

# Harassment Policy



*Queen of Angels Academy has a moral and legal obligation to provide a safe environment for all who work and study in the school.* To this end, the school adopts a policy of zero tolerance toward any harassment or discrimination of its employees and/or students, their rights as defined by the Québec Charter of Human Rights and Freedoms.

The Academy has developed a policy and a process to ensure an understanding of the nature of any alleged harassment or discrimination among its employees and/or students, as well as procedures to follow should harassment or discrimination arise.

The policy, together with the Quebec policy on psychological harassment in the Workplace published on June 1, 2004 ([www.cnt.gouv.qc.ca](http://www.cnt.gouv.qc.ca)), form the guidelines for all employees at Queen of Angels Academy.

## DEFINITIONS

*Harassment* within the meaning of the Charter consists of, for example, the

repetition of words, acts or gestures on the part of one person that are physically or psychologically threatening or damaging to the dignity and self-respect of another. *Harassment is unmasked and unwanted repetitious behavior, on the part of one person toward another, which is vexatious or contemptuous in nature, with regard to a person or group of persons, and based on, though not limited to race, color, national or ethnic origin, age, sex, religion, civil status, political convictions, language, social condition, physical appearance, sexual orientation, handicap, academic ability.*

*Psychological harassment* means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects a person's dignity or psychological or physical integrity and that results in a harmful work environment for the person.

*Sexual harassment* is conduct of a gender-related and/or sexual nature by an individual or group who/which knows, or ought reasonably to know, that such conduct is unwelcome/unwanted, offensive, intimidating or inappropriate. Sexual harassment may include verbal, physical, visual or written harassment including via electronic media.

*Physical forms of harassment* include anything from touching to sexual intercourse. The conduct is persistent and unwanted or involves the use of position of power exercised over another person.

## RESOLVING COMPLAINTS

All complaints will be treated with sensitivity and confidentiality and resolved as quickly as possible. *Confidentiality is not the same thing as anonymity*, since the person accused of harassment/discrimination/assault has the right to know the identity of the Complainant. The following processes provide a framework for the acceptable resolution of complaints. The formal hearing process is available if informal resolution cannot be accomplished.

## COMPLAINTS COMMITTEE

Each academic year, prior to September 1, a Complaints Committee is formed. It is comprised of two elected staff members, the school counsellor, one administrator, and one member of the Board of Directors. There must be both male and female representation on this committee.

## CONFIDENTIALITY

All matters that come to the attention of the Complaints Committee will be treated confidentially. *However, complainants must be willing to be identified to the respondent if the matter goes beyond a confidential discussion between the complainant and any member of the Complaints Committee.*

## INFORMAL PROCESS

(a) A complainant is encouraged to seek resolution of the problem by informing the respondent of the complaint through discussion and/or in writing.

(b) A complainant may consult the school's counsellor or the level administrator. If a resolution is not reached within five working days of such consultation, the Principal is informed and may convene the Complaints Committee if this is deemed appropriate.

(c) A complainant and/or a respondent in an alleged harassment/discrimination/assault situation may also ask for mediation, by requesting the presence of a member of the Complaints Committee, which member shall act as mediator and be mutually appointed by the complainant and respondent. The process of mediation shall be confidential and impartial:

1) if mediation is used, this process should be concluded within fourteen working days of the mediator being appointed;

2) if resolution is achieved, the matter will be considered closed and no other action taken.

## FORMAL COMPLAINT & HEARING

(a) If informal discussion of a complaint does not resolve the matter, either the complainant or the respondent may notify the Principal and request a formal hearing.

(b) In such a case, the Complaints Committee will be advised and will meet immediately.

(c) The Complaints Committee will then establish a hearing date within five working days of receiving the request. The complainant and the respondent will supply to the Committee, three days before the hearing, written documentation relating to the case in question.

(d) The hearing will be *in camera*. Minutes will be kept. The complainant and the respondent and their witnesses may be accompanied by a friend or representative but must so inform the Committee at least three working days in advance of the hearing.

(e) The Complaints Committee will hear both the complainant and the respondent and conduct an investigation, complete its deliberations and make its recommendations within fourteen (14) working days of the first hearing.

(f) The Complaints Committee will issue a written decision on its findings with documentation to support or dismiss the complaint in whole or in part. The Committee will recommend disciplinary and/or other action to the Administration, as the case may be. *Claiming lack of intent is not an acceptable defense*; if found culpable, the respondent may expect sanctions ranging from minor disciplinary action to expulsion or dismissal. The foregoing does not preclude the complainant or respondent from seeking redress according to prevailing Civil and/or Criminal Codes of Law.

(g) If the Complaints Committee finds the complaint has no basis in fact and/or is frivolous or vexatious in nature, it will dismiss the complaint and *may recommend disciplinary action be taken against the complainant*.

(h) The Committee's recommendation will be forwarded to the Principal, the union president (if not involved), and the Board of Directors, and by so doing will have indicated completion of the process.

## APPEALS

An appeal of the decision of the Complaints Committee may be lodged by submitting the said appeal to the Principal who shall then communicate same to the President of the Board of Directors.

All appeals shall be decided by the Board of Directors. The Complaints Committee shall be advised that an appeal has been lodged. In the case of an expulsion, or the dismissal of the Principal, the appeal is lodged by being directly submitted to the President of the Board of Directors.