

POLICY:	<u>SEXUAL HARASSMENT OF/AMONG STUDENTS</u>	#	<u>720</u>
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CROSS REFERENCE:	Sexual Harassment Of/Among Students Procedures Handbook School Code of Behaviour Policy 406: Computer Technology – Internet Acceptable Use Policy 820: Workplace Harassment Policy 710: Student Relations and Discipline Policy 703: School Code of Student Behaviour		

A: POLICY

1. 1.1 The Thunder Bay Catholic District School Board recognizes the equality, dignity and self worth of each student and employee. It further recognizes that Sexual Harassment is contrary to the teachings of Jesus Christ.
- 1.2 In keeping with its legal, moral and social responsibilities as an employer and educator, the Thunder Bay Catholic District School Board does not tolerate sexual harassment in its employment or educational dealings. The Board recognizes its responsibility, in accordance with the Ontario Human Rights Code to deal quickly, fairly and effectively with complaints should they arise.
- 1.3 Each employee of the Board is responsible for helping to create an environment that is free of sexual harassment, as both work and learning can best be accomplished in an environment of understanding and mutual respect for the dignity and rights of each individual.
- 1.4 The Board is responsible for the working and learning environment on all educational settings, Board Office, Board vehicles and any other location of a Board sanctioned event.
- 1.5 Sexual harassment which occurs during a Cooperative Education work placement is covered by this policy.

B: GUIDELINES

2. This policy applies to:

- all employees;
- all students;
- Catholic School Councils;
- Trustees;
- members of committees established by the Board;
- contractors (i.e. those undertaking construction or provision of service);
- visitors or guests.

3. Definitions

3.1 Sexual harassment means:

- 3.1.1 Any unwanted sexual comment or conduct that intimidates, demeans, or offends an individual which is made by a person who knows or ought to know that it is

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unwelcome. The following are some examples of what may constitute sexual harassment. The list is not exhaustive but is intended to assist persons in identifying what may constitute inappropriate behaviour.

- comments about an individual’s physical attributes
- unwelcome physical contact
- suggestive or offensive remarks or innuendoes about members of a particular gender
- propositions of physical intimacy
- verbal abuse, threats or taunting
- leering or staring
- bragging about sexual prowess
- demands for dates or sexual favours
- offensive jokes or comments of a sexual nature
- display of sexually offensive pictures, graffiti, or other materials
- questions or discussions about sexual activities
- paternalism which undermines self-respect
- rough and vulgar humour or language
- comments about an individual’s sexual orientation

3.1.2 A reprisal or threat by someone in a position of authority, after a sexual advance is rejected.

3.2 Redress means to put right, to make amends for.

4. The Principal and the appropriate Supervisory Officer are the Board employees responsible for implementing these Guidelines.

5. Communication

5.1 This policy and attendant procedures will be widely communicated and accessible to members of the Catholic educational community.

5.2 All secondary and senior elementary schools of the Board will include a reference to this policy in their Code of Conduct.

6. Resources

6.1 The Board will make available upon request curriculum resources related to the subject of this policy.

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- 6.2 The Board will make available upon request diversity training resources related to the subject of this policy.
- 6.3 The Board will provide diversity training when required as determined by the Director of Education.

7. Complaints

- 7.1 Any student who alleges sexual harassment is advised to follow the Complaint Procedure outlined in these Guidelines.
- 7.2 All complaints handled through the complaint procedure are confidential and all records, discipline letters or letters of apology involving employees are to be retained in the office of the Director of Education.
- 7.3 To be dealt with effectively, it is advisable that complaints are submitted within twenty (20) calendar days after the incident. This does not preclude a student from bringing forward a complaint any time after the twenty (20) day guideline.
- 7.4 The alleged harasser and complainant may choose a representative to assist them in presenting their position. This advocate could be a Federation/Association representative, employee, student council representative, fellow student, teacher, legal counsel or parent/guardian.
- 7.5 There shall be no reprisals against complainants or witnesses.
- 7.6 Offenders are subject to a range of sanctions such as:
- verbal or written apology;
 - written reprimand;
 - barring of contractor(s) from future bids;
 - ceasing to arrange further cooperative education work placements;
 - demotion;
 - suspension;
 - mandatory training;
 - dismissal; or
 - expulsion
- 7.7 Where the complaint is substantiated, redress aims to restore the student to the position (s)he would have been in had the sexual harassment not occurred. Examples of redress are:
- cessation of offending behaviour;

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- receipt of written apology;
- review of assessment and/or evaluation of student.

7.8 Complainants whose complaints are found to be trivial, vexatious or made in bad faith are subject to a range of sanctions, such as:

- verbal or written apology;
- written reprimand;
- suspension; or
- expulsion.

8. Complaint Procedure

8.1 Any person who becomes aware of behaviour covered by the policy, shall advise the Principal or Superintendent of Education of this information.

8.2 If a student confides in a Board employee or Trustee about allegations of sexual harassment, the employee or Trustee shall refer the student to the Principal.

8.3 Any student who believes that (s)he is experiencing sexual harassment should direct their complaint to the Principal.

9. Advice Procedure

The student discusses any concerns with the Principal, who in discussion with the student will identify options with respect to how to deal with the offending behaviour.

10. Informal Complaint

10.1 The student provides the details of the complaint to the Principal.

10.2 If the alleged harasser is an employee of the Board, the Principal contacts the Supervisor of the alleged harasser to relay the substance of the complaint. The Supervisor and the Principal meet with those involved in the complaint to resolve the matter. The appropriate Supervisory Officer will be involved as required.

10.3 If the alleged harasser is a student, the Principal contacts the alleged harasser to relay the substance of the complaint. The Principal meets with those involved in the complaint to resolve the matter.

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11. Formal Complaint

- 11.1 If the complainant/alleged harasser is a student under the age of eighteen (18), the Principal must advise the parent(s)/guardian(s) of the meeting and request their presence. If the complainant/alleged harasser is eighteen (18) years of age or over, the Principal must advise that an advocate may be present.
- 11.2 The Principal and the parent(s)/guardian(s) proceed with the matter as specified in Sections 9.5, 9.6 and 9.7 of these Guidelines.
- 11.3 The student meets with the Principal to describe the complaint and to sign a statement outlining the allegations.
- 11.4 If the alleged harasser is an employee of the Board, the Principal contacts his/her Supervisor.
- 11.5 The Supervisor and the Principal meet with the alleged harasser. The Supervisor gives the complaint to the alleged harasser, who is asked to respond.
- 11.6 The alleged harasser has up to five (5) school days to respond to his/her Supervisor and the Principal regarding the allegations and seek a resolution to the complaint.
- 11.7 If the complaint is not resolved, the Principal investigates the complaint by talking with people who know about the situation and by looking at any documents that apply to the case (e.g. notes, letters, drawings).
- 11.8 The Supervisor and the Principal will meet with the complainant and the alleged harasser separately within fourteen (14) days of receiving the alleged harasser's response, to give the results of the investigation and advise of the steps the Board is taking to resolve the complaint (if an employee is involved).
- 11.9 The Principal will meet with the complainant and the alleged harasser separately within fourteen (14) days of receiving the alleged harasser's response, to give the results of the investigation and advise of the steps the Board is taking to resolve the complaint (if only students are involved).
- 11.10 All employee discipline occurs in accordance with the Board's expectations of staff. All student discipline occurs in accordance with Board Policy #703 – School Code of Student Behaviour and Policy #710 – Student Relations and Discipline.

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12. Cooperative Education Work Placement

- 12.1 The student provides details of the complaint to the Principal.
- 12.2 The Principal contacts the Supervisory Officer to relay the substance of the complaint. The Superintendent of Education and the Principal meet with those involved in the complaint to resolve the matter.
- 12.3 If a student is unable to complete a cooperative education work placement with an employer because of sexual harassment, the Board will provide an alternative assignment/placement to meet program requirements.
- 12.4 The teacher responsible for arranging the cooperative education work placements shall distribute the Board's sexual harassment policy and operating practice to all work placements to ensure employers are aware of the Board's procedures.

13. Appeal Procedure

- 13.1 If the complainant or the alleged harasser is not satisfied with the decision made as a result of the investigation, (s)he can appeal in writing to the Superintendent of Education, who will take the appeal to the Director of Education, within seven (7) school days of the date (s)he received the decision.
- 13.2 The Supervisory Officer advises the parties to the complaint of the Director of Education's decision within ten (10) school days of the receipt of the appeal.

14. Alternate Procedure

While students are encouraged to follow the Complaint Procedure, it is understood that nothing in this policy is intended to prevent a complainant from using any alternative procedure available through the Human Rights Code or legal action.

15. Time Limits

- 15.1 The time limits set out herein may be extended by mutual agreement.
- 15.2 The time limits set out in the complaint steps shall be calculated by referencing the school year calendar.