



York Catholic District School Board

No. 217

Section: Students

Approved: July 4, 2001

Board Approved Revision Date:

Implementation: Superintendent of Human Resources

POLICY: SEXUAL HARASSMENT (STUDENTS)

STATEMENT OF COMMITMENT

The inherent right of all individuals to be treated with dignity and respect is central to Catholic values and Christian beliefs. The York Catholic District School Board is a Catholic educational community committed to hosting a working and learning environment in which every person is treated with respect, and is free from sexual harassment. This commitment stems from the York Catholic District School Board's values and its obligations under the Ontario Human Rights Code.

All those involved with the York Catholic District School Board must share responsibility for eliminating sexual harassment and must work together to prevent it.

Every Student and staff member is expected to respond in a timely and co-operative manner to requests for information relating to a complaint of sexual harassment.

Notwithstanding the existence of this policy, every person has the right to seek assistance from the Ontario Human Rights Commission or the police.

PURPOSE OF THE POLICY

This policy is designed to:

- clearly state the Board's commitment to promote a working and learning environment free from sexual harassment
- clarify that sexual harassment is against the law and will not be tolerated by the Board
- define the types of behaviour that may be considered sexual harassment
- set out procedures for an informal resolution process and a formal complaint process to deal effectively with reported incidents of sexual harassment
- provide appropriate consequences, responses and educational directives for the maintenance of an harassment-free working and learning environment

APPLICATION OF THIS POLICY

Who is covered?

For the purposes of this Policy "Students" refers to all Students enrolled in York Catholic District School Board schools and/or programs, either on a full time or part time basis, including foreign exchange Students.

This policy applies when a Student has sexually harassed someone, or has been sexually harassed by:

- ◆ Other Students (including student visitors)
- ◆ Any individual employed by the York Catholic District School Board
- ◆ Any individual offering services to the York Catholic District School Board (including trustees, volunteers, contractors, clergy and parish staff)
- ◆ Parents
- ◆ Permit-holders
- ◆ Visitors
- ◆ Any other person using educational or other services offered by the Board

Outside Harasser:

The York Catholic District School Board recognizes that Students may be harassed by someone with a casual or infrequent connection to the Board or by someone over whom the Board may have no control. In such circumstances, the York Catholic District School Board nevertheless recognizes its responsibility to support and help the person who has been harassed.

Location:

This Policy will be enforced where activities related to the business of the Board take place. These include:

- Classrooms, cafeterias/lunch rooms, offices and other Board property
- Events associated with and including co-instructional and extra-curricular activities
- Situations outside of Board operated premises, e.g. field trips, external work assignments, co-operative education placements, school-related conferences, training sessions, travel or social gatherings, parish related activities
- other locations where sexual harassment may have a subsequent impact on the working and learning environment relationship or performance.

WHAT IS SEXUAL HARASSMENT?

Sexual harassment may include one or a series of incidents involving unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature. Any person who engages in such behaviour which he or she knows or should know is unwelcome may be guilty of sexual harassment.

Sexual harassment refers to harassment on the basis of sex and gender. Harassment on the basis of sex is sexually motivated by power and most frequently directed at women. Harassment based on gender is directed at an individual because of commonly held societal notions of masculinity and femininity. The term sexual harassment as defined in this document is inclusive of both forms of harassment.

Sexual Harassment may include but is not limited to:

- Inappropriate comments about a person's body or appearance
- Expressing bias on the basis of sex through derogatory or degrading remarks
- Unwelcome inquiries or comments about a person's sexual practices/orientation

- Sexually suggestive remarks, innuendoes, or gestures
- Sexist jokes causing embarrassment or offence, told or carried out after the joker has been advised that they are embarrassing or offensive, or are by their nature clearly embarrassing or offensive
- Displaying/circulating pornographic or other offensive or derogatory material or literature
- Written or electronic communication of a sexually harassing nature
- Phone calls or visits of a sexually harassing nature
- Persistent unwanted contact, attention or gifts
- Persistent requests for a date, propositions or demands for sexual favours
- Unwanted physical contact including unwanted touching, kissing, pinching, patting, or stroking
- Rating (person's attractiveness on a scale of 1 – 10)
- Leering or inappropriate staring
- Condescension which undermines self respect
- Coercive behaviour that asserts control and/or influence over the victim
- Promise of a benefit and/or preferential treatment, from a person in authority, in exchange for a sexual favour
- Reprisals or threats of reprisal for refusing a sexual advance made by a person in a position of power where the person making the solicitation or advance knows or ought reasonably to know that such behaviour is unwelcome
- Gender related verbal abuse, threat or taunting

Poisoned Environment

Harassment can have a negative effect on, or poison, the working and learning environment.

Examples:

Someone puts up sexually offensive signs, pictures or cartoons in the office or school.

Someone makes negative remarks about males or females.

The comments or actions can still poison the environment for someone even if they are not made directly to that person. They do so by making it unpleasant to work or study in that place. The poisoned environment becomes an unequal condition of employment or receipt of a service (education) and therefore violates the right to be free from harassment.

WHAT IS NOT SEXUAL HARASSMENT?

Positive and empowering relationships and interactions between students are not sexual harassment. Some examples are:

- An occasional and genuine compliment
- A mutual hug between friends
- Amicable banter

POSSIBLE CRIMINAL ACTIVITY

The following may constitute criminal behaviour and must be reported to the police. In certain situations involving Students, the Children's Aid Society must also be contacted. (Reference York Catholic District School Board Policy #204 and Safe Schools Policy)

- Displaying or circulating pornography
- Transmitting or storing electronic telecommunications that constitute pornography
- Stalking (persistently pursuing a particular individual although the advances are clearly unwelcome)
- Hateful attacks of any form, based on the target's real or perceived sexual orientation
- Sexual assault

DISCIPLINARY MEASURES AND REMEDIAL ACTIONS

Individuals regardless of status, seniority, influence or position, found to have engaged in conduct constituting sexual harassment will be subject to appropriate disciplinary measures and/or required to attend counselling or engage in such other remedial action that the Board deems appropriate.

Some forms of disciplinary measures and remedial actions may include:

- Students – Counselling, suspension or expulsion
- Visitors, volunteers, permit-holders, contractors, etc. - Limited access or completely barred from Board property, or contract may be revoked and/or not be renewed
- Trustees – up to and including recommendations for removal from the position
- Persons working for the Board – Counselling, Sensitivity Training and up to and including dismissal
- Other measures/actions that the Board deems appropriate.

CONFIDENTIALITY (*Ref. to Municipal Freedom of Information & Protection of Privacy Act*)

All reports regarding sexual harassment will be kept in strict confidence, except as is necessary to investigate the complaint and to respond to any legal or administrative proceedings arising out of or relating to the sexual harassment report. (Refer to Board's Record Retention Schedule). For further information refer to section on 'Record Keeping' in the Complaint Procedures of this Policy.

Parents will be contacted when Students are under eighteen (18) years of age and are either the complainant or the respondent in a sexual harassment complaint.

CONCLUSION

All issues arising out of this policy will be dealt with in a timely fashion and in accordance with the Complaint Procedures: Sexual Harassment (Students)

CROSS REFERENCE

- | |
|--|
| <ul style="list-style-type: none">• Complaint Procedures |
|--|