

## PROTECTION OF STUDENTS

### Background

In Grande Yellowhead Public School Division, we are committed to providing a welcome, safe, inclusive, caring, and respectful learning environment. The Division is committed to ensuring that no student is subjected to personal harassment, sexual harassment, emotional abuse or physical abuse in the school or while engaged in Division-sponsored activities. Any instances of harassment or abuse will be investigated.

### Definitions

1. Abuse of Authority occurs when a person uses authority unreasonably to interfere with a student. It includes humiliation, intimidation, threats, and coercion.

Abuse of authority does **not** include the legitimate exercise of a person's supervisory responsibilities, administrative authority, or performance evaluations, and processes undertaken in good faith in accordance with GYPSD practice and procedure.

2. Complainant means any student experiencing or has experienced personal harassment, sexual harassment, emotional abuse, or physical abuse.
3. Emotional Abuse includes acts or failure to act, that has caused or could cause, serious behavioral, emotional, or mental damage to a student including:
  - Using extreme or bizarre forms of punishment;
  - Threatening or terrorizing;
  - Belittling or rejecting treatment;
  - Humiliating the student in front of their peers;
  - Using derogatory descriptions;
  - Habitual scapegoating or blaming; or
  - Abuse of authority
4. Mediator is an impartial third party who works with both sides to resolve a conflict by assisting the parties to reach an agreement. This is a person who is trained in the process of mediation and has the requisite personal skills to deal with complaints of harassment or abuse. A mediator may be a trained GYPSD employee, or a qualified person contracted to mediate.
5. Personal harassment means any behavior either intentional or unintentional that disparages, humiliates, or harms another student, or denies the student's dignity and respect and is demeaning or humiliating to another student including but not limited to:

- References related to age, religion, gender, sexual orientation, sources of income and family status;
  - References to race, national or ethnic origin;
  - References to physical or mental capabilities;
  - Offensive remarks or jokes related to the characteristics listed above;
  - Behavior which supports a hostile environment;
  - Intimidation or ostracism;
  - Written or verbal abuse or threats;
  - Offensive gestures;
  - Abuse of authority; or
  - Bullying.
6. Physical abuse includes the inflicting of physical injury upon a student either as a result of a willful act or by requiring an inappropriate or dangerous physical activity. It may be the result of excessive physical punishment, physical punishment that is inappropriate, or corporal punishment. Corporal punishment is prohibited by Administrative Procedure 350 - Student Conduct.
7. Sexual harassment means any unwelcome behavior either intentional or unintentional which is sexual in nature, and which may directly or indirectly affect or threaten to affect the safe environment for the student. Behaviours may include:
- Suggestive remarks or gestures;
  - Embarrassing, suggestive or threatening language;
  - Compromising invitations or requests;
  - Verbal abuse;
  - Display of sexually offensive materials;
  - Unwelcome leering or whistling;
  - Sexual jokes which cause awkwardness or embarrassment;
  - Unwelcome remarks about a student's physical attributes or appearance;
  - Touching, patting, pinching or other unwelcome physical contact;
  - Outright demands for sexual favors;
  - Physical assault or indecent exposure; and
  - Stalking.

8. Respondent means any student, employee, volunteer, parent or guardian, a contractor or their employee who is accused of engaging in or has engaged in personal harassment, sexual harassment, emotional abuse, or physical abuse.

## Procedures

1. Personal harassment, sexual harassment, emotional abuse and physical abuse by any student, employee, volunteer, parent or guardian, a contractor or their employee(s) against a student(s) is strictly prohibited and will not be tolerated. All students have a right to work and learn in a harassment and abuse free school environment and have the responsibility to treat others with respect and to report instances of harassment or abuse.

### 1.1 Conduct:

- 1.1.1 All students, employees, volunteers, parents or guardians, contractors or their employee(s) must conduct themselves in a manner which promotes and protects the best interests and well-being of others in the school.
- 1.1.2 All students have a responsibility to speak up when they have experienced or are experiencing harassment or abuse and/or report the incident to the appropriate person identified in 1.2.2.
- 1.1.3 Any student, employee, volunteer, parent or guardian, contractor or their employee(s) who have cause to believe that a student(s) is experiencing or has experienced harassment or abuse is encouraged to report the incident to the proper authority identified in 1.2.2.

### 1.2 Response

- 1.2.1 The responsible administrator will consult with the Deputy Superintendent Human Resources to decide on the appropriate course of action.
- 1.2.2 Allegations will be dealt with in a serious and confidential manner when a complaint is made to a person in authority, such as:
  - The parent/guardian
  - The principal or an administrator;
  - A teacher;
  - A school counselor;
  - A trusted person in authority.

### 1.3 Confidentiality

- 1.3.1 Harassment and abuse complaints are confidential. GYPSD will not disclose a complainant's or alleged harasser's name or any circumstances related to a complaint, to anyone, except:
  - To advise the respondent about the complaint and the identity of the complaint;

- To investigate or respond to the complaint;
- To take disciplinary action related to the complaint; and
- As required by law.

1.3.2 All students, employees, volunteers, administrators and supervisors shall maintain confidentiality regarding all aspects of a complaint unless authorized by the Superintendent under clearly identified circumstances. Any unauthorized disclosure of confidential information relating to a harassment or abuse inquiry or complaint will result in disciplinary action.

1.3.3 All parents or guardians and contractors and their employees are expected to maintain confidentiality regarding all aspects of a complaint unless authorized by the Superintendent under clearly identified circumstances.

#### 1.4 The Investigation

1.4.1 The Deputy Superintendent Human Resources will work with the Board's legal counsel and police to determine the investigation process.

1.4.2 All students, employees, volunteers, parents or guardians and contractors and their employee(s) have an obligation to cooperate with the investigation of complaints and efforts to resolve them.

#### 1.5 Conclusion and Decision

1.5.1 After receiving the investigators report, the Deputy Superintendent Human Resources will coordinate with the investigative team with regards to the outcomes of the investigation.

1.5.2 A student who subjects another student, an employee, a volunteer, a parent or a guardian or a contractor or their employee(s) will be subject to appropriate disciplinary action up to and including expulsion.

1.5.3 If there is not enough evidence to support an allegation of harassment or abuse and the investigating team concludes that the complaint is unfounded, consequences will be determined on the context of the issue.

#### 1.6 Complaints Made in Bad Faith

1.6.1 If the Deputy Superintendent Human Resources concludes that the complaint was frivolous and vexatious, a range of penalties or sanctions may be imposed.

#### 1.7 Protection from Retaliation

1.7.1 Anyone who retaliates in any way against a student who has complained of harassment or abuse, given evidence in a harassment or abuse investigation, or been found guilty of harassment or abuse, will themselves be found guilty of harassment or abuse and will be subject to the same penalties as deemed appropriate by the Deputy Superintendent Human Resources.

## 1.8 Records

- 1.8.1 If there is not enough evidence to support an allegation of harassment or abuse and the investigating team concludes that the complaint is unfounded, documentation will not be placed in the respondent's file unless they request that specific documents be placed there. The Deputy Superintendent Human Resources will provide the respondent with a letter confirming the investigation's findings and that the complaint has been dismissed.
- 1.8.2 If the Deputy Superintendent Human Resources determines that a complaint is true, a record of the investigation, all information leading to the investigation team's decision, any disciplinary actions, and the final disposition of the case shall be kept in the respondent's file.
- 1.8.3 GYPSD shall keep records of all complaints filed under this policy. Such records shall contain at least the complaint, the respondent's statement and all documentation resulting from the investigation, where an investigation took place, the conclusion arrived at regarding the complaint and any disciplinary actions.

These records shall be kept according to the following schedule:

- Where the complaint was identified to be unfounded, the record shall be kept for 5 years;
  - Where the complaint was proven to be true, the record shall be kept.
- 1.8.4 All records kept under the provisions of this procedure shall be kept in accordance with the rules of the Freedom of Information and Protection of Privacy Act.

## 1.9 Appeals

- 1.9.1 Either the complainant or the respondent may appeal to the Superintendent within 7 days of being informed, in writing, of the decision. If the Superintendent finds that there is sufficient reason to re-investigate or to change the penalty, the Superintendent shall make that decision within 7 days.

## 1.10 Other Avenues for Complaint:

- 1.10.1 The contents of this Administrative Procedure in no way affect the right of an individual to:
  - File a complaint with the Alberta Human Rights and Citizenship Commission;
  - Seek other redress as may be provided by law.

Reference Sections 31, 32, 33, 36, 37, 256 Education Act  
Freedom of Information and Protection of Privacy Act  
Human Right, Citizenship and Multiculturalism Act  
Canadian Human Rights Act  
Individual Rights Protection Act  
Canada Labor Code  
Canadian Multiculturalism Act  
Criminal Code

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