

PROTECTION OF STAFF

Background

Employees, students, volunteers, parents and all others who visit Division facilities must conduct themselves in a manner which promotes and protects the best interests of students, staff and colleagues.

On occasion, members of staff and volunteers in schools will have to deal with parents, students, members of the public, or colleagues who exhibit anger, express their frustrations or demands in a manner which is demeaning to the well-being of a staff member(s). The Division expects its staff to respond to such challenges with a professionalism that may defuse the causes of such behaviour and assist in resolving problems or concerns.

On rare occasions the professional behaviour of staff may be insufficient to defuse offensive behaviour by others. The Division has an obligation to support, assist and educate its staff and volunteers in the schools with respect to issues surrounding abuse, harassment or defamation associated with the carrying out of their duties. The Division expects such situations to be addressed, where possible, through informal resolution processes. These processes may include mediation or conciliation. Where such processes are unsuccessful or if the severity of the situation warrants, the Superintendent is authorized to use legal remedies through the Board's counsel.

The Superintendent or designate will follow this administrative procedure in situations where members of staff or volunteers experience abuse, harassment or defamation.

The Superintendent is responsible for the administration of this administrative procedure.

Definitions

Respect: To show regard or consideration for others.

Harassment: Any behavior that in effect or intent disparages, humiliates, or harms another person or class of persons. It is behaviour that denies dignity and respect, and is demeaning and/or humiliating to another person or class of persons. Harassment may include, but is not limited to, references related to age, national or ethnic origin, religion, gender, sexual orientation, disability, race and/or sources of income, family status or citizenship. Sexual harassment is any unwelcome behavior that is sexual in nature. Such behavior may directly or indirectly affect or threaten to affect in an adverse manner a student's well-being and/or learning environment. The behavior does not need to be intended as harassing to be considered as personal harassment. It is sufficient that one knows, or ought reasonably to know, that his/her behaviour is offensive and unwelcome. Harassment is not a relationship of mutual consent. It is any action including, but not limited to verbal, physical, written and cyber messaging that is unwelcome or intimidating and denies individual dignity and respect.

Discrimination: The denial of individual rights and freedoms in a manner which contravenes the *Canadian Charter of Rights and Freedoms* and/or the *Alberta Human Rights Act*. Discrimination on the basis of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons is prohibited.

Bullying: Bullying means repeated and hostile or demeaning behaviour by an individual in the school community where the behaviour is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual's reputation. It often involves an imbalance of social or physical power.

Bullying behaviours are a form of aggression and can be:

- Physical – For example: poking, elbowing, hitting
- Verbal – For example: name calling, insults, racist, sexist or homophobic comments, put-downs or threats
- Social – For example: gossiping, spreading rumours, excluding someone from the group, isolating, ganging up

Cyber – For example: social or verbal bullying through the use of email, text messages, social media including the sharing of intimate images

Safety means freedom from physical harm, mental, emotional or psychological trauma.

Procedures

1. Communicating With Angry Persons

In the performance of their duties, staff may be faced with individuals experiencing serious levels of frustration, concern or anger. Such individuals may initially conduct themselves in an uncivil, rude or threatening manner.

- 1.1 Wherever possible, staff members are to use communication techniques that help defuse frustration or anger and allow problem resolution to occur. In working with angry, concerned persons, the Division expects staff members to:
 - 1.1.1 Conduct themselves in a civil, professional and cordial manner.
 - 1.1.2 Anticipate, where possible, personal sensitivities and avoid comments or behaviours that arouse those sensitivities.
 - 1.1.3 Call for support from a colleague or administrator if rude, confrontational behaviour persists.
 - 1.1.4 Adjourn meetings with angry persons if, in their judgment, there is no possibility, at the time, for civil discourse or meaningful resolution.
 - 1.1.5 Respect the requirements of the *Freedom of Information and Protection of Privacy Act* and avoid discussing unsuccessful meetings except with their immediate supervisor(s) or, if necessary, a superintendent.
- 1.2 To support staff's ability to work with angry persons, the Division:
 - 1.2.1 Authorizes provision of staff learning opportunities in personal communication, conflict resolution and human problem solving.

- 1.2.2 Authorizes provision of staff learning opportunities to assist staff in dealing with the personal, emotional consequences of dealing with angry persons.

2. General

- 2.1 When a staff member or school volunteer believes that s/he has been subjected to physical abuse or criminal harassment, the individual is to report the incident(s) immediately to their direct supervisor and the Police.
- 2.2 When an individual believes that s/he has been subjected to criminal or civil abuse, harassment or defamation, s/he is to keep records, where possible, of the experience(s). The incident(s) is to be reported to the immediate supervisor who may inform a superintendent of the incident.
- 2.3 If the matter brought to the attention of a supervisor is not resolved through the intervention of the supervisor, the matter will be reported to a superintendent. Individuals are advised to contact their association for advice.

3. Dealing with Harassment

- 3.1 When an employee believes that another employee of the Division has harassed him/her, the affected individual will follow procedures outlined in Administrative Procedure 403 – Harassment in the Workplace.
- 3.2 When an employee or school volunteer believes that a student has harassed him/her, the affected individual will follow procedures outlined in Administrative Procedure 350 – *Student Code of Conduct*. If these procedures are insufficient to correct the offensive behaviour, then procedures outlined in section 2 above may be taken.
- 3.3 When an employee or school volunteer believes that a parent, volunteer, or visitor to a school or other Division property has harassed him/her, the following steps will be taken.
 - 3.3.1 The complainant shall seek the assistance of an immediate supervisor (Principal, manager, etc.) in drafting a plan to address the issue.
 - 3.3.2 The complainant shall make reasonable attempts to meet with the parent or volunteer with the immediate supervisor present.
 - 3.3.3 The supervisor shall require that the allegations associated with the harassment be detailed and specific, not vague or nebulous.
 - 3.3.4 All parties shall listen, with the goal of trying to understand the other person's perspective, and work collaboratively to resolve concerns.
 - 3.3.5 As the goal is to resolve the problem to the mutual satisfaction of both parties, the supervisor shall try to elicit the complainant's help to reach a satisfactory resolution.
 - 3.3.6 All parties shall document the process, keeping an accurate written record of events, times, places and witnesses.
 - 3.3.7 If the harassment persists, the complainant shall act on section 2.3 above both orally and in writing.
- 3.4 Where a Principal, department manager, or a superintendent believes that harassment of an employee disturbs or interrupts the proceedings of a school, the

conduct of the perpetrator can be controlled through the application of Section 27 of the *School Act*. If harassment occurs through loitering or trespassing on property owned by the Division, Section 27 of the *School Act* may, likewise, be invoked.

4. Systemic Investigations

- 4.1 When the Superintendent has reason to believe that harassment or abuse of an employee(s) has occurred but a complaint has not been registered, the Superintendent shall investigate the matter under the following conditions:
 - 4.1.1 There is a focused pattern of inquiries, complaints, or behaviour over time that suggest the existence of a specific problem; or,
 - 4.1.2 There is reason to believe a broader or systemic problem exists in the learning or work environment that causes, contributes to or encourages harassment; or,
 - 4.1.3 As a result of an investigation, a complaint is not supported but there is reasonable evidence that a broader systemic problem exists.
 - 4.1.4 Where the Superintendent authorizes an investigation, the appropriate parties will be advised of the intent to conduct a systemic investigation, the reasons for initiating the investigation and the process or procedures to be implemented for the investigation.

5. False Charges

- 5.1 If an investigation determines that complaint(s) made by an employee was intentionally false, malicious or vindictive, the employee shall be subject to disciplinary action up to and including dismissal or legal action as the circumstances warrant.

Reference: Relevant Legislation & Guidelines