take all reasonable steps to ensure the health and safety of workers under their supervision, including by taking reasonable action to prevent where possible, or otherwise minimize workplace bullying and harassment and discrimination.
 - b) Enforce and comply with the policy and these regulations.
 - c) Ensure staff at their school/site have received the discrimination or bullying and harassment training and are aware of the requirements to comply with these policies and procedures.
 - d) Liaise with Human Resources to undertake and participate in investigations.

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- 2.3. School District No. 36 (Surrey) will take reasonable steps to prevent where possible, or otherwise minimize workplace discrimination and bullying and harassment by:
- a) Applying and enforcing the policy and these regulations, and ensuring that all employees are informed about the policy and these regulations.
 - b) Providing appropriate training to supervisors/managers/principals and employees in respect of standards of acceptable work place conduct and the concepts of discrimination, bullying and harassment.

3. Reporting Discrimination and Bullying or Harassment

3.1. Informal Resolution

An employee who feels that he or she has been subject to, or has observed discrimination or bullying and harassment in the workplace (the “complainant”) is encouraged to begin by approaching the alleged bully/harasser (the “respondent”), informing the respondent of his/her discomfort with the behavior, and asking the respondent to stop. While this is often the simplest and most effective way to end the discrimination or bullying and harassment, the complainant is not obligated to confront the respondent. If the discrimination or bullying and harassment does not stop, or if the complainant does not feel comfortable approaching the respondent directly, the complainant must proceed to file a formal complaint or report.

3.2. Formal Complaint or Report

A formal complaint or report may be made either verbally or in writing but should be made as soon as possible as outlined below to facilitate early investigation or resolution. When submitting a written complaint, employees are encouraged to use the school district Workplace Discrimination, Bullying and Harassment Complaint Form. When reporting verbally, the reporting contact, along with the complainant, will fill out the Complaint Form.

Employees should report any incidents or complaints to their principal/supervisor. The principal/supervisor will contact the Executive

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Director, Human Resources for assistance and in order to initiate an investigation.

If the complainant's supervisor is the person engaging in bullying and harassing behaviour, workers should contact the superintendent of schools.

Employees are encouraged to provide as much information as possible in the report, such as the names of people involved, witnesses, where the events occurred, when they occurred, and what behaviour and/or words led to the complaint. Supporting documents should be attached, (e.g. electronic communication, handwritten notes, or photographs of physical evidence, such as vandalized personal belongings). All reports will be forwarded to the principal/supervisor/manager or alternate reporting contact outlined above.

4. Conduct of Investigations

Complaints that may fall within the scope of the definitions of discrimination or bullying and harassment will be investigated. The investigation will be approached in an unbiased manner.

The investigator will be appointed by the Executive Director, Human Resources. Most investigations at Surrey schools will be conducted internally. The school district may determine in appropriate circumstances to engage an external investigator.

Where a complaint of bullying and harassment under the policy and these regulations is the subject of an applicable collective agreement, the investigation and resolution process will be carried out in accordance with the collective agreement.

Investigations under the policy and these regulations shall be fair and impartial and shall be undertaken promptly. Reasonable efforts will be made to ensure investigations are sensitive to the interests of all parties involved.

Both the complainant and the respondent are entitled to a fair hearing. The investigator will interview the complainant, the respondent and any other witnesses the investigator believes may have information relevant to the

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complaint or report. The investigator will review documents he/she considers relevant. The respondent will be given the details of the complaint, and will be provided with a reasonable opportunity to respond.

If a complaint or report is found to have merit, then appropriate remedial or disciplinary action will be taken. This action may include education, training or formal disciplinary action up to and including dismissal of the offending person(s).

In appropriate circumstances, employees may be referred to the school district's Employee Assistance Program, or be encouraged to seek medical advice.

5. Confidentiality

Complaints and reports of discrimination or bullying and harassment involve confidential and sensitive matters. Confidentiality is required so those who may have experienced or observed discrimination or bullying and harassment will feel free to come forward and the reputations and interests of those accused are protected.

All employees involved in a discrimination or bullying and harassment complaint or report must maintain the confidentiality of any information they receive during the course of the investigation process. Any employee breaching confidentiality may be subject to disciplinary action, up to and including dismissal.

6. Retaliation

Retaliation of any kind against an employee who, in good faith, files a complaint or report of discrimination or bullying and harassment will not be tolerated.

7. Frivolous, Vexatious and Bad Faith Complaints

Complaints or reports of discrimination or bullying and harassment are serious matters. Employees who are found to have made frivolous, vexatious, or malicious complaints of discrimination or bullying and harassment may be subject to disciplinary action, up to and including dismissal.

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8. Review of Procedures

These procedures will be reviewed annually.

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