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**HORIZON SCHOOL DIVISION NO. 67**

**Policy Code:** IHF  
**Policy Title:** Welcoming, Caring, Respectful, and Safe Learning Environments  
**Cross Reference:** EBCB, GCA, GCAG, HGB, HNB, IFCH, IFCJ, IFCL, IFGA, IFH, IG, IGAA, IGD, IHEB, IO, JB  
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March 20<sup>th</sup>, 2018

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**POLICY HANDBOOK****POLICY**

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION IS COMMITTED TO PROTECTING THE RIGHTS OF EACH STAFF MEMBER EMPLOYED BY THE BOARD AND EACH STUDENT ENROLLED IN A SCHOOL OPERATED BY THE BOARD AS IS GUARANTEED UNDER THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*, *ALBERTA HUMAN RIGHTS ACT*, AND *ALBERTA SCHOOL ACT* AND TO PROVIDE A WELCOMING, CARING, RESPECTFUL, AND SAFE LEARNING ENVIRONMENTS THAT RESPECT DIVERSITY, FOSTER A SENSE OF BELONGING, AND PROMOTES STUDENT AND STAFF WELL BEING. THE BOARD BELIEVES ALL STUDENTS AND STAFF HAVE THE RIGHT TO LEARN AND WORK IN AN ENVIRONMENT FREE FROM BULLYING, DISCRIMINATION, HARASSMENT, AND VIOLENCE. THESE RIGHTS SHALL BE PROTECTED SO THAT ALL MEMBERS OF THE SCHOOL COMMUNITY MAY WORK TOGETHER IN AN ATMOSPHERE OF MUTUAL RESPECT.

**DEFINITIONS****Welcoming, Caring, Respectful, and Safe Learning Environments**

A welcoming, caring, respectful, and safe learning environment is one where students and staff are protected from bullying, discrimination, harassment, and violence within school facilities, on school grounds, on school buses, and during school sponsored/authorized co/extra-curricular activities. This applies whether contact is face-to-face, by phone, fax, e-mail, Internet or Intranet, or by any other means of communication. All those involved with the jurisdiction including trustees, staff (employees, volunteers, and contractors), students, parents, and visitors must share in the responsibility for eliminating bullying, discrimination, harassment, and violence. The Board prohibits bullying, harassment, discriminatory, and violent behaviours and expects allegations of such behaviours to be investigated in a timely and respectful manner.

**Bullying**

Repeated and hostile or demeaning behaviour by an individual where the behaviour is intended by the individual to cause harm, fear or distress to another individual in the school community, including psychological harm or harm to the individual's reputation. Bullying tends to be subtle and consists of an accumulation of many small incidents, each of which, when taken in isolation and out of context, seem trivial. Bullying may include:

Verbal Bullying—name calling, sarcasm, teasing, spreading rumors, threats, discriminatory references, unwanted comments.

Social Bullying—mobbing, scapegoating, excluding others from a group, humiliating others, gossiping, gestures or graffiti intended to put others down.

Physical Bullying—hitting, poking, pinching, chasing, shoving, coercing, destroying.

Cyber Bullying—using the internet or text messaging to intimidate, threaten, put down or spread rumors about someone.

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### **Discrimination**

Negative differential treatment of a person or group on the basis of the prohibited grounds of discrimination set out in the *Canadian and Alberta Human Rights Act*; mainly, race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

### **Harassment**

Improper conduct (physical or verbal behavior) by any individual that is directed at and offensive to or humiliates another individual, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable act(s), comment(s) or display(s) that demean, belittle, or cause personal humiliation or embarrassment, and any act of intimidation or threat. It also includes discrimination within the meaning of the *Canadian and Alberta Human Rights Acts*. Harassment consists of repeated and persistent behaviours towards an individual to torment, undermine, frustrate or provoke a reaction from that person. It is the synergy and repetitive characteristic of the behaviours that constitute the conduct as harassment. However, one single incident can constitute harassment when it is demonstrated that it is severe and has a significant and lasting impact on the complainant. Harassment also includes:

**Personal Harassment** – disrespectful behavior that is unwelcomed and demeans or embarrasses a person and not based on one of the prohibited grounds within the *Canadian and Alberta Human Rights Acts*

**Sexual Harassment** – offensive or humiliating behavior that is related to a person's sex, as well as behavior of a sexual nature that creates an intimidating, hostile, or "poisoned" work/learning environment or that could reasonably be thought to put sexual conditions on a person's educational advancement, job or employment opportunities.

### **Violence**

Harassing behavior that has as an element the use, attempted use or threatened use of physical force or substantial risk that physical force may be used against a person or property of another.

### **Independent student**

Means a student who is

- (i) 18 years of age or older, or
- (ii) 16 years of age or older and
  - a. who is living independently, or
  - b. who is a party to an agreement under section 57.2 of the Child, Youth and Family Enhancement Act;

## **GUIDELINES**

1. The *Canadian Human Rights Act*, and *Alberta Human Rights Act* protect individuals from discrimination.
  - 1.1. No person shall discriminate or exhibit an intention to discriminate against a person or a class of persons, or is likely to expose a person or a class of persons to hatred or contempt because of the race, religious beliefs, color, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons.
2. The *Canada Labour Code* protects staff from sexual harassment.
  - 2.1. Every employee is entitled to employment free of sexual harassment.
  - 2.2. Every employer shall make every reasonable effort to ensure that no employee is subjected to sexual harassment.
  - 2.3. The employer will take such disciplinary measures as the employer deems appropriate against any

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person under the employer's direction who subjects any employee to sexual harassment.

3. The *Criminal Code* protects individuals from violence including physical and sexual assault.
4. The *School Act* protects individuals from bullying behavior.
  - 4.1. A student, as a partner in education, has the responsibility to refrain from, report and not tolerate bullying or bullying behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means.
  - 4.2. No person shall
    - 4.2.1. disturb or interrupt the proceedings of a school,
    - 4.2.2. disturb or interrupt the proceedings of a school meeting or board meeting,
    - 4.2.3. loiter or trespass in a school building or on property owned by a board, or
    - 4.2.4. conduct themselves in a manner detrimental to the safe operations of a school.
5. The Board's regulations are founded on the following principles:
  - 5.1. Parents have a right and a responsibility to make decisions respecting the education of their children as per the School Act;
  - 5.2. The rights and needs of all students, staff, and families need to be respected
  - 5.3. All Students, staff, and families have the right to:
    - 5.3.1. Be treated with dignity;
    - 5.3.2. Be open about who they are, including expressing their identity without fear of discrimination and/or harassment;
    - 5.3.3. Have the right to privacy and confidentiality; and
    - 5.3.4. Are actively included in the collaborative decision-making process that supports their rights and needs.
6. The contents of this policy and school policies regarding code of conduct shall apply:
  - 6.1. on school property at any time;
  - 6.2. during school hours;
  - 6.3. at any time and at any place during activities associated with the school, e.g. during co and extra-curricular activities, bussing, and;
  - 6.4. at any time or place, provided school administration deems the behaviour or incident to be injurious to the physical or mental well-being of others in the school or the incident occurs by electronic means.
7. Principals shall ensure that all school policies and procedures are consistent with and adhere to the philosophy and intent of this welcoming, caring, respectful, and safe learning environments policy.
8. Supervisory and performance evaluation actions and processes undertaken in good faith in accordance with Horizon School Division policy and procedures, the School Act, or Ministerial Orders do not fit under the definition of bullying, discrimination, or harassment.

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9. The Board will reaffirm this policy on an annual basis.

### **REGULATIONS**

1. The Board expects that all trustees, employees, students, parents, volunteers, visitors, and contractors shall show responsibility, understanding, sensitivity and concern for the well being of others and actively participate in maintaining a welcoming, caring, respectful, and safe learning environment.

1.1. The Principal shall:

- 1.1.1. Ensure staff know their professional responsibility when dealing with discriminatory attitudes and behaviours, and creating caring, respectful and safe learning environments;
- 1.1.2. Address requests for supports on a case-by-case basis;
- 1.1.3. Ensure staff are inclusive, and respectful of all members of the school community;

1.2. Staff shall:

- 1.2.1. Act in loco parentis, that is to say, as responsible caring parents in relation to students. In exercising their authority under the School Act, staff must always consider the educational interests and fundamental rights of students.
- 1.2.2. When needed or requested, help students and/or their family identify and access appropriate resources and supports along the continuum of supports within or beyond the school;
- 1.2.3. Comply with Section 50.1 of the School Act as it relates to notice to parents; and
- 1.2.4. Utilize provincial and locally approved, by division office, teaching and learning resources that respect Canada's diversity.

1.3. Counsellors shall

- 1.3.1. Ensure parents are informed and have provided consent prior to children receiving ongoing counseling.

1.4. The jurisdiction adopts the intent of Section 12 of the *School Act* and additional expectations as the foundation for standards of student conduct in the jurisdiction. At minimum, the jurisdiction expects that a student shall:

- 1.4.1. be ready to learn and actively engage in and diligently pursue the student's studies;
- 1.4.2. attend school regularly and punctually;
- 1.4.3. co-operate fully with everyone authorized by the board to provide education programs and other services;
- 1.4.4. comply with the rules of the school and the policies of the board;
- 1.4.5. be accountable to his/her teachers and other school staff for his/her conduct;
- 1.4.6. respect the rights of others in the school;
- 1.4.7. ensure that the student's conduct contributes to a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging;
- 1.4.8. refrain from, report and not tolerate bullying or bullying behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means;
- 1.4.9. positively contribute to his/her school and community;
- 1.4.10. account to school staff and bus drivers for their conduct;
- 1.4.11. dress safely and appropriately for all school-sponsored activities.

1.5. A student may be suspended or expelled from school as per Section 24 and 25 of the *School Act* and Policy IGD Suspension and Expulsion of Students

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1.6. Parents play a vital role in developing student behaviour and conduct. It is the jurisdiction's expectation that parents shall:

- 1.6.1. review the school's code of conduct with their child(ren);
- 1.6.2. act as the primary guide and decision-maker with respect to the child's education;
- 1.6.3. take an active role in the child's educational success, including assisting the child in complying with section 2 above;
- 1.6.4. ensure that the child attends school regularly;
- 1.6.5. ensure that the parent's conduct contributes to a welcoming, caring, respectful and safe learning environment;
- 1.6.6. cooperate and collaborate with school staff to support the delivery of specialized supports and services to the child;
- 1.6.7. encourage, foster and advance collaborative, positive and respectful relationships with teachers, principals, other school staff and professionals providing supports and services in the school; and
- 1.6.8. engage in the child's school community.

1.7. The school bus is an extension of the school. As such student conduct should reflect school expectations. Given that the school bus is a unique environment, the following code of conduct applies.

- 1.7.1. The bus driver is in full charge of the bus and students must obey his or her directions promptly and respectfully.
- 1.7.2. Parents are responsible for the proper conduct of their child(ren) prior to boarding at the beginning of the day, and at the time of departure from the school bus at the end of the day.
- 1.7.3. Students/parents should inform the bus driver when absence is expected from school.
- 1.7.4. Students must remain seated during the entire trip. Designated seats may be assigned for which students will be held responsible.
- 1.7.5. Students are expected to be on time and waiting at their designated stop prior to the arrival of the bus. Frequent lates may result in students being left behind, but only after the bus driver has warned the students/parents that the bus will not continue to wait.
- 1.7.6. Unnecessary conversation with the driver is prohibited.
- 1.7.7. Students shall not extend or throw anything out of bus windows.
- 1.7.8. Students shall pass in front of the bus at stopping points if they have to cross the roadway.
- 1.7.9. Students shall not be permitted to bring objects into the bus which may cause injury or damage to any part of the bus and its occupants. Special circumstances may be allowed subject to prior approval from the bus driver.
- 1.7.10. Restitution will be expected for any willful damage.
- 1.7.11. Students are prohibited from playing electronic audio equipment on a bus if it is audible to anyone other than the student.
- 1.7.12. For students with special needs, the parent and school administration shall inform the bus driver of special circumstances and/or concerns prior to the student's initial use of the bus.

2. This policy covers inappropriate behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means.

3. The Board prohibits bullying, harassment, discriminatory, and violent behaviours

- 3.1. The Board expects students and staff to adhere to this policy and their schools' code of conduct.
- 3.2. Policy IG addresses student discipline, taking into account the student's age, maturity, and individual circumstances. When discipline is required, support will be provided for students who are impacted by inappropriate behavior, as well as for students who engage in inappropriate behaviour.

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4. The Board encourages students and expects staff to report all incidents of bullying, discrimination, harassment, or violence regardless of the identity of the respondent or offender. Reports should be made promptly to a trusted adult, the Principal, the individual's supervisor, or the Superintendent.
  - 4.1. The Board expects all reported incidents of bullying, harassment, discrimination, or violence to be investigated in a timely and respectful manner as per Appendix A.
5. Individuals engaging in bullying, discriminating, harassing, and/or violent behaviour and those willingly making false claims regarding such behaviour may be subject to appropriate disciplinary action up to and including expulsion, termination, and/or criminal prosecution.
6. Following any incident of bullying, discrimination, harassment, and/or violence, the Superintendent or designate or school principal will evaluate the level of potential harm and implement appropriate action (i.e. Threat Assessment, Bullying Protocol, parent contact, etc.).
  - 6.1. The Superintendent or Principal may contact the police who may lay a charge when conduct is considered a criminal offense, governed by the Criminal Code, or is believed to contravene the *School Act* and warrants such action.
7. The Superintendent or designate shall ensure that the Handbook for the Prevention and Management of Critical Incidents is reviewed regularly and revised as required.
  - 7.1. All staff shall adhere to the procedures outlined in the Horizon School Division Handbook for the Prevention and Management of Critical Incidents.
  - 7.2. Critical incident reports shall be completed and filed with the Superintendent or designate immediately following an incident. (See Handbook for the Prevention and Management of Critical Incidents p. 115)
8. The Superintendent will review annually, and revise as required the school division safety plan.
9. Principals shall review annually, and revise as required a school safety plan.
10. Schools shall have measures in place to prevent bullying, discrimination, harassment, and violence, which may include one or more of the following:
  - 10.1. school policy that shall be available to students, parents, and staff;
  - 10.2. a program designed to develop and maintain a positive school climate;
  - 10.3. conflict resolution programs;
  - 10.4. access to a counsellor or family school liaison counsellor;
  - 10.5. curricular instruction; and/or
  - 10.6. special presentations on relevant topics.
11. To support the rights and needs of all students/staff including those who identify as, or are perceived to be, transgender or transsexual persons, jurisdiction staff shall adhere to the following recommended practices wherever possible and appropriate:

**11.1. Official Records and Communication**

- 11.1.1. School shall maintain student records in a way that respects student's privacy and confidentiality and is in compliance with Alberta's privacy legislation and Student Record requirements.
- 11.1.2. School staff may use a student's chosen (i.e., preferred) name on report cards or other school issued documents, provided the student has requested this. Parents shall be informed in compliance with Alberta's privacy legislation and Student Record requirements.
- 11.1.3. Students will be informed of any limitations regarding their chosen name and gender identity or gender expression in relation to official school records that require legal name and designation;
- 11.1.4. Students should be advised that a legal name change is required if they desire their official Alberta Education documents to reflect their new name.

- 11.2. **Confidentiality** - Ensure staff respect students' and family's with diverse sexual orientations, gender identity and gender expression's right to confidentiality with regard to unwanted disclosure to other staff and/or students.
- 11.3. **Student Organizations** - Support the establishment of all voluntary student organizations including clubs that promote non-discrimination such as a Gay-Straight Alliance, or anti-bullying club, as per Section 16.1 of the School Act, where interest by one (1) or more students has been expressed; For clarity the following Sections of Section 16.1 of the School Act have been included.

16.1(1) If one or more students attending a school operated by a board request a staff member employed by the board for support to establish a voluntary student organization, or to lead an activity intended to promote a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging, the principal of the school shall

- (a) immediately grant permission for the establishment of the student organization or the holding of the activity at the school, and
- (b) subject to subsection (4), within a reasonable time from the date that the principal receives the request designate a staff member to serve as the staff liaison to facilitate the establishment, and the ongoing operation, of the student organization or to assist in organizing the activity.

(3) The students may select a respectful and inclusive name for the organization or activity, including the name "gay-straight alliance" or "queer straight alliance", after consulting with the principal.

(3.1) For greater certainty, the principal shall not prohibit or discourage students from choosing a name that includes "gay straight alliance" or "queer-straight alliance".

(4) The principal shall immediately inform the board and the Minister if no staff member is available to serve as a staff liaison referred to in subsection (1), and if so informed, the Minister shall appoint a responsible adult to work with the requesting students in organizing the activity or to facilitate the establishment, and the ongoing operation, of the student organization at the school.

(6) The principal is responsible for ensuring that notification, if any, respecting a voluntary student organization or an activity referred to in subsection (1) is limited to the fact of the establishment of the organization or the holding of the activity.

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- 11.3.1. Notification shall otherwise be consistent with the usual practices relating to notifications of other student organizations and activities.
- 11.4. **Disclosure:** Horizon School Division may disclose personal information only if it is authorized to do so under legislation that governs such disclosure, which, depending on the circumstances, may include the *Freedom of Information and Protection of Privacy Act*, the *School Act*, the *Children First Act*, and the *Child, Youth and Family Enhancement Act*.
- 11.5. **Gender-Segregated Activities** – To the extent possible, schools should reduce or eliminate the practice of using gender to segregate students for the sole purpose of creating two groups within curricular activities. Schools may continue to offer gender specific courses (e.g. Physical Education, Health and Life Skills). Requests for accommodations will be addressed on a case by case basis.
- 11.6. **Locker Room, Change Room, Rest Room Access and Accommodation**
  - 11.6.1. Student athletic policies are to be inclusive in ways that are comfortable, respectful, and supportive for all students to the best extent possible.
  - 11.6.2. All students who desire increased privacy, regardless of the reason (e.g. medical, religious, cultural, gender identity, gender expression) shall, to the best extent possible, be provided with accommodations, that best meet their individual needs and privacy concerns.
    - 11.6.2.1. Staff shall consistently demonstrate sensitivity to the needs and safety of all students with respect to restroom access.
    - 11.6.2.2. The Principal shall ensure that individual solutions to restroom access are implemented with respect and discretion.
    - 11.6.2.3. Students seeking accommodations should request such accommodations from school administration. Solutions be addressed on a case-by-case basis and may involve conversations with parents/guardians.

**APPENDIX A**

**PROCEDURE**

**Reporting**

1. Students and staff who believe they or a student or staff have been subjected to bullying, harassment, discrimination, or violence have a duty to report the harassment to a trusted adult, teacher, counsellor, supervisor, principal, or the Superintendent if the complaint involves their supervisor or principal.
  - 1.1. This report may be informal/verbal or formal/in written form.
  - 1.2. These persons shall respect the complainant's confidentiality and shall provide support, guidance, and assistance throughout the resolution process.
  - 1.3. In the case of students being the respondent, staff must always be aware that they stand in loco parentis (in place of the parent) to all students.
2. Employees are required to report suspected cases of harassment and/or violence that could be considered child abuse, as required by policy IHEB and the *Child, Youth and Family Enhancement Act*, to the proper authorities.
3. Although a verbal report is acceptable, staff or students who have experienced bullying, discrimination, harassment, and/or violence are encouraged to:
  - 3.1. keep a written record of the date, time, nature of the behavior, names of people who may have witnessed the incident, and the action taken to stop the harassment; and
  - 3.2. advise the offender, either verbally or in writing, that his/her behavior constitutes bullying, discrimination, harassment, and/or violence, is unacceptable and unwelcome, and ask him/her to stop.
4. Principals or supervisors shall make every reasonable attempt to arrange a meeting with the complainant and the respondent(s), with the intent of reaching a satisfactory resolution.
5. If the respondent continues the behavior or if you do not feel you can speak directly to the person, speak to a trusted adult, teacher, counsellor, supervisor, principal, or the Superintendent if the complaint involves your supervisor or principal or file a formal complaint.

**Mediation**

1. Can come before a formal investigation
2. Mediation is a process by which a neutral third party helps the people involved in the complaint reach a solution that is acceptable to both parties.
3. The mediator must be acceptable to both parties
4. Either party has the right to refuse mediation
5. The mediator may be from within the school or jurisdiction or from outside
6. The mediator must not otherwise be involved in the complaint

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7. Both parties have the right to be accompanied and assisted during the mediation sessions by someone with whom they feel comfortable.

### **Formal Complaint**

1. If the informal route (including mediation) for resolving a harassing situation does not succeed or is not appropriate, a formal complaint may be filed.
2. If the report is formal/in written form, it must be specific and detailed and should contain the following information:
  - 2.1. the complainant's name and position if any
  - 2.2. who the respondent(s) was/is/were/are,
  - 2.3. where the alleged incident(s) took place;
  - 2.4. when the alleged incident(s) took place;
  - 2.5. the nature of the alleged incident(s);
  - 2.6. names of witnesses (if any); and
  - 2.7. what, if anything, was done to stop the bullying, discriminatory, harassing, or violent behaviour.
3. The trusted adult, teacher, counsellor, or supervisor, upon receiving a verbal or written report shall report the complaint to the principal or supervisor, or if the complaint involves the principal or supervisor, the Superintendent, who shall fully investigate the complaint.
  - 3.1. The principal, supervisor, or the Superintendent may refuse to take action on a complaint which is deemed to be frivolous or vexatious.
  - 3.2. The principal or supervisor's decision may be appealed to the Superintendent.
  - 3.3. The Superintendent's decision may be appealed to the Board.
4. The resolution of substantiated formal written complaints will adhere to the following process, namely:
  - 4.1. If appropriate, the principal, supervisor, or Superintendent may attempt to resolve the complaint in an informal manner (e.g. through mediation with both parties). If the parties do not agree to such an informal process, or if the principal, supervisor, or Superintendent believe that an informal process is not appropriate or practicable, having regard to all the circumstances, then subparagraph (4.2) shall be complied with.
  - 4.2. If informal resolution is inappropriate, fails, or is not agreed upon, or is impractical, the principal, supervisor, or Superintendent may impose appropriate disciplinary measures after taking such other investigative steps as may be required by this policy and in the event this policy is silent, such further investigative steps as the principal, supervisor, or Superintendent deems appropriate in the circumstances. In any event, the principal, supervisor, or Superintendent shall provide the person accused of bullying, discriminating, harassing, or violence with an opportunity to respond to the complaint.
  - 4.3. Should the complainant so request, the investigation shall be stopped at any point except where the

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respondent requests the investigation continue. (This might arise where an investigation had involved obtaining records, etc., and where the person(s) against whom the complaint had been made wished to "clear their names(s).") In such latter circumstances the request shall be considered by the principal, supervisor, or Superintendent and the decision shall be final and binding.

5. At any time, the principal, supervisor, or Superintendent may choose to close or to suspend the investigation. Such a decision may be appealed as per policy.
6. All staff and students have the responsibility to cooperate in an investigation.
7. In the course of the investigation the investigator shall investigate the details of the complaint and will hear from complainants, respondents, and any witnesses and recommend solutions to identified problems.
  - 7.1. In the case of a complaint involving staff, the investigator shall ensure that all documents submitted by the complainant be provided to the other party. The investigator may wish to secure additional information from files and records or other sources maintained by the Board of Trustees, and in such event any such information will be secured in conformity with any Board policies governing access to such information. The investigation to be conducted by the investigator shall be conducted in a period not to exceed one month from the receipt of the initial complaint.
8. The investigator will also identify all possibilities for resolving the situation, and will recommend one or more courses of action. If bullying, discriminatory, harassing, and/or violent behaviour has occurred, the supervisor will then decide (in consultation with senior management, if necessary) what remedies will be provided to the victim; the disciplinary action to be imposed on the harasser; and whether the people in question can continue to function in the current environment.
9. Complainants have the right to
  - 9.1. file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal
  - 9.2. have a person of their choice accompany them during the process
  - 9.3. make sure that no record of the complaint is placed on their personnel/student file, as long as it was made in good faith
  - 9.4. be informed about the progress of their complaint
  - 9.5. be informed of the type of corrective measures that will result from the complaint
  - 9.6. receive fair treatment
10. The principals, supervisor, or Superintendent may initiate an evaluation of the employee's performance in order to determine the validity of concerns if they are related to the employee's performance or competence relative to assigned responsibilities.
11. The Superintendent shall take whatever action is considered appropriate to protect the individuals and may access legal counsel regarding measures and remedies available.

### **If you are accused of bullying, discriminatory, harassing, or violent behaviour**

1. It is your responsibility to change your behavior if it is not in alignment with a welcoming, caring, respectful, and safe learning environment.

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2. You are encouraged to contact your union or professional association for advice and support.
3. Keep written notes of any conversations where someone suggests that your actions are not in alignment with a welcoming, caring, respectful, and safe learning environment (record the conversation and date, how you felt, and what you did, if anything). Also make notes of your version of the alleged incident(s), the date(s) it/they occurred, and who else, if anyone, was present.
4. You have the right
  - 4.1. to be informed of the complaint
  - 4.2. to be given a written statement of the official allegations, and to respond to them
  - 4.3. to have a person of your choice accompany you during the process
  - 4.4. to be informed about the progress of the complaint
  - 4.5. to receive fair treatment
5. If the investigation shows that you did bully, harass, discriminate, and/or commit violence, you will be expected to change your behavior. You may also be subject to disciplinary action.

### **Decision**

1. The investigator will decide whether, on a balance of probabilities, there is enough evidence to conclude that bullying, discrimination, harassment, and/or violence occurred. A person who has been bullied, discriminated against, harassed, and or experienced violent behaviour may receive one or more of the following remedies, depending on the severity of the action and what he or she lost because of it:
  - 1.1. an oral or written apology from the harasser and/or the jurisdiction;
  - 1.2. lost wages;
  - 1.3. a job or promotion that was denied;
  - 1.4. compensation for any lost employment benefits, such as sick leave; and/or
  - 1.5. a commitment that he or she will not be transferred, or will have a transfer reversed, unless he or she chooses to move.
2. Someone who has bullied, discriminated, harassed, or committed violence against another person, retaliated against a person who has filed a complaint, or filed a complaint in bad faith may be subject to one or more of the following forms of discipline, depending on the severity of their action(s):
  - 2.1. Requirement to cease any bullying, discriminatory, harassing, or violent behavior.
  - 2.2. Students may receive
    - 2.2.1. a verbal reprimand identifying the inappropriate behavior;
    - 2.2.2. a formal request to talk to or meet parents/guardians;
    - 2.2.3. a written reprimand, recorded in their student record;
    - 2.2.4. a suspension;
    - 2.2.5. a transfer; and/or

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2.2.6. a recommendation for expulsion

2.3. Staff may receive

- 2.3.1. a verbal reprimand identifying the inappropriate behavior;
- 2.3.2. a written reprimand, recorded in his/her personnel file;
- 2.3.3. a fine;
- 2.3.4. a suspension, with or without pay;
- 2.3.5. a transfer;
- 2.3.6. a demotion; and/or
- 2.3.7. dismissal/termination.

3. Corrective action, remedies, and changes in work/learning environment may be instituted for the complainant and/or respondent during the mediation, investigation, or upon the conclusion of the investigation.
4. When the investigation reveals bullying, discrimination, harassment, and/or violence occurred, the incident and the discipline that is imposed on the respondent will be recorded in the respondent's file.
5. When the investigation is closed, the principal, supervisor, or Superintendent shall make a full report indicating:
  - 5.1. that the respondent is guilty or not guilty of the allegation;
  - 5.2. that the respondent is disciplined or that other action be taken;
  - 5.3. whether the matter has been referred to an appropriate outside agency (e.g., Child Welfare, police services, or the Alberta Human Rights Commission);
  - 5.4. whether administrative or other changes were made in order to avoid re-occurrence; and/or
  - 5.5. that the complainant deliberately and knowingly made false allegations in an attempt to cause harm to the respondent, and what specific sanctions were imposed on the complainant.
6. The principal, supervisor, or Superintendent shall communicate the decision to the complainant and respondent. Any sanctions imposed by the principal, supervisor, or Superintendent will be set out in the written notification.

### **Unsubstantiated complaints**

1. If a person, in good faith, files a complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the respondent's file/student record.
2. As long as the complaint was made in good faith, there will be no penalty to the person who complained, and no record of a complaint, investigation, or decision will go in the complainant's personnel file/student record, if the complaint was made in good faith. Any unfavourable work review, or comments that were placed in the complainant's personnel file because of the harassment will be removed from the file.

### **Complaints made in bad faith**

## **Policy IHF Welcoming, Caring, Respectful, and Safe Learning Environments, Cont'd**

1. In the complaint was made in bad faith, the person making it had absolutely no basis and deliberately and maliciously filed the complaint, that person will be disciplined and a record of the incident will be put in their personnel file/student record.
2. Penalties for someone who complains in bad faith will be the same as for a case of harassment and will depend on the seriousness of the situation.
3. Compensation for the person falsely accused may include steps to restore any lost reputation, and any of the remedies that would be available in a case of bullying, discrimination, harassment, or violence.

### **Confidentiality**

1. The Board recognizes the difficulty of reporting bullying, discriminating, harassing, and/or violent behaviour, and understands that confidentiality is important to complainants.
2. Confidentiality will be maintained throughout the complaint procedure, including information relating to the complaint, the identity of the parties involved, or any circumstances related to a complaint, Information will only be disclosed to the extent necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law.

### **Retaliation**

1. Retaliation is considered a serious disciplinary breach. The Board will not retaliate against an individual who reports bullying, discrimination, harassment, or violence, nor permit any staff or student to do so.
2. Retaliation against an individual
  - 2.1. for invoking this policy on their own or on another person's behalf;
  - 2.2. for participating in or cooperating with an investigation under this policy; or
  - 2.3. for associating with a person who has invoked this policy;shall be subject to disciplinary measures.

### **Appeal/Grievance**

1. Students and/or their parents may appeal as per Policy IFH Formal Parent/Student Appeals.
2. The Alberta Teachers Association and C.U.P.E. has procedures allowing staff to bring a grievance in certain cases as per collective agreements.

### **Further Complaints**

1. This policy does not preclude the complainant (staff or student) from making a complaint regarding the bullying, discriminatory, harassing, and/or violent behaviour directly to other agencies, associations, boards, commissions, unions, or seek redress through the Civil Courts.