

**TITLE: ALLEGED HARASSMENT OF A STUDENT**

**Date issued: August 1998**

**Last revised: 28 March 2001**

**Authorization: Senior Staff: 29 June 1998**

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**1.0 OBJECTIVE**

To set out procedures for reporting alleged harassment of students.

**2.0 DEFINITIONS**

In this procedure,

2.1 For purposes of this policy and procedures, **harassment** is defined as engaging in offensive behaviour or conduct against another person that is known, or ought reasonably to be known, to be unwelcome, including, but not limited to, exercise of power, authority or control over others based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, gender, sexual orientation, age, record of offences, marital status, family status, or disability. Harassment may be:

- a) **sexual**, including advances, requests for sexual favours, actual sexual contact, or other conduct of a sexual nature including personally offensive behaviour, comments and/or gestures which might reasonably be expected to cause insecurity, discomfort, offence or humiliation to another person or group and interferes with a student's safe learning environment;
- b) **racial and ethnocultural**, including overtly or covertly ridiculing, degrading or expressing hatred, whether verbally, in writing or physically, based on race, ethnic origin, skin colour, language, dress, citizenship, or religion;
- c) **homophobic**, including discrimination on the basis of sexual orientation; and/or
- d) **personal**, including offensive, embarrassing or harmful references to an individual's intellectual or physical capacities or appearance or family status;

**Note:** Where the alleged harassment relates to the behaviour of an employee toward a student as outlined in PR.542.HR: Alleged Employee Misconduct Toward a Student, procedure PR.542.HR takes precedence.

2.2 Harassment may take the following forms:

- a) **verbal**, including offensive words or jokes which demean persons on the basis of any form of discrimination, bullying, or intimidation;

- b) **environmental**, including graffiti, defacement of private or public property including school lockers, pictures or cartoons that are demeaning of others based on any of the above forms of discrimination;
- c) **physical and sexual**, including unwelcome physical or sexual contact or assault, offensive gestures, threatening physical behaviour, physical bullying;
- d) **psychological**, including deliberate isolation or ostracism, condescending or patronizing behaviour which undermines self-respect; and

### 3.0 RESPONSIBILITY

3.1 The school principal and Superintendent of Schools

### 4.0 PROCEDURE

4.1 Where harassment is alleged to have occurred for students:

- a) the student concerned, where possible and appropriate, should indicate to the alleged harasser in a clear, direct and firm way that the comments or actions concerned are considered offensive. The individual who alleges that harassment has occurred has an initial responsibility to attempt to control the situation before proceeding further. However, if the individual is unable to approach the alleged harasser directly, the individual should proceed to 4.1 b) below.
- b) If the above action does not change the offensive behaviour, the following steps may be initiated by the individual:
  - (i) inform the the principal, vice-principal or teacher of the offensive behaviour. Where the alleged harasser is the individual's principal or vice-principal, the alleged harasser Superintendent of Schools should be informed. The student should be aware that the Board has a legal responsibility to take action;
  - (ii) keep a detailed written record of the event(s), including the name, place, date, time, witnesses (if any) and details of the offensive behaviour;

**Note:** Circumstances may be such that a student would need support and should be encouraged to approach a staff member, school administrator or peer helper to assist them in resolving the matter.

- c) Where the person receiving the complaint is not the principal vice-principal of the alleged harasser, that person shall inform the appropriate principal or vice-principal without delay.
- d) Upon receipt of a complaint, the appropriate principal or vice-principal of the alleged harasser will follow up by:
  - (i) inform the student's parent if under 18 of age. (see note below if student is over 18 years of age)
  - (ii) interviewing the complainant and preparing detailed notes of the incident to file;
  - (iii) interviewing the alleged harasser or the supervisor or employer if relevant of the alleged harasser who is not a Board employee and preparing detailed notes to file;
  - (iv) interviewing any witnesses and preparing detailed notes to file;

- (v) refer all the above information to the appropriate Superintendent of Schools.

**Note:** It is not mandatory to inform parents/guardians of a student who is eighteen or over.

- 4.2 The Superintendent of Schools will:
  - a) investigate all aspects of the case as soon as possible;
  - b) render, without undue delay, a decision in writing to the parties concerned as to whether or not the alleged harassment did occur;
  - c) submit copies of that decision to the Superintendent of Human Resources as confidential information.
- 4.3 When it has been determined that some type of harassment has occurred by a Board employee, the Superintendent of Schools will normally consult with the Superintendent of Human Resources in determining the appropriate disciplinary action. Where the harasser is an employee of the Board, disciplinary measures will normally include one or more of the following:
  - a) oral reprimand;
  - b) written reprimand;
  - c) professional counselling;
  - d) suspension without pay subject to Board approval; and/or
  - e) suspension with or without pay pending approval for discharge.
- 4.4 If either the complainant or the alleged harasser is not satisfied with the action taken, the matter may be pursued by:
  - a) reporting to the Director of Education or designate;
  - b) submitting a grievance; and/or
  - c) submitting a complaint to the Ontario Human Rights Commission.
- 4.5 Until the investigation is completed and a decision reached, the alleged harasser's position will be protected.
- 4.6 If the alleged harassment should occur at a work experience or Co-operative Education placement, etc.:
  - a) the student will be removed from the setting and the training station manager will be informed of the reason by the Co-operative Education teacher monitor;
  - b) counselling will be made available to the student;
  - c) the Co-operative Education teacher monitor will inform the vice-principal/principal of the student;
  - d) every effort will be made by the vice-principal/principal to ensure that the alleged harassment is investigated by appropriate training station personnel;

- e) the student will not be returned, nor any other student assigned, to the training station until all parties are assured that the alleged harassment did not occur, or until the situation has been rectified; and
- 4.7 If a student has allegedly been subjected to harassment by another student while on Board property, defined as including school buildings, grounds and facilities under the jurisdiction of the Board and also including school buses, field trips or other school-sponsored events, and it is reported, the principal has the responsibility to administer appropriate disciplinary measures. As harassment can be physically and emotionally harmful to the recipient, after investigation, and when the principal is assured that harassment did occur, disciplinary measures will include one or more of the following:
- a) oral reprimand;
  - b) written reprimand;
  - c) counselling;
  - d) suspension, on the ground of conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school (see Board Policy P.020.SCO: Student Suspension and Board Procedure PR.511.SCO: Student Suspension);
  - e) expulsion, on the ground of student conduct so refractory that the student's presence is injurious to other students or persons (see Board Policy P.026.SCO: Student Expulsion and Board Procedure PR.515.SCO: Student Expulsion).
- 4.8 If the principal believes after preliminary investigation that a critical incident has occurred (see Board Procedures PR.533.SCO: Police Involvement in Schools and PR.528.SCO: Critical Incident Review Process), the appropriate procedures for reporting a critical incident and for involving Police Services will be followed.
- 4.9 Avenues for Redress:  
If the complainant is not satisfied with the action taken by the Board under this procedure, the matter may be pursued by:
- a) submitting a grievance, where applicable;
  - b) submitting a complaint to the *Ontario Human Rights Commission*; or
  - c) proceeding under the *Criminal Code*, where circumstances warrant.
- 4.10 It is the duty of every principal to ensure that all students are regularly informed of the Board's policy with respect to harassment, that they are aware that a Hotline exists, and that they have access to information and the procedure to follow if they are harassed.

## 5.0 REFERENCE DOCUMENTS

*The Education Act*, 1998, ss. 170, 171 and Ontario Regulation 298  
Board Policy P.053.HR: Alleged Harassment  
Board Policy P.103.HR: Alleged Employee Misconduct Toward a Student  
Board Policy P.032.SCO: Safe Schools

