



Administrative Procedure

Title: Workplace Harassment and Workplace Sexual Harassment	Procedure #: AP320-1
Administrative Area:	Human Resources and Administrative Services
Policy Reference:	Workplace Harassment (PO320)
Date Approved:	June 25, 2007
Dates of Amendment:	September 26, 2016 (Interim); October 24, 2016
Date of Annual Review:	May 6, 2019

1.0 **Purpose**

The purpose of this administrative procedure is to provide a framework for the implementation of the Workplace Harassment and Workplace Sexual Harassment Policy (PO320) and to ensure that all persons covered by the Policy and this Administrative Procedure are aware of their rights and responsibilities, and to provide clear and precise procedures for the filing and investigation of complaints and resolution of incidents.

2.0 **Definitions**

Discrimination – Is defined to include harassing behaviour (see Workplace Harassment and Sexual Workplace Harassment definition) as well as unfair treatment, or the denial of normal privileges, opportunities, services, goods and/or facilities because of any grounds protected under the Ontario Human Rights Code: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. Subsection 19(1) the OHRC provides that "this Act shall not be construed to adversely affect any right or privilege respecting separating schools enjoyed by Separate School Boards or their supporters under the *Constitution Act of 1867 and the Education Act.*"

Workplace Harassment – As defined in the *Ontario Occupational Health and Safety Act* (OHSA) consists of "*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*". It includes, but is not limited to, systemic or persistent actions such as taunts, annoyances and demands designed to inflict distress such as:

- name calling, insults, threats, slurs, degrading or suggestive remarks, offensive songs or records, demeaning racial or ethnic remarks and jokes or innuendoes;
- communication by means of written or graphic materials, unwanted notes, posters, cartoons or letters, and emails, including the display of racist, derogatory or offensive pictures, graffiti or other materials which demean, embarrass or humiliate;

- use of stereotypical images or language (including jokes and anecdotes) which suggest that all or most of a particular identity are the same;
- differential treatment, and the avoidance or exclusion of any group or individual, including the refusal to converse or work with an employee because of his/her racial or ethnic background or gender identity;
- sexual solicitation, advances, threats or innuendos;
- any activity or behaviour, not necessarily directed at anyone in particular that creates a hostile or offensive workplace;
- abuse of authority such as acts or misuse of power as intimidation, threats, aggressive behaviour, blackmail or coercion.
- withholding of information necessary to perform ones duties;
- verbal and emotional abuse;
- inappropriate staring; and
- “bullying” – which is an attempt to undermine an individual through criticism intimidation, hostile verbal and non-verbal communication and interfering actions.

Workplace Sexual Harassment – Is defined in the *Ontario Occupational Health and Safety Act* (OHSA) as “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 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”. Sexual harassment is an expression of power in a sexual manner. Sexual harassment includes, but is not limited to, that which creates a hostile or offensive work environment, or could be reasonably thought to put sexual conditions on a person’s job or employment opportunities. Sexual harassment is prohibited under the Code regardless of the gender of the persons involved. Sexual harassment may include, but is not limited to:

- unwelcome sexual innuendo;
- unwelcome sexual advances;
- inappropriate body contact;
- request for sexual favours;
- display of exploitive material;
- leering;
- unwelcome questions or comments about a person’s sexual life; and
- unwelcome comments on a person’s sexual attractiveness or unattractiveness;

Note: For the purposes of this procedure, the term “harassment” is intended to include not only the forms of harassment outlined above, but to also include discrimination and other forms of workplace conduct, which an individual knows or ought reasonably to know to be unwelcome.

Intimidation – is the use of verbal, written or non-verbal action intended to frighten, discourage or inhibit.

Threat – is a written or verbal promise or overt action forewarning trouble, worry or harm.

Note: Reasonable actions taken by the Board or supervisor relating to the management, direction or supervision of workers or the workforce is not considered workplace harassment or workplace sexual harassment.

2.0 Definitions (cont'd)

Workplace –The workplace includes, but is not limited to:

- any place where employees, contract employees, volunteers and other users perform work or work-related duties or functions;
- schools and school-related activities such as extracurricular, co-instructional activities and excursions, comprise the workplace, as do Board offices and facilities;
- conferences, training sessions, workshops, social and travel gatherings are included within this Policy;
- activities within offices, staff rooms, classrooms, cafeterias/lunch rooms and other Board property;

3.0 Procedures

3.1 Ontario Human Rights Code/Criminal Code of Canada/Grievance Procedure

- 3.1.1 Filing a complaint under this Administrative Procedure is not intended to preclude rights under the Collective Agreement/Terms and Conditions of Employment, *Occupational Health and Safety Act*, *Ontario Human Rights Code*, and *Criminal Code of Canada* or other avenues of redress open under the law.
- 3.1.2 These complaint and investigation procedures should not be invoked or pursued at the same time as a parallel complaint before the Ontario Human Rights Tribunal or if a grievance remains outstanding. While such proceedings are taking place, the procedures outlined here will be suspended and may be superseded, where appropriate.

3.2 Reporting Time Frame

- 3.2.1 A complaint should be filed within a reasonable timeframe following the occurrence of the triggering incident(s). The Board encourages a six-month time frame and may, in its discretion, decide not to deal with the complaint when the facts upon which the complaint is based occurred more than six (6) months before the complaint was filed. However, where reasonable circumstances exist for failing to bring the complaint forward within the six (6) month timeframe and the delay would not result in any prejudice to the Respondent, a complaint may be accepted beyond the six (6) month limit.

3.0 Procedures (Cont'd)

3.3 Complaint Withdrawal

- 3.3.1 The Complainant may choose to withdraw the complaint at any stage; however, the Board may be obliged under this procedure, to continue the inquiry and investigation into the complaint and to take whatever remedial action it deems appropriate, or refer the matter to another process or procedure.

3.4 Responsibilities for Reporting Harassment and Discrimination

- 3.4.1 All persons covered under this procedure have the responsibility for and are expected to promote a working and learning environment that is free from harassment and discrimination, and to assist anyone who believes that they are being or may have been harassed or discriminated against, sexually or otherwise in the workplace. Anyone who believes that a colleague or another person covered under this procedure is being or may have been harassed or discriminated against in the workplace, is encouraged to notify the applicable Supervisor, Principal, Manager or Superintendent.
- 3.4.2 Where the employees' supervisor or Board personnel that is charged with responsibility to investigate complaints of workplace harassment or workplace sexual harassment are the subject of the complaint, the complainant shall report the complaint to the next or another management or supervisory level.
- 3.4.3 The Complainant has the right to decide how to respond to workplace harassment, workplace sexual harassment and/or discrimination including informal, verbal or written communication with the respondent, or through the filing of a complaint under this Administrative Procedure. The Complainant may wish to seek guidance or counselling from his or her Supervisor, Principal, Manager, Superintendent/designate or another resource person (i.e., Union or Association) to discuss the situation and how it might be resolved. Since advice only is being sought at this stage, names need not be disclosed.

3.5 Reporting Obligations for Teachers

- 3.5.1 Teachers should note their obligation under the regulation of the *Teaching Profession Act*, s.18(1)(b):

3.5.1.1 Duties of a Member to Fellow Members

18(1)(b): A member shall, on making an adverse report on another member, furnish him/her with a written statement of the report at the earliest possible time and not later than three days after making the report. All parties will ensure that a high degree of confidentiality concerning the incident is maintained.

3.0 Procedures (Cont'd)

3.6 Consequences of Engaging in Harassment

3.6.1 Under Statute

3.6.1.1 Ontario Human Rights Code (OHRC): Persons who engage in harassment prohibited by the *Ontario Human Rights Code* (OHRC) and the *Occupational Health and Safety Act* (OHSA) and are liable under the applicable legislation for damages payable to the Complainant. In addition, a person who violates the OHRC and/or OHSA or who obstructs a related investigation may also be liable to prosecution under the Code and, on conviction, to a fine of not more than \$25,000. Persons who have knowledge of, or who acquiesce in, workplace harassment or workplace sexual harassment may be found in violation of the Ontario Human Rights Code (OHRC) as having indirectly engaged in prohibited activity and are subject to the same consequences as those who directly engage in discrimination or harassment.

3.6.1.2 Occupational Health and Safety Act (OHSA): A person who contravenes or fails to comply with the Act or the Regulations; an order or requirement of an inspector or a Director, or an order of the Minister, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than twelve (12) months, or to both. If a corporation is convicted of an offence, the maximum fine that may be imposed upon the corporation is \$500,000.

3.6.2 In Employment

3.6.2.1 Employees who engage, directly or indirectly, in workplace harassment, workplace sexual harassment or discrimination may be disciplined up to and including termination of employment.

3.6.3 Confidentiality

3.6.3.1 All records of the complaint, including contents of meetings, interviews, results of inquiries and other relevant identifying information or material will be kept confidential by the Durham Catholic District School Board, except where disclosure is required during any investigation process, by a disciplinary or other remedial process, required by operation of law or as a consequence of contemplated or actual litigation. Records will be stored in a secure file in the Human Resources and Administrative Services Department.

3.0 Procedures (Cont'd)

3.6.3.2 The Complainant and the Respondent and any witnesses interviewed in an investigation are expected to maintain strict confidentiality about the complaint.

3.6.3.3 Upon completion of an investigation for any complaint, both the complainant and respondent will be advised of the results of the investigation and any corrective action that has or will take place.

3.6.4 Counselling

3.6.4.1 The Board's Employee Family Assistance Program (EFAP) is available to all employees and their immediate families, and offers counselling and resource assistance on a voluntary and confidential basis.

3.6.5 Alternate Routes for Dealing with Complaints

3.6.5.1 Notwithstanding anything else provided for in these resolution procedures, where, in unusual or extenuating circumstances, the Board determines that a complaint should be dealt with outside these resolution procedures, then any other procedure which the Board determines to be appropriate in the particular circumstances will be followed.

3.6.6 No Reprisals

3.6.6.1 For the purposes of this procedure, "reprisal" against an employee will be treated as workplace harassment or workplace sexual harassment when such actions occur for:

3.6.6.1.1 having invoked this procedure (whether on behalf of oneself or another individual);

3.6.6.1.2 having participated or co-operated in any inquiry under this procedure; or

3.6.6.1.3 having associated with a person who has invoked this procedure or participated in these procedures.

3.6.6.1.4 The Board will not allow reprisal for good faith complaints.

3.6.7 Frivolous or Vexatious Complaints

3.6.7.1 In the event that an individual is shown to have initiated proceedings under this Procedure in a frivolous or vexatious manner, the Board may take formal disciplinary action against the Complainant(s), which may include, but is not limited to a letter of reprimand, suspension or termination of employment. Documentation regarding the disciplinary action will be placed in the employee's personnel file.

3.7 Workplace Harassment and Workplace Sexual Harassment Complaint Procedure Steps

- 3.7.1 The Workplace Harassment and Workplace Sexual Harassment Complaint procedure comprises three (3) steps, which are outlined below. In most instances, the complaint will be advanced through the Steps outlined below. It is noted that some exceptions to this may apply including where the alleged harasser is the immediate supervisor or person entrusted by the Board to investigate incidents of workplace harassment or workplace sexual harassment, and Step 1 or Step 2 may be bypassed and the complaint initiated at Step 3.

Where the Respondent to any workplace harassment or workplace sexual harassment is the Supervisor or Board personnel responsible for investigating workplace harassment and/or workplace sexual harassment, the Complainant shall report a complaint to the next or another management level.

- 3.7.2 Timelines set out in this procedure may be subject to variation, as deemed necessary or appropriate by the Board.

3.7.3 Step 1 – Speak Up

- 3.7.3.1 The Complainant (person who considers that he/she has been subject to harassment or discrimination) is advised to record the details surrounding the incident(s) including times, dates, places, names of witnesses, if any, and circumstances surrounding the incident(s).
- 3.7.3.2 The Complainant is encouraged to bring the matter to the attention of the Respondent (person responsible for the comment or conduct) calmly, but firmly, making direct and clear objection indicating that the comment or conduct is not acceptable, is unwelcome and must stop. This is often an effective way to resolve the issue and end the workplace harassment, workplace sexual harassment and/or discrimination. The Complainant may choose to do this alone or accompanied by a representative of their choice (i.e., Supervisor, Principal, Manager, Superintendent or Union). It is important the Complainant document any communication he or she has with the Respondent. It is also important that the Respondent document any communication regarding a workplace harassment or workplace sexual harassment and/or discrimination complaint.
- 3.7.3.3 Instead of speaking directly with the Respondent, the Complainant may wish to advise the Respondent by letter that the behaviour is unacceptable. If this option is chosen, it is advisable to keep a copy of the letter and proof of mailing, such as a courier or registered mail receipt.

- 3.7.3.4 The Complainant may wish to contact the Supervisor, Principal, Manager or Superintendent/designate to request assistance in dealing with the complaint at Step 2.
 - 3.7.3.4.1 if the Complainant does not feel comfortable talking with or writing to the Respondent; or
 - 3.7.3.4.2 if the Complainant is not satisfied with the result of the initial contact with the Respondent; or
 - 3.7.3.4.3 ~~or~~, if the harassment and/or discrimination continues.

3.7.4 Step 2 – Informal Resolution Process

- 3.7.4.1 To initiate the Step 2 process, the Complainant is required to complete the Workplace Harassment and Workplace Sexual Harassment Complaint Form attached to this procedure which details the particulars of the allegations, and submit it along with any other supporting documentation, to their Supervisor, Principal, Manager or Superintendent/designate.
- 3.7.4.2 The Supervisor, Principal or Manager is required to contact the respective Superintendent/designate to arrange a consultation within two (2) working days.
- 3.7.4.3 The Respondent cited in a complaint will be entitled to receive a copy of the Workplace Harassment and Workplace Sexual Harassment Complaint Form filed by the Complainant within three (3) working days of the submission. The Supervisor, Principal, Manager or Superintendent/designate is responsible for ensuring that the Respondent receives a copy of the written complaint. Teachers are required to note their obligation under the regulation of the *Teaching Profession Act*, s.18(1)(b) as outlined on page 3 of this procedure.

Where provided for under a Collective Agreement, Terms and Conditions of Employment or any other employment contract, an employee may be entitled to representation during meetings or discussions under this administrative procedure.

- 3.7.4.4 The Supervisor, Principal, Manager or Superintendent/designate will collect evidence by interviewing the Complainant and Respondent (separately), interviewing any witnesses, and otherwise investigating all aspects of the matter which are relevant in determining whether the allegations of harassment are substantiated.
 - 3.7.4.5 The Supervisor, Principal, Manager or Superintendent/designate must keep confidential and comprehensive notes of all meetings which are signed and dated at the conclusion of each meeting. Such notes are to be kept and maintained in a secured location.
 - 3.7.4.6 The following actions may occur:
 - 3.7.4.6.1 Attempt at informal resolution;
 - 3.7.4.6.2 Referral to other more appropriate Board procedures, or other process, if appropriate or necessary;
 - 3.7.4.6.3 Referral of the complaint to Step 3 – Formal Process.
- Note: If it is determined at Step 2 that the complaint will involve disciplinary action, the Supervisor, Principal, Manager or Superintendent/designate will forward the complaint to the Superintendent – Human Resources and Administrative Services for review. If disciplinary action is required, a copy of any disciplinary correspondence will be placed in the employee's personnel file.
- 3.7.4.7 If the complaint is resolved at Step 2 – Informal Process, the resolution is confirmed in writing and signed by both the Complainant and the Respondent. A copy is to be forwarded to the Superintendent – Human Resources and Administrative Services in an envelope marked "Private and Confidential" by the Complainant's Supervisor, Principal, Manager or Superintendent/designate. The Superintendent – Human Resources and Administrative Services will place the document(s) in a secure file. A copy of the written resolution will not be placed in either the Complainant's or the Respondent's personnel file.

- 3.7.4.8 If there is not a satisfactory resolution at Step 2, the Superintendent will submit a report to the Superintendent – Human Resources and Administrative Services requesting that the complaint be advanced to Step 3.

3.7.5 Step 3 – Formal Resolution Process

- 3.7.5.1 The complaint may proceed to Step 3 in the following circumstances:
- 3.7.5.1.1 In lieu of Step 1 or Step 2, if it is determined by the Superintendent – Human Resources and Administrative Services/designate that the most appropriate avenue, given the circumstances surrounding the complaint, is to proceed to Step 3; for example, if the source of the complaint is the Complainant's Supervisor);
 - 3.7.5.1.2 If Step 1 and/or Step 2 does not resolve the complaint;
- 3.7.5.2 The request to proceed to Step 3 shall be made in writing to the Superintendent – Human Resources and Administrative Services/designate. A copy of the Workplace Harassment and Workplace Sexual Harassment Complaint Form and any supporting documentation must accompany the written request.
- 3.7.5.3 The Superintendent – Human Resources and Administrative Services/designate is responsible for informing both the Complainant and Respondent within five (5) working days of receipt of the submission of the complaint to the Step 3 process that the complaint has been forwarded to Step 3, unless deemed inappropriate by the Superintendent – Human Resources and Administrative Services/designate. If the Respondent has not previously been provided with a copy of the Workplace Harassment and Workplace Sexual Harassment Complaint Form, the Superintendent – Human Resources and Administrative Services/designate shall provide the Respondent with a copy of the document, unless deemed inappropriate.
- 3.7.5.4 The Superintendent – Human Resources and Administrative Services/designate will commence a separate investigation into the complaint within ten (10) working days of the receipt of a written request for a Step 3 investigation.

Where provided for under a Collective Agreement, Terms and Conditions of Employment or any other employment contract, an employee may be entitled to representation during meetings or discussions under this administrative procedure.

3.0 Procedures (Cont'd)

- 3.7.5.5 If the complaint can be resolved through voluntary mediation (both parties agree to participate voluntarily in the mediation), the Superintendent – Human Resources and Administrative Services/designate will appoint an independent third party with the appropriate professional qualifications who is acceptable to both parties to mediate the dispute. Mediation will be facilitated on a without prejudice and “off the record” basis by a mediator who has had training in alternative dispute resolution and mediation. Should the mediation be successful, the agreement reached between the parties will be confirmed in writing and signed by all parties. A copy of the mediated settlement will be placed in a secure file in the Human Resources and Administrative Services Department. A mediated settlement is without prejudice to the parties

It is noted that mediation may not be appropriate in all cases and the Superintendent – Human Resources and Administrative Services/designate may deem it necessary not to mediate the complaint, but to continue the investigation to determine if remedial or disciplinary action is appropriate.

- 3.7.5.6 The Superintendent – Human Resources and Administrative Services/designate may appoint an independent investigator and/or mediator with the appropriate professional training and credentials.
- 3.7.5.7 The investigation into the complaint must be handled expeditiously. While it is expected that all investigations occurring under this complaint procedure will be completed within six (6) months of the filing of the complaint, delays may occur.
- 3.7.5.8 Notwithstanding either party’s refusal to co-operate in an investigation, the Board may deem it necessary to follow the complaint procedure through to completion.
- 3.7.5.9 The Superintendent – Human Resources and Administrative Services/designate will advise the Complainant and the Respondent of the results of the Step 3 investigation and any actions that may be taken in the matter. The specific details of any disciplinary action will be provided to both the Complainant and the employee who is to be disciplined.
- 3.7.5.10 Outcomes – Depending on the outcome of the Step 3 investigation and subject to 3.7.5.10, a decision regarding rehabilitative or disciplinary action for the Respondent and/or the Complainant may include, but is not limited to:

3.7.5.10.1 Counselling;

3.7.5.10.2 Education on Workplace Harassment and/or Workplace Sexual Harassment;

3.7.5.10.3 Formal written apology;

3.7.5.10.4 Change of work assignment of the Complainant and/or Respondent;

3.7.5.10.5 Disciplinary action up to and including termination of employment.

Such a decision regarding outcomes is made by the Superintendent – Human Resources and Administrative Services.

- 3.8 If the incident is resolved at this stage, no further action will be taken. Counselling and related services are available through the Board's Employee and Family Assistance Program (EFAP).

3.9 Review Process

- 3.9.1 In the event a Complainant or a Respondent to a formal complaint has one or both of the specific concerns set out below, within ten (10) days of receipt of the decision, a request may be made by either the Complainant or the Respondent to the Director of Education to review the decision. The grounds for review are:

3.9.1.1 The investigators did not comply with the Policy or the Administrative Procedures; or

3.9.1.2 New evidence has become known after the decision but before the expiry of the ten (10) working days limitation period for requesting a review.

- 3.9.2 No review of the decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

- 3.9.3 A review will affirm or amend a decision or require that a new investigation be undertaken.

- 3.9.4 The Complainant, at any stage, may choose to withdraw the complaint. The Board, however, may still be obliged to investigate.

- 3.9.5 The provisions of this Administrative Procedure do not take away an employee's right to take action outside of its provisions. For example, using any of the internal options does not mean one cannot exercise other rights such as filing a complaint directly to the Ministry of Labour or the Ontario Human Rights Tribunal.

4.0 **Sources**

- Education Act
- Ontario College of Teachers Act
- Municipal Freedom and Protection of Privacy Act
- Occupational Health and Safety Act
- Ontario Human Rights Code
- Youth Criminal Justice Act
- Trespass Act
- Criminal Code of Canada
- Anti-racism Ethnocultural & Equity Act
- Police/School Board Protocol

5.0 **Related Policies, Administrative Procedures and Appendices**

- Appendix A – Workplace Harassment and Workplace Sexual Harassment Checklist for Dealing with an Incident of Discrimination or Harassment
- Workplace Harassment and Workplace Sexual Harassment Complaint Form (Form 4811)
- Workplace Harassment and Workplace Sexual Harassment Policy (PO320)
- Acceptable Use of Information and Communication Technology Policy (PO431)
- Acceptable Use of Information and Communication Technology Administrative Procedure (AP431-1)
- Code of Conduct Policy (PO610)
- Code of Conduct Administrative Procedure (AP610-1)
- Student Discipline Policy (PO611)
- Student Discipline Administrative Procedure (AP611-1)

Durham Catholic District School Board

**Workplace Harassment and Workplace Sexual Harassment
Checklist for Dealing with an Incident of
Discrimination or Harassment**

*All persons working for the Board or carrying out Board business on a temporary,
part time or full time basis are covered by this procedure.*

Complaints from an individual or group should be reported within a reasonable time following the occurrence of the triggering incident. The Board encourages a six (6) month time frame and may, in its discretion, decide not to deal with the complaint when the facts upon which the complaint is based occurred more than six (6) months before the complaint was filed. However, where a reasonable circumstance exists for failing to bring the complaint forward within six (6) months, and the delay would not result in any prejudice to the Respondent, a complaint may be accepted beyond the six (6) month time limit.

In some circumstances, Step 1 and/or Step 2 may be bypassed and the complaint procedure may be started at Step 3. The Superintendent – Human Resources and Administrative Services will make the final determination regarding commencement at Step 3.

Step 1 – Speak Up *(the majority of cases are resolved at this step)*

- ☐ Complainant is advised to record the details surrounding the incident (times, dates, places, names, witnesses, circumstances, etc.).
- ☐ Complainant to advise the Respondent in person or in writing that he/she considers the conduct in question to be offensive and request the Respondent to stop. This may be done in the presence of a resource person.
- ☐ Both the Complainant and the Respondent are advised to document the details of the meeting.
- ☐ If the Complainant writes to the Respondent, a copy of the correspondence is to be kept.
- ☐ If the Respondent fails to stop, or if the Complainant does not feel comfortable in confronting the Respondent in the first place, or if not satisfied with the initial contact, then move to Step 2 or Step 3. **(in cases of Workplace Sexual Harassment – Step 3).**
- ☐ Where the Respondent is the immediate supervisor or Board personnel responsible for investigating such complaints, the Complainant may be referred to the next supervisory level (Note – This may also apply at Steps 2.1.3).

Step 2 – Informal Process

- ☐ Complainant contacts his/her Supervisor/Manager/Principal as soon as possible within the times noted previously.

(If the Respondent is the Supervisor/Manager/Principal, contact the respective Superintendent).

The Supervisor/Manager/Principal is required to contact the respective Superintendent/designate for a consultation within three (3) working days.

- ☐ The Complainant submits the completed Workplace Harassment and Workplace Sexual Harassment Complaint Form and any other documentation.
- ☐ Supervisor/Manager/Principal ensures that the Respondent receives a copy of the complaint within three (3) working days of submission.

Action may include:

- ☐ Meeting between the Supervisor/Manager/Principal and the Respondent to discuss the concern(s).
- ☐ Referral to other procedures as the Board considers appropriate.
- ☐ Referral of the concern(s) to Step 3.
- ☐ Meeting between the Supervisor/Manager/Principal, Complainant and the Respondent to reach a resolution, **and**
- ☐ **Resolution** – Agreement/letter is prepared and signed by both the Complainant and the Respondent.

A copy to be forwarded to the Superintendent – Human Resources and Administrative Services marked “Private and Confidential”, or

- ☐ **No Resolution** – Move to Step 3.

Step 3 – Formal Resolution

- ☐ Complaint is filed with the Superintendent – Human Resources and Administrative Services/designate. Copy of Workplace Harassment and Workplace Sexual Harassment Complaint Form completed and submitted with request to move complaint to Step 3.
- ☐ Superintendent – Human Resources and Administrative Services/designate will advise both the Complainant and Respondent within five (5) working days that the complaint has been forwarded to Step 3.
- ☐ Superintendent – Human Resources and Administrative Services/designate (may be Board employee or independent) will commence a separate investigation into the complaint within ten (10) working days of the receipt of a written request for a Step 3 investigation.
- ☐ Superintendent – Human Resources and Administrative Services/designate to interview the Complainant, Respondent and any witnesses (separately).

Note: If the complaint can appropriately be resolved through mediation, and effort to do so will be made by the Superintendent – Human Resources and Administrative Services /designate. If it is determined by the Superintendent – Human Resources and Administrative Services /designate that mediation is not appropriate, or if no resolution is reached through mediation, the investigation will continue and a determination in the matter will be made by the Superintendent – Human Resources and Administrative Services /designate.

Note: If mediation is successful, the agreement reached between the parties will be confirmed in writing by all parties. A copy of the mediated agreement will be given to both the Complainant and the Respondent and a copy will be stored in a secure file in the Human Resources and Administrative Services Department.

The Superintendent – Human Resources and Administrative Services /designate will investigate fully. The investigation shall be completed as expeditiously as possible.

Step 3 (cont'd) – Formal Resolution

Following the investigation:

- ☐ The Complainant and the Respondent will be advised by the Superintendent – Human Resources and Administrative Services /designate of the conclusion of the Step 3 investigation.
- ☐ The results of the investigation will be shared with the Complainant and the Respondent. The specific detail of any disciplinary action will be provided to the employee who is disciplined, as well as the Respondent.

Outcomes

Depending on the outcome of the Step 3 investigation, a decision regarding rehabilitative or disciplinary action for the Respondent and/or the Complainant may include, but is not limited to:

- ☐ Counselling;
- ☐ Education on Harassment;
- ☐ Formal written apology;
- ☐ Change of work assignment of the Complainant and/or Respondent; and
- ☐ Disciplinary action, up to and including termination of employment.



Durham Catholic District School Board

Workplace Harassment and Workplace Sexual Harassment Complaint Form

All persons working for the Board or carrying out Board business on a temporary, part time, full time, or volunteer basis are covered by this procedure.

Private and Confidential

Complainants may seek assistance before completing this form.

Complaint is being submitted at a:	<input type="checkbox"/>	Step 2 (Informal Process – Form to be submitted to the Complainant's Supervisor, Principal, Manager or Superintendent)
	<input type="checkbox"/>	Step 3 (Formal Process – Form to be submitted to the Superintendent – Human Resources and Administrative Services). Note: Documentation of previous meetings held, witness statements, etc., are to be included with a Step 3 request.

Name of Complainant: _____

School/Department/Work Site: _____

Description of alleged harassment and/or discrimination (attach further information if required):

Name(s) of person(s) accused of harassment and/or discrimination:

Workplace Harassment and Workplace Sexual Harassment Complaint Form (Cont'd)

Date(s) of incident(s) or time frame and location of incident:

What steps have been taken to date to resolve the complaint:

Resolution requested:

Complainant(s) Signature(s):

_____	Date: _____
_____	Date: _____

Supervisor/Principal/Manager/Superintendent's Signature (indicating receipt):

_____	Date of Receipt: _____
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The information contained in this form is of a highly confidential nature and will be protected as outlined in the Workplace Harassment and Workplace Sexual Harassment Administrative Procedure (AP 320-1)

Instructions for Handling this Form

Place this form in a sealed envelope marked "Private and Confidential" and forward as outlined above for a Step 2 or Step 3 investigation.