

# SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD

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<i>Section</i>	PERSONNEL		
<i>Management Guideline</i>	WORKPLACE HARASSMENT and HUMAN RIGHTS		
<i>Applicable Policy</i>	WORKPLACE HARASSMENT and HUMAN RIGHTS		717

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## 1.0 GENERAL

The Superior-Greenstone District School Board (SGDSB) is committed to providing a safe, nurturing, equitable and respectful Workplace. It is a shared responsibility across SGDSB to foster a Harassment/Discrimination and Workplace Harassment free Workplace, where every individual is treated with dignity and respect.

This management guideline articulates the procedures to support the implementation of the Workplace Harassment and Human Rights Policy, 717 (the Policy). These procedures apply to all Employees and are for addressing incidents and complaints of Harassment/Discrimination and Workplace Harassment from all sources.

## 2.0 DEFINITIONS

These are terms that need to be defined for implementing these procedures.

**Allegation** is an unproven claim or assertion that someone has done something wrong based on a reasonable belief that a violation of the Policy has occurred.

**Complainant** refers to anyone who makes a complaint under the Policy alleging that Workplace Harassment and/or a Human Rights violation has occurred.

**Disability**<sup>1</sup> is defined (Ontario *Human Rights Code*) as:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- a condition of mental impairment or a developmental disability,
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- a mental disorder, or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

**Discrimination** means any form of unequal treatment based on a *Code* ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear

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<sup>1</sup> <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/2-what-disability>

neutral, but disadvantage certain groups of people. Types of discrimination include systemic discrimination and poisoned environment.

**Employee/Worker** refers to all persons employed by SGDSB. **Employee** is any person included in the definition of “worker” under the Occupational Health and Safety Act (OHSA) and includes all SGDSB employees. **Worker** is an employee who performs work or supplies services and includes, a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.

**Gender identity**<sup>2</sup> is each person’s internal and individual experience of gender. It is their sense of being a woman, a man, both, neither, or anywhere along the gender spectrum. A person’s gender identity may be the same as or different from their birth-assigned sex. Gender identity is fundamentally different from a person’s sexual orientation.

**Gender expression**<sup>3</sup> is how a person publicly presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person’s chosen name and pronoun are also common ways of expressing gender.

**Harassment (Ontario Human Rights Code-Based)** means engaging in a course of a vexatious comment or conduct that is known to be or ought reasonably to be known to be unwelcome based on age, disability, family status, marital status, creed, race, ancestry, place of origin, colour, ethnic origin, sex, sexual orientation, gender identity, gender expression, citizenship and record of offences. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a ground of discrimination identified by this policy. Harassment can occur based on any of the *Code*-based grounds.

**Examples of Human Rights Harassment include:**

- Inappropriate or insulting remarks, gestures, jokes, innuendoes or taunting about a person based on a prohibited ground – for example: racial slurs, taunting about a person’s mental health, or sexualized insults;
- Unwanted questions or comments about an Employee’s private life pertaining to a Protected Ground – for example, intrusive questions about a person’s disability, sex life, religion or racial background;
- Posting, displaying materials, or the electronic publication of articles or graffiti etc. that is offensive because of a Protected Ground – for example, posting pornography or circulating hate literature or offensive emails.

**Marital status (Ontario Human Rights Code)** means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage.

**Malicious or Vexatious Complaints** are complaints that are brought forward without sufficient merit and are made to cause annoyance or distress.

**Mediation** is a confidential voluntary process that parties in a complaint may agree to participate in, where a neutral third-party facilitator is in communication with parties to effect an agreed upon resolution.

**Other Users** refers to prospective employees, volunteers, visitors, parents, contractors and all other

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<sup>2</sup> <http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression>

<sup>3</sup> <http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression>

individuals that are involved with SGDSB. Other Users does not include Employees or Students of SGDSB.

**Poisoned Environment**<sup>4</sup> is a form of discrimination. It may be created when unwelcome conduct or comments are pervasive within the organization, which may result in a hostile or oppressive atmosphere for one or more people from a Code-protected group. This can happen when a person or group is exposed ongoing harassment. However, a poisoned environment is based on the nature of the comments or conduct and the impact of these on an individual rather than just on the number of times the behavior occurs. Sometimes a single remark or action can be so severe or substantial that it results in a poisoned environment.

**Record of Offences** (Ontario *Human Rights Code*) means a conviction for: (a) an offence in respect of which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked; or (b) an offence in respect of any provincial enactment.

**Reprisal** is any harassment, intimidation, threats or negative action, taken against a person (e.g., complainant, witness, investigator, or respondent) for making a report to SGDSB about an incident or complaint of alleged Harassment/Discrimination or Workplace Harassment or taken against persons for being involved in these complaint procedures. Reprisal is prohibited under the Policy.

**SGDSB** is the Superior-Greenstone District School Board. SGDSB is an employer, as defined by OHSAA

**Student** is any person, regardless of age, who is enrolled in any program offered by SGDSB.

**Trans** or **transgender**<sup>5</sup> is an umbrella term referring to people with diverse gender identities and expressions that differ from stereotypical gender norms. It includes but is not limited to people who identify as transgender, trans woman (male-to-female), trans man (female-to-male), transsexual, cross-dresser, gender non-conforming, gender variant or gender queer.

**Transphobia**<sup>6</sup> is the aversion to, fear or hatred of trans people and communities. Like other prejudices, it is based on stereotypes that are used to justify discrimination, harassment and violence toward trans people.

**Malicious or vexatious complaints** are complaints made in bad faith, brought forward without sufficient merit to cause annoyance or distress.

**Workplace Harassment** under OHSAA is engaging in a course of vexatious comment or conduct against a Worker in a workplace that is known or ought reasonably to be known to be unwelcome or is Workplace Sexual Harassment.

**Examples of Workplace Harassment may include:**

- Making repeated remarks, jokes or innuendos that demean, ridicule, intimidate or offend;
- Displaying or circulating offensive pictures or materials in print or electronic form;
- Singling out an individual for humiliating or demeaning “teasing”;
- Making repeated offensive or intimidating phone calls or emails;
- Gossiping or spreading negative rumours; and/or
- Workplace Sexual Harassment.

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<sup>4</sup> <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability>)

<sup>5</sup> <http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression>

<sup>6</sup> (<http://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression>)

**Workplace Sexual Harassment** under OHS means a) engaging in a course of vexatious comment or conduct against a Worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

**Examples of Sexual Harassment may include:**

- Unwanted remarks, jokes, innuendoes or taunting about a person's gender, gender identity, gender expression, or sexual orientation;
- Homophobic or transphobic comments;
- Unwanted physical contact of a sexual nature such as touching, kissing, patting, hugging, or pinching;
- Leering, whistling, or other sexually suggestive or insulting sounds;
- Refusing to use an Employee's chosen pronouns;
- Posting or displaying (including electronic publication of) offensive materials of a sexual nature;
- Unsolicited sexual advances or demands for dates or sexual favours;
- Inappropriate jokes of a sexual nature; and/or,
- Sexual assault (also an offence under the Criminal Code).

**WHAT IS NOT/MAY NOT BE HARASSMENT**

Harassment does not include reasonable action taken by SGDSB or a Principal or manager relating to the management and direction of Employees or the workplace, even if there are unpleasant consequences for the Employee. Examples may include:

- Changes in work assignments or scheduling
- Performance evaluation
- Workplace inspections
- Disciplinary action

Harassment typically does not include differences of opinion or minor disagreements between Employees.

**3.0 PROCEDURES, GENERAL**

- 3.1 It is a shared responsibility across SGDSB to foster a Workplace where every individual is treated with dignity and respect. SGDSB supports the efforts of Employees to resolve an incident or a complaint at the earliest possible stage and at the lowest level through dialogue with peers, principals and managers, where possible.

Subject to applicable collective agreements, incidents or complaints of Harassment/Discrimination or Workplace Harassment that are brought to the attention of SGDSB will be handled according to these procedures and the Policy.

Supervisory staff have a duty to respond to and take action to resolve incidents or complaints of Harassment/Discrimination or Workplace Harassment. SGDSB may act if supervisory staff become aware of an incident of Harassment/Discrimination or Workplace Harassment. To provide a Workplace free from Harassment/Discrimination or Workplace Harassment, SGDSB may continue to act if a Complainant determines they do not wish to proceed with a complaint or decides to withdraw the complaint.

SGDSB will ensure that an investigation appropriate in the circumstances will be conducted into incidents or complaints of Workplace Harassment.

- 3.2 In the following cases, individuals will be directed as noted:
1. Incidents/complaints against a Trustee or senior officials will be referred to the Director of

Education.

2. Incidents/complaints against the Director of Education or the Board Compliance Officer (as outlined in Policy 726 – Whistleblower) will be referred to the Chair of the Board.
3. Incidents/complaints of harassment or behavior of a violent nature including physical assault and sexual assault must be formally reported according to SGDSB's Workplace Violence Policy and its management guidelines. The individual(s) may refer the matter to the Police. SGDSB may refer the matter to the police.

- 3.3 All human rights complaints must be filed within one year of the last alleged incident. In the event the complaint is being filed after one year, the complainant must identify in writing the reason(s) for the delay in filing the complaint, for consideration by SGDSB.

It is within the discretion of SGDSB to determine whether a complaint can be filed beyond the one-year anniversary of the last alleged incident. Prompt reporting is encouraged as it allows for more thorough and accurate investigations. Investigations will be conducted within a reasonable timeframe, respecting both the need for a prompt resolution and the need for a thorough and complete investigation.

- 3.4 SGDSB recognizes that grievances need to be filed to comply with timelines in the applicable collective agreement. In such cases, one matter can be held in abeyance as determined in consultation and with the agreement of the appropriate union, until the other process is completed.

Any Employee can also pursue their complaint directly with the Ontario Human Rights Tribunal, or contact the Ministry of Labour, or law enforcement at any time.

#### **4.0 Informal Complaint Process**

- 4.1 The key to the informal resolution phase is that there is no formal investigation procedure. There is nothing in this process that would prevent a Complainant from by-passing the informal resolution stage and proceeding directly to the formal investigation stage. The informal options may include:

4.1.1 **Option One:** Complainants can choose to resolve their complaint first by addressing the person(s) involved, stating clearly the behavior or actions are objectionable and must be stopped. This is a voluntary step. If this encounter does not result in the end of the Harassment/Discrimination or Workplace Harassment or if the Complainant is uncomfortable with addressing the individual(s) involved, alternate methods of reporting are available. Complainants are encouraged to keep a record of dates, times, places and witnesses of the Harassment/Discrimination or Workplace Harassment, as well as specific details.

4.1.2 **Option Two:** If the Complainant is not satisfied with the results of the above process or is uncomfortable addressing the individual(s) involved, the Harassment/Discrimination or Workplace Harassment can be reported to a resource person (the Principal, Vice Principal, Supervisor, Manager or a union representative, if applicable). Once the Harassment/Discrimination or Workplace Harassment has been reported to the Principal, Vice-Principal, Supervisor or Manager and a preliminary fact finding (at a minimum talking to complainant and respondent) has taken place, if deemed appropriate, an informal resolution can be sought as follows:

**A:** with the involvement of the appropriate Principal, Vice Principal, Supervisor, or Manager (e.g. Complainant speaking with respondent alone or with, Employee respondent apologizing to the Complainant).

**B:** SGDSB may offer mediation or other forms of alternative dispute resolution to the complainant(s) and respondent(s) where it is appropriate and feasible to do so. Mediation is a voluntary process and involves a mediator who will work with the parties to attempt to resolve the complaint.

**C:** SGDSB shall ensure that Principals, Vice Principals, Supervisors, and Managers make their staff aware of policy 717 – Workplace Harassment and Human Rights, and this option, which allows for the consideration of Indigenous practices as part of the informal complaint and resolution process. Indigenous practices can be requested by either party in the complaint process, and will be informed and/or facilitated by an informed practitioner.

4.2 As part of Option Two: A, B or C, the Complainant will be informed of:

- the Policy and these procedures;
- limits to the confidentiality of the process (see 5.5.4);
- the right to counselling provided by the Board;
- the right to withdraw the complaint at any time;
- the right to representation by any person (such as a support individual, union representative, or other) of their choice at any time during the process and/or in accordance with collective agreement provisions; and
- the right to initiate a formal written complaint.

4.3 As part of Option Two and Option Three the respondent will be informed of:

- the Policy and these procedures;
- limits to the confidentiality of the process (see 5.4);
- the right to counselling provided by the Board;
- the right to representation by any person (such as a support individual, union representative, or other) of their choice at any time during the process and/or in accordance with collective agreement provisions and
- the nature of the allegation, and who has lodged the complaint.

4.4 If the complaint cannot be resolved informally, to the satisfaction of the complainant, the complainant can choose to lodge a formal written complaint, and therefore, proceed to the formal complaint stage.

4.5 Informal complaints may also be filed by Employees in accordance with these procedures, if they witness harassing or discriminatory conduct or behavior, if they are unable to speak to the individual(s) involved, or if speaking with the individual(s) involved was unsuccessful.

## 5.0 **Formal Complaint Process**

### 5.1 **Students**

Student complainants should send a written copy of the complaint, describing the incident(s), witnesses and steps already taken to resolve the matter, to their Principal or Vice Principal directly. If assistance is required in reporting the complaint, the student should contact the school administration directly, or through his/her representative (i.e. parent, teacher, etc.). If the Principal is the respondent, then the complaint letter should be sent directly to the appropriate Superintendent. The Principal/Vice Principal/Superintendent will address the complaint through the appropriate policy or procedure.

### 5.2 **Employees**

It is preferred that Employee complainants should report the incident(s) using the online reporting form in the eBase platform (see Appendix C), but should keep a written copy that describes the incident, the steps taken to resolve the matter, and the names of witnesses. This complaint is forwarded to the immediate supervisor. If the immediate supervisor is the respondent, the complaint will be provided to the appropriate Superintendent and the Manager of Human Resources. If an Employee opts to report the matter verbally initially, they

can report it to their immediate supervisor

### 5.3 **Other Users**

Other user complainants should send a written copy of the complaint, describing the incident(s), witnesses and steps already taken to resolve the matter, to the immediate supervisor of the area/school/board office where the respondent is working. In cases, where the respondent is the supervisor, the complaint should be provided to the Superintendent and the Manager of Human Resources.

5.4 To conduct an investigation most appropriate under the Policy, SGDSB supervisory staff/investigator(s) will act in accordance these procedures. SGDSB may assign an external investigator(s) where necessary for various reasons such as complexity or limited resources.

### 5.5 **Investigation Process**

5.5.1 The investigation of any allegation of Harassment/Discrimination or Workplace Harassment must be consistent with current collective agreements and the doctrine of "procedural fairness".

5.5.2 Generally, SGDSB will aim to complete an investigation within 90 days of the complaint being assigned for investigation, depending on factors such as number of parties, the availability of parties to the complaint, the time of the year the complaint is received (e.g., during summer school-based Employees may not be available), the complexity of the matter.

5.5.3 Any person reporting an incident or complaint of Harassment/Discrimination or Workplace Harassment or participating in a process to resolve the matter, are required to keep the complaint related information confidential.

5.5.4 SGDSB holds the files and maintains confidentiality, and will share information to the extent necessary to protect Employees (e.g. safety plan or separation of parties) for actions such as investigation, follow-up, corrective action or as otherwise required by law. SGDSB may be legally required to provide information to an outside authority. As well, SGDSB may be legally required to speak to the respondent regarding the Harassment/Discrimination or Workplace Harassment and, where appropriate, take further action. It is because of these facts that absolute confidentiality cannot be guaranteed. SGDSB cannot be held responsible for the actions of the Complainant(s), Respondent(s) or others involved and in relation to any outside agency.

5.5.5 Investigators will explore with parties any concerns of physical safety and will make them known to the appropriate Superintendent. In some circumstances, an interim separation of parties pending final disposition of the complaint may be needed. An interim separation pursuant to these procedures does not constitute "discipline" or a "transfer".

5.5.6 Regardless of the outcome of the complaint, no action will be taken against a complainant unless it can be shown that the complaint was made maliciously or in bad faith.

5.5.7 All parties (complainants, respondents and witnesses) shall be provided copies of the Policy, these procedures and will also be advised about maintaining confidentiality and not engaging in reprisal/threats of reprisal.

5.5.8 Where a report is filed by an Employee in good faith, the Employee who filed the report shall not be subject to any reprisals by anyone in the employ of the SGDSB or not in the employ of the SGDSB if said individual is a student, parent, guardian,

community members or other.

- 5.5.9 Should an Employee who filed a report in good faith be the subject of a reprisal, then an investigation into the alleged reprisal shall be initiated immediately following its reporting to the appropriate authority.
- 5.5.10 Should the individual who commits a reprisal against an Employee who filed a report in good faith also be an Employee of the SGDSB and the reprisal proven as a result of an investigation, then said individual may be subject to disciplinary action in accordance with the appropriate Collective Agreement and the SGDSB policies governing such matters.
- 5.5.11 Should the individual who commits a reprisal against an Employee who filed a report in good faith be someone other than an Employee of the SGDSB and the reprisal is proven as a result of an investigation, then said individual may be subject to some form of sanction issued in accordance with the Policies and Procedures of the SGDSB and school whereat the Employee who was subject to the proven reprisal works

## 5.6 **Formal Employee Complaints**

- 5.6.1 Participants involved in the formal investigation procedure will include the complainant, the respondent, witnesses (if any), their representatives and/or in accordance with the collective agreement, and an investigator or investigation team. The investigator or members of the investigation team should not be directly involved with the complainant or respondent (i.e. in a direct report relationship). All efforts will be made to ensure that the investigator(s) is a trained impartial third party.
- 5.6.2 Once a formal written complaint is received, the appropriate Superintendent appoints an investigator or an investigation team, with an identified lead investigator.
- 5.6.3 The investigator/investigation team meets with the Principal/Supervisor/Manager to discuss the issue. All those involved will keep detailed notes pertinent to the investigation as outlined in "records of investigation."
- 5.6.4 The investigator/investigation team will meet with the complainant to get clarification of issues that may be unclear and inform the complainant of the information contained in the complaint report.
- 5.6.5 The investigator/investigation team will meet with the respondent in the absence of the complainant and inform the respondent of the information contained in the complaint. A copy of the formal signed complaint will be submitted to the respondent, indicating: the name of the complainant and respondent, the places, times, dates and nature of the alleged incidents being investigated. The respondent may (at any stage of the investigation) respond to the allegations.
- 5.6.6 The investigator/investigation team conducts further fact-finding meeting(s) to ascertain the severity of the situation, interview potential witnesses, etc.
- 5.6.7 Where an Employee respondent has elected (in writing) not to accept representation from his/her union or Employee group, the union or Employee group will be informed by the investigator.
- 5.6.8 Once the investigator/investigation team has conducted adequate research, the final report of the investigation will be prepared, including the results of the fact-finding



meeting(s). The final summary is provided to the complainant, respondent and the appropriate Superintendent. This summary will respect confidentiality to every extent possible.

- 5.6.9 In cases where there is a finding that a breach of the Workplace Harassment or Human Rights Policy has occurred, appropriate disciplinary/remedial sanctions are implemented. A record of the disciplinary actions will be placed in the Employee's personnel file. It should be noted that the complainant will not be informed of the exact disciplinary sanctions imposed on the respondent, however, should note if corrective action has been or will be taken, as well as measures put in place to prevent the matter from taking place again.
- 5.6.10 Where a resolution cannot be reached, or if the complainant is not satisfied with the solution, an outside agency may become involved. The Board will cooperate as required with any external proceedings (i.e. Police, Ontario Human Rights Tribunal).
- 5.6.11 Should the complaint be determined to be malicious or in bad faith (unjustified), the complainant will be subject to the disciplinary actions as described in this procedure. All attempts will be made to minimize the damage done to the alleged respondent (i.e. to correct mistaken impressions, or control reputation damage).
- 5.6.12 Where a complaint has been investigated, Human Resources will maintain investigation records in accordance with section 7.0, Records.
- 5.6.13 Under Regulation 18(1) (b) of the Teaching Profession Act, a teacher must "on making an adverse report on another member, furnish that member with a written statement of the report at the earliest possible time and not later than three days after making the report."

## 5.7 **Formal Student Complaints**

- 5.7.1 Participants involved in the formal investigation procedure will include the complainant, the respondent, witnesses (if any), their representatives (if requested), and the Principal/Vice Principal.
- 5.7.2 Once a formal written complaint is received by the Principal/Vice Principal, the Principal/Vice Principal shall conduct an investigation. Records of the investigation will be kept by the Principal/Vice Principal (5.5.5).
- 5.7.3 The Principal/Vice Principal will meet with the complainant, and ask the complainant to describe, in as much detail as possible, the alleged incident(s). The Principal/Vice Principal will clearly document this meeting. The complainant may be accompanied by a support person (i.e. parent, teacher, peer support).
- 5.7.4 The Principal/Vice Principal will meet with the respondent in the absence of the complainant. A copy of the formal signed complaint will be submitted to the respondent, indicating: the name of the complainant and respondent, the places, times, dates and nature of the alleged incidents being investigated. The respondent may be accompanied by a support person (i.e. parent, teacher, peer support, union representative if the respondent is an Employee).
- 5.7.5 The Principal/Vice Principal will inform the parents/guardians of the involved parties if the student(s) are under the age of 18.
- 5.7.6 The Principal/Vice Principal conducts further fact-finding meetings if necessary, to ascertain the severity of the situation, and to interview witnesses, etc.

- 5.7.7 Once the Principal/Vice Principal has conducted adequate research, a summary of the findings will be prepared and provided to the complainant and respondent. This summary will respect confidentiality to every extent possible.
- 5.7.8 In cases where there is a finding that a breach of the Workplace Harassment or Human Rights Policy has occurred, appropriate disciplinary/remedial sanctions are implemented. It should be noted that the complainant should not be informed of the exact disciplinary sanctions imposed on the respondent, however, should note if corrective action has been or will be taken, as well as measures put in place to prevent the matter from taking place again.
- 5.7.9 Where a resolution cannot be reached, or if the complainant, and or their parents/guardians are not satisfied with the solution, an outside agency may become involved. The Board will cooperate as required with any external proceedings (i.e. Police, Ontario Human Rights Tribunal).
- 5.7.10 Should the complaint be determined to be malicious or in bad faith (unjustified), the complainant will be subject to the disciplinary actions as described in this procedure.

## 5.8 **Formal Other User Complaints**

- 5.8.1 Participants involved in the formal investigation procedure will include the complainant, the respondent, witnesses (if any), their representatives, and an investigator/investigation team.
- 5.8.2 Once a written complaint is received, the appropriate Superintendent will appoint an investigator/investigation team. The investigator or members of the investigation team should not be directly involved with the complainant or respondent (i.e. in a direct report relationship). All efforts will be made to ensure the investigator(s) are an impartial third party.
- 5.8.3 The investigator(s) will meet with the Supervisor/Manager to discuss the issue. All those involved will keep detailed notes pertinent to the investigation as outlined in "records of investigation" (5.5.5).
- 5.8.4 The investigator/investigation team may choose to meet with the complainant to get clarification on issues that may be unclear.
- 5.8.5 The investigator/investigation team will meet with the respondent in the absence of the complainant. A copy of the formal signed complaint will be submitted to the respondent, indicating the name of the complainant and respondent, the places, times, dates and nature of the alleged incidents being investigated. The respondent may (at any stage of the investigation) respond to the allegations.
- 5.8.6 If necessary, the investigator/investigation team conducts further fact-finding meeting(s) to ascertain the severity of the situation, interview potential witnesses, etc.
- 5.8.7 Once the investigator/investigation team has conducted adequate research, a summary will be completed, and provided to the complainant and the respondent. This summary will respect confidentiality to every extent possible.
- 5.8.8 In cases where there is a finding that a breach of the Workplace Harassment or Human Rights Policy has occurred,-appropriate disciplinary/remedial sanctions are implemented. It should be noted that the complainant should not be informed of the exact disciplinary sanctions imposed on the respondent.
- 5.8.9 Where a resolution cannot be reached, or if the complainant is not satisfied with the

solution, an outside agency may become involved. The Board will cooperate as required with any external proceedings (i.e. Police, Ontario Human Rights Tribunal).

5.8.10 Should the complaint be determined to be malicious or in bad faith (unjustified), the complainant will be subject to the disciplinary actions as described in this procedure.

## 6.0 Possible Remedial/Disciplinary Actions

The following lists are non-exhaustive.

6.1 For Employee respondents:

- an oral or written reprimand and/or a letter in file;
- counselling/training with an educational component focused on the impact of discrimination;
- continuing the Employee in his or her assignment with precautionary measures where appropriate;
- transfer;
- demotion;
- assigning the Employee to an alternate work situation;
- suspending the Employee without pay; and
- dismissal.

Depending on the severity of the remedial or disciplinary action, the SGDSB may also notify the Employee's professional regulatory body (i.e. the Ontario College of Teachers).

6.2 For Student respondents:

- an oral or written reprimand and/or a letter in OSR;
- counselling with an educational component focused on discrimination;
- informing parents where applicable according to Board policy (i.e. Freedom of Information restriction);
- suspension;
- transfer (class or school);
- expulsion; and
- other appropriate discipline as outlined in the Education Act, other Board policies, or applicable Code(s) of Conduct.

6.3 For Other User (respondents):

- letter of disapproval and warning;
- revoking of permits or contracts;
- issuing a trespass notice; and
- other remedies as applicable by law.

6.4 The type of remedy/discipline should:

- be based on a thorough and proper investigation;
- take all relevant factors into consideration; and
- be in accordance with the principles of progressive discipline and just cause.

## 7.0 Records

7.1 All information will be gathered and dealt with in accordance with the Municipal Freedom of Information and Protection of Individual Privacy Act and be marked "PRIVATE AND CONFIDENTIAL". Records of investigation will be locked and kept secure. Electronic reports through Ebase will be held securely in accordance with SGDSB policies.

7.2 Records of investigation will include:

- the names of complainant(s) and respondent(s);
- the nature of the alleged harassment;
- a record of meetings, specifying meeting dates, times and names of attendees;
- a copy of any correspondence between parties;
- the present disposition of the complaint, including final resolution;
- a signed formal complaint (if applicable);
- any disciplinary action taken
- background information gained through interviews, meetings, etc.;
- proper documentation required for both the informal process and the formal investigation; and
- Human Resources will maintain all investigation records in a confidential file.

7.3 Records shall be kept in accordance with the records retention protocol/policy for a period of three (3) years, and if at that time there is no litigation, investigation, or further activity under these procedures and the Policy involving a party to the original complaint, all records of the complaint will be destroyed. A record of the type of document destroyed, by whom and when should be kept in accordance with Privacy legislation.

## **8.0 Withdrawn & Abandoned Complaints**

A complainant who has submitted a formal or informal complaint under this policy may opt at any time to withdraw their complaint or opt for an informal resolution instead. Intent to withdraw must be submitted to the Investigator in writing. Once a complaint is withdrawn, the file is closed and cannot be revived. The complainant can resubmit the complaint as a new file, subject to the time limits outlined in this procedural document.

The Investigator will take all reasonable steps to contact and gather information from the complainant. Should the complainant cease contact with the Investigator during the investigation for a period of thirty (30) days or longer, the Investigator may deem the complaint to be abandoned. The managing superintendent (and other designated parties) will be notified in writing that the complaint has been closed. The complaint can be resubmitted as a new file in the future, subject to the time limits outlined in this procedural document.

This management guideline and will be reviewed at least annually in accordance with OHSA.

## 717 – Workplace Harassment – Management Guidelines

**Reporting Harassment/Discrimination, Workplace Harassment and Violent Incidents Via the eBase Platform****For Access from non-Board computers**

**Step 1:** Visit <http://www.sgdsb.on.ca/> Look for a Staff menu with a green background and click the 'Resources' link.

**Step 2:** There are a number of options arranged in a 7x3 grid. Scroll all the way down to the bottom and click the option in the lower left hand corner entitled: eBase Login

**Step 3:** A new window will open with a login screen to access the eBase platform. In the spaces provided, enter your Board username and password (same as Board email).

**For Access from Board computers – click on the eBase icon**

**Step 4:** In the eBase platform, in the upper left hand corner are small icons: a house, and one that looks like a couple of computer windows, one in front of the other (they are grey and blue). Hover over the computer window icon. A menu will appear with 'Form Logic'. Click on the words 'Form Logic'

**Step 5:** In the top right hand corner of the new page is a grey button with a green plus sign on it that says: 'Add New Form'. Click on it.

**Step 6:** Two drop down menus will appear. From the 'Workflow' menu select 'Harassment/Discrimination, Workplace Harassment and/or Violence'. From the 'Facility' menu select the work site.

**Step 7:** Fill out the form recording the details of the situation in the online form, using the check boxes. Check as many as apply.

**Step 8:** Keep a copy of the information provided, and document the events of the situation, and the date and time of the report.