



YORK CATHOLIC DISTRICT SCHOOL BOARD

PROCEDURE

Addendum to Policy 425: Workplace Harassment

Effective: September 27, 2022

PURPOSE

These procedures are designed in conjunction with Policy 425: Workplace Harassment and outline the process for the reporting and the investigation of harassment.

1. COMPLAINTS:

Filing a Complaint

- 1.1.1 The complainant will submit a written complaint, in a timely manner (see definition given in Section 5.3) to their immediate supervisor.** Once received, the immediate supervisor will consult with their superordinate (i.e.: Principal to consult with the appropriate Superintendent of Schools; Manager to consult with the appropriate Senior Manager).
- 1.1.2 In the event the complaint is in regards to the employee's supervisor, the written complaint is to be addressed to the attention of the Board official next in level of managerial authority who shall be considered the immediate supervisor in the steps outlined below.
- 1.1.3 In the event the complaint is made against a member of the Senior team, the complainant will submit the written complaint directly to the Director of Education. The Director, in turn, will notify the Board of Trustees and employ an external service provider in accordance with Policy 425.
- 1.1.4 In the event that the complaint is against the Director, the complaint will go to the Chair of the Board for the consideration of the Board of Trustees.
 - i) The Chair of the Board shall acknowledge receipt of the complaint within two (2) working days.
 - ii) A special Committee of the Whole meeting will be called to inform the Board and authorize the use of an external investigator with the appropriate professional experience and qualifications. Every attempt will be made to schedule such a meeting within ten (10) working days of receiving the complaint. The complainant shall be notified that the meeting occurred and the name of the external investigator as soon as possible.
 - iii) Once the investigation is complete, the Chair of the Board will receive the report from the investigator, forward it to the Board of Trustees and call a special Committee of the Whole. The Board shall review the report to determine whether, on the balance of probabilities, harassment occurred and what corrective and/or disciplinary measures, if any are warranted.
 - iv) The Chair of the Board shall inform the complainant, and the Director, in writing of the decision within five (5) calendar days of the special Committee of the Whole meeting, and if any, the corrective and/or disciplinary measures and actions.
- 1.1.5 In all cases, the written complaint shall include the following:
 - i) Name and contact information;
 - ii) The nature of the allegation;
 - iii) The name of the respondent, position and contact information if known;
 - iv) The relationship of the respondent to the complainant (for example, colleague, member of the public, supervisor **)
 - v) The date(s) and a description of the incident(s) including frequency and location;

- vi) If applicable, the names of the witnesses and contact information, if known;
- vii) Any supporting documents you may have that are relevant to the complaint;
- viii) List any documents that a witness, another person, or the alleged harasser may have that are relevant to the complaint.

The information provided should be as precise and concise as possible.

1.1.6 Screening and Acknowledgment of Complaint

Upon receipt of the complaint, the immediate supervisor shall acknowledge receipt in writing within two (2) work days.

1.1.7 Interim Measures

After a complaint is made, the immediate supervisor, in consultation with the School Superintendent/Superintendent of Human Resources and International Education will determine if any immediate action or interim measures are required to protect the health, safety and security of the complainant, the respondent, the Board, its community or any of its members. These measures may include but are not limited to:

- Limiting access to facilities and or areas within a department;
- Change in reporting relationship or worksite; or
- Discontinuing contact between the complainant and the respondent during the period of the proceedings under this policy.

Interim measures, if required, are to be implemented by the appropriate Board personnel. Both parties shall be notified of any interim measures to be implemented. Note that any interim measures are not intended as discipline or a transfer within the meaning of any collective agreement or policy. Where an interim action is taken in the course of the investigation, those named will be presumed innocent until a final determination to the contrary is reached under the terms of this policy.

1.1.8 Investigation

- a) The Superintendent of Human Resources and International Education, in consultation with the Human Rights and Equity Advisor, will determine who is to conduct the investigation based on the circumstances of the case.
- b) The Superintendent of Human Resources has discretion in determining if a third party external adjudicator is required to ensure impartiality at any point in the investigation, from commencement to end.
- c) An investigation will commence within five (5) work days of receiving the complaint where both the Complainant(s) and/or Respondent(s) are actively at work and not on an approved leave of absence. In exceptional circumstances additional time may be authorized by the Director of Education. The investigation will be completed within sixty (60) calendar days or less, unless there have been extenuating circumstances which shall be communicated to both parties prior to the expiration of the sixty (60) calendar days.

- d) Any complaint of harassment shall be kept confidential except as is necessary to investigate and resolve the issue and subject to *The Municipal Freedom of Information and Protection of Privacy Act*. Investigators will stress the confidentiality of the investigation with any person(s) interviewed.
 - e) The investigator shall:
 - i) Interview the complainant and respondent separately;
 - ii) Interview all witnesses separately, including any non-employees, if possible;
 - iii) Provide written explanation as to why any named witnesses were not interviewed;
 - iv) Provide a written report to the School Superintendent or the Superintendent of Human Resources and International Education.
- 1.1.9 Once an investigation is complete, the School Superintendent or Superintendent of Human Resources shall review the report to determine whether, on a balance of probabilities, harassment occurred and what remedies, if any, are warranted.
- 1.1.10 The School Superintendent or Superintendent of Human Resources and International Education shall inform the complainant, and the respondent, in writing of the decision within five (5) calendar days of the conclusion of the investigation and if any, the corrective and/or disciplinary measures and actions.
- 1.1.11 In determining the appropriate consequences, the Superintendent of Human Resources and International Education will take into account the nature of the violation of the policy, its severity, and whether the individual has previously violated the policy. Any discipline that may be imposed as a result of the investigation will be in accordance with the Board's Progressive Discipline Policy.
- 1.1.12 Where a violation of the policy is found, the Superintendent of Human Resources and International Education will also take any steps necessary to repair the effects of the discrimination or harassment on the complainant, and to prevent any further recurrences of harassment or discrimination within the organization.
- 1.1.13 The Human Resources Superintendent will be responsible for monitoring the outcome of the complaint.

WORKPLACE HARASSMENT PROCESS

Human Resources becomes aware of a possible harassment matter and/or the Complainant submits a written complaint (in a timely manner - six (6) months) to immediate Supervisor. (signed/dated)

Upon receipt Supervisor shall acknowledge receipt in writing within two (2) working days and consult with their superordinate.

Immediate Supervisor in consultation with School Superintendent/Superintendent of Human Resources will determine if any immediate action or interim measures are required.

Investigation will commence within five (5) work days of receiving the complaint. Investigation will be completed within sixty (60) calendar days or less, unless there have been extenuating circumstances which shall be communicated to both parties prior to expiration of the sixty (60) calendar days.

Once an investigation is complete, the School Superintendent or Superintendent of Human Resources shall review the report and will determine if any remedies, if any, are warranted.

The School Superintendent or Superintendent of Human Resources shall inform the complainant, and the respondent, in writing of the decision within five (5) calendar days of the conclusion of the investigation and if any, the corrective and/or disciplinary measures and actions.