

SEXUAL HARASSMENT SCENARIO

Our group began this project by reviewing the district policy and procedures for harassment and bullying. In Langley, all employees are required to participate in training around harassment and bullying, with a quiz at the end to collect our digital signature of completion. Worksafe BC regulations require all employers to have policies and procedures around harassment and bullying in place. The SWAY created by the district is designed to be in compliance with WorkSafe regulations. It is the obligation of the employer under the BC Employment Standards to have a harassment policy in place for all workers to be in compliance with Human Rights Code where we all have the right to feel safe in our workplaces. The BC Human Rights Code prohibits discriminatory conduct on many grounds, sexual harassment is considered a form of sex discrimination. Finally, In Langley, the collective agreement section E.2.6.a states that “the employer, in consultation with the local, shall be responsible for developing and implementing an ongoing harassment and sexual harassment awareness program for all employees. Where a program currently exists and meets the criteria listed in this agreement, such a program shall be deemed to satisfy the provisions of this article. This awareness program shall initially be for all employees and shall be scheduled at least once annually for all new employees to attend.” E.2.6.b goes on to outline what should be included in said training. The aforementioned SWAY presentation satisfies all of these requirements.

We then uncovered the appropriate steps a staff member should take to file a sexual harassment complaint in Langley School District. According to E.3.a of the collective agreement, the employee should first attempt to talk to their colleagues. In this scenario, the complainant has already done this, and the harassment has continued. Section E.3.a also states that the

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complainant can approach an administrative officer or staff representative and have them included in the process and use their help to resolve the complaint. If the respondent and the complainant agree to meet, then E.5.a- c are followed. Essentially, the parties can agree to mediation. If during mediation the respondent admits to the harassment then both parties get a record of the proceedings. The complainant and respondent are the only ones who get a copy and nothing is placed in the respondent's file. If the two parties do not agree to go to mediation, then it is up to the complainant to file an official report with the superintendent's office.

According to E.3.b.i “if a complainant chooses not to meet with the alleged harasser, or no agreement for resolution of the complaint has been reached, or an agreement for resolution has been breached by the alleged harasser, a complaint may be filed with the superintendent or designate.” There is a form to be filled out to submit to the superintendent, this is typically done after consultation with the administrator so they are aware of the issue has not been resolved. Once it is received at the board office, the form is given to the assistant-superintendent in charge of human resources. At this point, a committee is struck in accordance with the Worksafe Harassment Policy and in compliance with the collective agreement. The committee is tasked with investigating the claim and determining the validity. To help prevent a conflict of interest the principal is removed from the formal process of investigating as they may be a potential witness in the situation. The principal and vice-principal are not to interfere with the investigation. By this point, the respondent and the complainant will both have union representation as described by the LTA Collective Agreement. At the school level, they will have been directed not to speak about the matter with other staff members or their administrators. Principals are tasked with ensuring that the investigation is kept private and that staff are not

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gossiping about the scenario. Typically both the respondent and the complainant would continue working at the site throughout the investigation.

As a principal at this point, it is important to ensure that both parties are respecting the directive by their union representation to not talk about it. If other staff comes to administration, they must redirect them and inform the staff member that it is being handled and should not be discussed. If a staff member comes to the principal with information regarding the investigation, the principal has an obligation to inform the committee investigating the complaint so that they can interview the person. Actions by the principal are in line with Standard 9 where administrators “ensure that acts, laws, regulations, policies, collective agreements, and enhancement agreements govern your decisions and actions.” Furthermore, standard 7 where principal maintain and “create a safe, orderly, caring, and healthy school environment”

At the end of the human resources investigation there are two possible outcomes, the complainant's accusation is either corroborated or unfounded. Regardless of the outcome, a record of the complaint is placed in both party's file.

If corroborated, each scenario is treated on a case to case basis. First of all, is this their first corroborate accusation, if so, next steps would look very different than if it was a repeat issue. The board is obligated to report their findings to the Teacher Regulation Branch as per the Teacher Act. What the Teacher Regulation Branch decides to do with the findings is completely independent of what the district will recommend.

A letter of expectation will be issued to the respondent. In the letter of expectation, possible recommendations may include a boundaries course, a period of suspension from teaching in the district, a district initiated transfer, some form of censure, an opportunity to

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request a self-initiated transfer, and or other discipline measures as warranted on a case by case basis. In house legal counsel advise Human Resources on what to specifically included in the letter and how to proceed. Again, each sexual harassment case is different, so there is no standard result. However, in some cases both parties may be reassigned to new sites in order to facilitate rebuilding the community.

If the claim is unfounded, the expectation is to continue on and go back to work. It is, though, possible for both parties to choose to ask for self-initiated transfers. Again, these would be considered on a case to case basis. These requests are typically honoured after these types of incidents.

As administrators, it is essential to try and keep the culture of the school intact and continue to move the learning of students forward in the building. All parties need to be treated with dignity throughout the process, regardless of our personal feelings, we will have to work within the parameters of the collective agreement and the relevant laws and codes.

Administrators are agents of the board, they need to follow the protocols laid out by the district. Sexual harassment scenarios test the human capacity to stay neutral, which is why it is vital that administrators follow the correct procedures and not their personal, emotional responses.