



"Accepting the Challenge"

# Personnel Committee Minutes

Tuesday, May 4, 2010 – 9:30 a.m.

J. L. Milne Board Room, Administration Office

Present: L. Ross, Chairperson, R. Coey, D. Karnes, J. Murray  
Dr. Michaels, G. Barnes, B. Switzer.

Guest: C. Wallis, MSBA Labour Relations Consultant, M. Clark, Director of  
Facilities and Transportation.

---

## 1. CALL TO ORDER

L. Ross, Chairperson, called the meeting to order at 10:10 a.m.

## 2. APPROVAL OF AGENDA

The Chair presented two additions to the agenda being: a) Teacher maternity/paternal leave; and b) update on CUPE Joint Job Evaluation for In-Camera discussions. The Personnel Committee Agenda was approved as amended.

## 3. COMMITTEE GOVERNANCE GOAL ITEMS

NIL

## 4. OTHER COMMITTEE GOVERNANCE MATTERS

### A) Maternity/Paternal Leave Collective Agreement Wording – In Camera

C. Wallis, MSBA Labour Relations Consultant, presented wording for the maternity/paternal leave article for the Teachers' Collective Agreement. This matter was discussed in detail with direction provided.

(C. Wallis exited the meeting at 11:10 a.m.)

### B) CUPE Joint Job Evaluation – In Camera

(M. Clark entered the meeting at 11:10 a.m.)

Trustee Coey provided the Committee with an update of the CUPE Joint Job Evaluation process that was presently taking place. The Secretary-Treasurer and Director of Facilities and Transportation provided the Committee with additional information. The Personnel Committee provided direction regarding this matter as requested.

(M. Clark exited the meeting at 11:40 a.m.)

### C) Policy Review – Policy 5026

The revised Policy and Procedures 5026 – "Harassment" as circulated to the Committee were reviewed and discussed. Trustee inquiries were responded to. It was agreed that the revised policy and procedures be approved with a Giving of Notice to be included in the May 10, 2010 Board agenda. (Attached as Appendix "A").

### Recommendation:

That Policy and Procedures 5026 – "Harassment" be rescinded and replaced with Policy and Procedures 5026 – "Harassment".

D) Policy Review – Policy 6032

It was noted that this item had been dealt with at the April 28, 2010 Committee meeting.

**5. OPERATIONS INFORMATION**

The following item was received as information:

- MSBA Salary Bulletins:
  - Mountain View School Division & CUPE Local 3305.

**6. NEXT REGULAR COMMITTEE MEETING: 9:30 a.m. Tuesday, June 1, 2010**

The meeting adjourned at 11:55 a.m.

Respectfully submitted,

\_\_\_\_\_  
L. Ross, Chairperson

\_\_\_\_\_  
R. Coey

\_\_\_\_\_  
D. Karnes

\_\_\_\_\_  
J. Murray



# BRANDON SCHOOL DIVISION POLICY

## Appendix A

### POLICY 5026

### HARASSMENT

*Adopted: Motion 118/97*

**REVISED: DRAFT NOVEMBER 2009**

The Brandon School Division believes in the rights of all members of the school community to work and learn in environments that value and demonstrate respect for human rights and freedoms.

The Brandon School Division affirms its obligation as an employer to provide learning, and working environments free of harassment. The Division requires employees, students, parents, volunteers and all visitors to conduct themselves in a manner which promotes and protects the best interests and well being of students, staff and others. The principle of fair treatment is a fundamental one and the Division will not condone any improper behaviour which jeopardizes dignity, undermines learning, working relationships or productivity.

Harassment, as defined in the administrative procedure, is unacceptable. Such behaviour toward an individual attacks the dignity and self respect of that person and constitutes a serious infraction. When a student or employee exhibits harassing behaviour, disciplinary action, up to and including dismissal or expulsion, may result.

The Brandon School Division will take reasonable steps to ensure employees, students, parents, volunteers and visitors are informed and aware of the issue of harassment and the procedures to follow should they experience harassment.



## BRANDON SCHOOL DIVISION HARASMENT DOCUMENTATION COMPLAINT FORM

Alleged Victim(s) of Harassment:			
<b>Name(s)</b>		<input type="checkbox"/>	<b>Student</b>
<b>School</b>		<input type="checkbox"/>	<b>BSD Staff</b>
<b>Phone number</b>		<input type="checkbox"/>	<b>Other (pls indicate)</b>

Alleged Harasser(s):			
<b>Name(s)</b>		<input type="checkbox"/>	<b>Student</b>
<b>School</b>		<input type="checkbox"/>	<b>BSD Staff</b>
<b>Phone number</b>		<input type="checkbox"/>	<b>Other (pls indicate)</b>

Name of Person completing this form: (to be identified if different than the alleged victim)			
<b>Name</b>		<input type="checkbox"/>	<b>Student</b>
<b>School</b>		<input type="checkbox"/>	<b>BSD Staff</b>
<b>Phone number</b>		<input type="checkbox"/>	<b>Other (pls indicate)</b>

<b>Incident Information:</b> (please identify the incident that prompted the complaint, if recurring incidents are involved, please identify all incident date/time/locations in the details section of form)	
<b>Date of Incident</b>	
<b>Time of Incident</b>	
<b>Location Incident Occurred</b>	

<b>Additional Information</b>
Please indicate any persons you believe witnessed this incident, providing name of individual(s).



"Accepting the Challenge"

## BRANDON SCHOOL DIVISION HARASMENT DOCUMENTATION COMPLAINT FORM

**Detailed Description of Incident:** (please provide details of the incident, including what you experienced/witnessed) *Note: Please attach additional pages if required.*

**Name of Person(s) to whom this incident was reported:**

<b>Agreed upon method of dealing with this incident:</b>	<input type="checkbox"/>	Informal Complaint
<i>(To be discussed with the person assigned to action this complaint)</i>	<input type="checkbox"/>	Formal Complaint

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By (Name and Title)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Referred To (Name and Title)

\_\_\_\_\_  
Date



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026

### HARASSMENT

#### (AS IT APPLIES TO EMPLOYEES, STUDENTS, VOLUNTEERS/PARENTS)

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

### GUIDELINES

#### A. Legislative Context

##### Canadian Charter of Rights and Freedoms

The *Constitution Act [1982]*, which includes the Canadian Charter of Rights and Freedoms, is the supreme law of Canada. As such, all other laws and applicable workings of governments, including school boards, must be consistent with its provisions. The Charter and Supreme Court of Canada decisions made under the Charter guarantee everyone equality regardless of race, national or ethnic origin, citizenship, colour, religion, marital status, sex, sexual orientation, age or mental or physical disability. The Charter and Supreme Court decisions also promote the development of programs designed to redress the conditions of disadvantaged individuals or groups.

##### Manitoba Human Rights Code

The Human Rights Code of Manitoba recognizes the individual worth and dignity of every member of the human family, and this principle underlies the *Universal Declaration of Human Rights*, the *Canadian Charter of Rights and Freedoms*, and other solemn undertakings, international and domestic, that Canadians honour.

Implicit in the above principle is the right of all individuals to treatment that is solely based on their personal merits, and to equality of opportunity with all other individuals, in all matters.

#### B. Duties and Responsibilities

##### 1. The Brandon School Division will strive to:

- maintain an environment of acceptance within the organization;
- take reasonable steps to ensure the removal of any barriers to acceptance in employment policies and practices and to access of programs, resources and facilities;
- provide positive role models;

##### 2. Supervisory and Managerial Personnel

Supervisory and managerial personnel have a specific duty to implement the policy. This responsibility includes support of a culture of acceptance, response to harassment, and the education of staff, students and the school community.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026

### HARASSMENT

#### (AS IT APPLIES TO EMPLOYEES, STUDENTS, VOLUNTEERS/PARENTS)

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### 3. Employees

Employees have an obligation to ensure that the learning environment promotes acceptance for all people.

#### 4. Members of the learning community

Employees, students and parents can support learning and working environments of acceptance. They should strive to prevent conduct injurious to the welfare of these environments and thereby preserve respectful partnerships.

### ADMINISTRATIVE PROCEDURES

Individuals have the right to take assertive action when they encounter harassment in the learning or working environment. They have the right to expect confidentiality from the parties involved, and a reasonable degree of privacy as the matter is resolved. The safety of all parties involved is paramount when a complaint arises.

An individual who believes he/she is being harassed by a person in a position of authority, or by a co-worker, or by any other person affiliated with the Brandon School Division shall follow the procedures herein set forth.

All complaints of harassment will be acted upon in accordance with this procedure and policy. Confidentiality will be respected, but when necessary, information will be shared on a need to know basis with affected and/or involved individuals. Complainants will be advised on the extent to which information may need to be shared and with whom.

Any written documentation received in regards to a complaint, including investigative interview statements, should be signed by the appropriate parties.

Unless a complaint is clearly frivolous or vexatious, an investigation will be conducted of all complaints of harassment.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026

### HARASSMENT

#### (AS IT APPLIES TO EMPLOYEES, STUDENTS, VOLUNTEERS/PARENTS)

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### A. Resolutions

##### 1. Informal Resolution

Through the informal resolution process, should no previous incidents be evident, the individual in authority may attempt to achieve a resolution to the problem through mediation and counselling. Involvement from Guidance Counsellors, the Harassment Resource Team and/or the Director of Human Resources may be requested where applicable.

##### 2. Formal Resolution

Through a formal resolution process, an investigative committee is formed and within a reasonable timeframe, the committee will review and investigate the complaint of harassment as described. It is required that the **Harassment Document Complaint Form** should be used as the formal written complaint.

A formal resolution investigation is conducted when:

##### 2.1 Employee Initiated Complaints

- If:
- (a) past incidents of harassment are evident, or
  - (b) if the situation is not resolved through informal procedures, or
  - (c) at the request of the complainant,

the complaint shall be addressed through a formal complaint process. The trusted individual in authority who has been contacted or the complainant shall forward a written complaint to the Director of Human Resources.

##### 2.2 Student Initiated Complaints

- If:
- (a) past allegations of harassment are evident in a student's history, or
  - (b) at the request of the complainant, or
  - (c) when the complaint involves an employee of the Division, or
  - (d) when the Principal deems the complaint to be sufficiently serious,
- the complaint shall be addressed through a formal resolution process. The adult contacted by the student shall forward a written complaint to the Principal.





"Accepting the Challenge"

# **BRANDON SCHOOL DIVISION POLICY**

## **PROCEDURES 5026**

### **HARASSMENT**

#### **(AS IT APPLIES TO EMPLOYEES, STUDENTS, VOLUNTEERS/PARENTS)**

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

Individuals should reference the following when considering the initiation of a complaint:

Appendix A – Definitions

Appendix B – Procedures for Resolution – EMPLOYEE

Appendix C – Procedures for Resolution – STUDENT

Appendix D – Procedures for Resolution – VISITOR/VOLUNTEER/PARENT

Appendix E – Investigation of Harassment Complaints

**In addition to or instead of levying a complaint pursuant to the policy, a complainant has the right to pursue his/her complaint through the Human Rights Commission or, where appropriate, to lay information under the Criminal Code of Canada, or both. The complaint procedures of this policy does not prohibit the individual's right to respond to a complaint through the collective agreements, or to seek redress as provided under the law.**



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026A – APPENDIX A

### HARASSMENT – DEFINITIONS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### APPENDIX A - DEFINITIONS

##### **A. Harassment**

Harassment can occur in the context of any of these relationships, the more common being employee-of-employee, employee-of-student, student-of-employee, student-of-student, employer-of-employee.

The policy applies to, but is not limited to, harassment that occurs at a school, in the Division office, or other Division facilities:

- outside of a divisional school or office, and which causes a concern to occur in a divisional school or office;
- at a school or Division-sponsored function;
- in the course of an employment or school assignment outside of a divisional school or office;
- at an employment or school-related conference or training session;
- during employment or school-related travel; and
- via communication medium (Internet, telephone, mail).

For the purpose of this set of procedures, “harassment” means engaging in a course of derogatory or vexatious comments or behaviour known, or reasonably recognizable as unwelcome. “Vexatious” means irritating, provoking, disturbing, tormenting, troublesome, and serving only to cause annoyance to the victim.

These definitions of harassment do not include casual compliments or comments, or behaviour with any mutually voluntary relationship.

##### **Elements of Harassment**

Harassment has four (4) basic elements:

1. it is a type of discrimination;
2. it is unwanted;
3. it affects the individual’s ability to learn and/or work;
4. it is an expression of power, authority or control, and is coercive in nature



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026A – APPENDIX A

### HARASSMENT – DEFINITIONS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### **Harassment Defined**

The Human Rights Code (Manitoba) defines “harassment” as any one or more of:

1. A source of abusive and unwelcome conduct or comment made on the basis of the following:
  - i. ancestry, including colour and perceived race;
  - ii. nationality or national origin;
  - iii. ethnic background or origin;
  - iv. religion or creed, or religious belief, religious association or religious activity;
  - v. age;
  - vi. personal appearance – size and other physical features;
  - vii. sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
  - viii. gender – determined characteristics or circumstances other than those included in (vii)
  - ix. sexual orientation;
  - x. marital or family status;
  - xi. source of income;
  - xii. political belief, political association, or activity;
  - xiii. physical or mental disability or related characteristics or circumstances, including reliance on a guide dog or other animal assistant, a wheelchair, or any other remedial appliance or device.
2. A series of objectionable and unwelcome sexual solicitations or advances; or
3. A sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows, or ought reasonably to know, that it is unwelcome; or
4. A reprisal, or threat of reprisal, for rejecting a sexual solicitation or advance.
5. Retaliation against an individual who:
  - invokes the policy; or
  - participates or cooperates in an investigation under the policy; or
  - associates with a person who invokes the policy or participates in the complaint procedure under the policy



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026A – APPENDIX A

### HARASSMENT – DEFINITIONS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### **Explanation of Sexual Harassment**

Sexual harassment is any repeated and unwelcome sexual comment, look, suggestion, or physical contact that creates an uncomfortable working or learning environment for the recipient, by a person who knows, or ought reasonably to know, that such attention is unwelcome. Sexual harassment may also be a single sexual advance, particularly one by a person in authority, that includes or implies a threat and/or a reprisal after a sexual advance is rejected.

Some examples of sexual harassment are:

- unwanted, persistent or abusive sexual attention;
- sexually oriented behaviour or remarks which create an intimidating, hostile, or offensive learning or working environment;
- demeaning remarks based on gender;
- suggestive jokes about sex;
- sexually-oriented verbal “kidding” or verbal abuse;
- inappropriate comments about clothing, physical characteristics, or activities;
- leering, ogling, and suggestive or insulting sounds;
- unwanted questions or comments about one’s private life;
- unwanted physical contact, such as brushing up against one’s body, patting, grabbing or pinching;
- sexual assault (an offence under the Criminal Code);
- subtle pressures for sexual activity;
- suggestions or demands for sexual favours;
- expressed or implied promise of reward for complying with a sexually oriented request;
- the display of pornographic and/or exploitative pictures, cartoons, and graffiti in the schools and on other school division premises. This includes pictures and/or messages on clothing.

#### **Explanation of Racial Harassment**

Words used or actions taken in an abusive or persistent manner by anyone, such that another person is disparaged or caused to feel humiliation because of her or his race, colour, creed, ancestry, place of origin, or ethnic origin. Racial harassment may be overt or subtle, explicit, or in a disguised form such as humour or joking.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026A – APPENDIX A

### HARASSMENT – DEFINITIONS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

Some examples of racial harassment are:

- slurs, gestures, name-calling, innuendoes or taunts about another's racial or ethnic backgrounds;
- similar remarks about other racial groups made in the presence of another employee or student;
- unwelcome banter, "teasing" or jokes that are racially derogatory or present stereotypical portrayals of racial or ethnic groups;
- displaying racist, derogatory or offensive pictures, materials, or graffiti;
- refusing to study with, work with, or have contact with, an employee, volunteer, or student in the work/school setting because of her or his racial or ethnic background.

The study of other cultures does not constitute racial harassment.

#### Explanation of Other Forms of Harassment

Other forms of harassment include discrimination, (overt, subtle, and covert) based on gender, sexual orientation, disability, or economic/social status.

Actions that violate Brandon School Division Respectful Workplace Policy 1015, such as, but not limited to, bullying, patronizing/condescending behavior, intimidation may also be considered forms of harassment.

Some examples of other forms of harassment are:

- negative comments about the general unsuitability of an individual's or a group's educational or career goals to which they aspire; for example, generalizations about women's "proper place" or lack of ability in particular areas;
- derogatory comments about an individual's or a group's moral, intellectual, economic, or social inferiority;
- taunting, teasing, criticizing, or demeaning remarks about individuals or group members as a category;
- individual or group behaviour that is intimidating or threatening;
- behaviour and/or comments that occur(s) repeatedly to injure another person physically or emotionally (bullying);
- unwanted or persistent invasion of personal space;
- hazing



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026B – APPENDIX B

### HARASSMENT – PROCEDURES FOR RESOLUTION - EMPLOYEE

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### APPENDIX B – PROCEDURES FOR RESOLUTION

##### **A. General Information**

Complainant refers to the individual who believes he/she is being harassed and/or the individual who has filed a complaint of harassment.

Respondent refers to the individual alleged to be the harasser and/or the individual against whom the complaint has been made.

A witness or third party to an incident of harassment may file a complaint of harassment.

*Should a complaint of harassment be filed, the School Division reserves the right to proceed in the investigation with or without the participation of the parties identified in the complaint.*

##### **B. Complaints**

Documentation of all harassment complaints (written complaint, record of investigation, and final disposition) will be retained confidentially by the Director of Human Resources. Information/ Investigation files involving harassment complaints will be kept separate from the employee's personnel file pending resolution of the complaint; and

1. In the event the allegations are substantiated through investigation, a summary of the investigation, final disposition, and any action taken shall be maintained by the Director of Human Resources in the employee's personnel file.
2. In the event the allegations are not supported through investigation, a summary of the investigation, final disposition, and any action taken will be maintained confidentially by the Director of Human Resources until the time at which the employee leaves the employ of the Division when such documents will be placed in a sealed envelope in the personnel file.

These documents will be accessible to the Superintendent, Associate Superintendent, Secretary-Treasurer, or Director of Human Resources as documentation and will be accessed only for information related to the specific incident documented.



## BRANDON SCHOOL DIVISION POLICY

### PROCEDURES 5026B – APPENDIX B

### HARASSMENT – PROCEDURES FOR RESOLUTION - EMPLOYEE

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

3. Respondents will be advised that retaliation against the complainant or interference in the process of investigation will not be tolerated and, if such occurs, will result in immediate disciplinary or legal action for staff.
4. Complaints made in a malicious or vindictive manner or which have no substantiation in fact may result in disciplinary or legal action for staff.
5. In the interests of all parties involved in a harassment situation, individuals are encouraged to identify their concerns in a timely manner. However, individuals may lodge a complaint at any time they feel they are being harassed. **All complaints must be documented and signed by the complainant and/or an individual in authority.**
6. A complaint involving an individual under the legal age of majority which may be construed as child abuse shall be dealt with according to the applicable legislation and School Division Policy 5063: Child Abuse.
7. In the complaint procedures outlined, should a respondent be an individual identified as a participant in the investigation or appeal process, the role of the respondent will be assumed by his/her supervisor.
  - Should the respondent be the Director of Human Resources, the role of the Director of Human Resources throughout these procedures will be performed by the Secretary-Treasurer.
  - Should the respondent be the Superintendent of Schools, the role of the Superintendent of Schools throughout these procedures will be performed by the Trustee Chair of the Personnel Committee.
8. The Director of Human Resources will ensure the appropriate Senior Administrators including the Associate Superintendent(s) and Secretary-Treasurer are informed on the status of the complaint as necessary.

#### **Employee Initiated Complaints**

- i. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026B – APPENDIX B

### HARASSMENT – PROCEDURES FOR RESOLUTION - EMPLOYEE

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

- ii. The complainant should document any or all incidents of harassment and identify:
- the respondent's name,
  - date, time and location of the incident,
  - a brief description of the incident,
  - names of witnesses to the incident,
  - any action taken by the complainant in response to the incident.

**Harassment Documentation Complaint Forms are available from the main office in schools or from the Division Administration Office.**

This documentation should continue on an ongoing basis if the unwanted behaviour continues.

- iii. If the harassment continues or if the complainant chooses, the complainant should report the incident to a trusted responsible individual in a position of authority.  
(Example: Principal, Associate Superintendent, Union Representative, Director of Human Resources)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the individual they contact.

#### **EMPLOYEE COMPLAINT ABOUT AN EMPLOYEE: Informal Resolution**

The individual in authority who is contacted shall notify the Director of Human Resources to determine if there have been any previous incidents of harassment involving the respondent.

The individual in authority contacted should notify the respondent of the complaint and attempt to achieve a resolution to the problem through counselling and mediation. Involvement and consultation from the Director of Human Resources may be requested at this point.

If informal resolution is achieved a summary report outlining the issue and resolution will be maintained in a sealed envelope with the Director of Human Resources.





# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026B – APPENDIX B

### HARASSMENT – PROCEDURES FOR RESOLUTION - EMPLOYEE

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### **EMPLOYEE COMPLAINT ABOUT AN EMPLOYEE: Formal Resolution**

- i. If: (a) past incidents of harassment are evident, or  
(b) if the situation is not resolved through informal procedures, or  
(c) at the request of the complainant,

the complaint shall be addressed through a formal complaint process. The trusted individual in authority who has been contacted or the complainant shall forward a written complaint to the Director of Human Resources.

**(NOTE: The Harassment Documentation Complaint Form is required for this purpose.)**

- ii. The Director of Human Resources shall inform the Superintendent of the complaint, and in consultation with the Superintendent, will coordinate the formation of an investigative committee. The committee shall be composed of at least three (3) members with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. Members might include:
  - 1) the Supervisor(s) of the parties involved in the complaint and/or
  - 2) the Director of Human Resources who shall have primary responsibility for advising on conducting the investigative process and/or
  - 3) member(s) to be appointed at the discretion of the Superintendent

This committee shall review and investigate the complaint of harassment by the following process. The committee will:

- a) set reasonable time frames;
- b) define objectives and procedures to follow in the investigation;
- c) interview the complainant and make detailed notes;
- d) interview the respondent and make detailed notes;
- e) interview any witnesses and make detailed notes;
- f) allow third party representation at the interview(s) (e.g., union representation, lawyer, friend, etc.);
- g) follow the rules of natural justice, exercise fairness, sensitivity and objectivity in their investigation or fact-finding process;
- h) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action, and provide recommendations on resolution or action where deemed appropriate to the Superintendent.



## BRANDON SCHOOL DIVISION POLICY

### PROCEDURES 5026B – APPENDIX B

#### HARASSMENT – PROCEDURES FOR RESOLUTION - EMPLOYEE

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

The committee may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- iii. The Superintendent will be privy to all documents from the investigation, may undertake any subsequent investigation he/she believes is relevant, and may conduct a hearing with the individuals involved at his/her discretion. In the event a hearing is not called by the Superintendent, either the complainant or the respondent has the right to request a hearing with the Superintendent. Such request for a hearing must be requested in writing within ten (10) working days of receipt of a decision on the complaint. The Superintendent will conduct said hearing within fifteen (15) working days of receipt of the request. The Superintendent shall respond to the appellant on the findings of the hearing within ten (10) working days of conducting the hearing.
- iv. The Superintendent shall respond in writing to the complainant and respondent indicating the investigative committee's recommendation and stating the decision of the Superintendent on any disciplinary action to be taken and/or any action to be taken by the complainant or respondent.  
If the complaint is found to be valid, a record of the decision and action taken shall be placed in the harasser's personnel file. If the complaint is unfounded, then all written documentation of the complaint shall be maintained in confidence by the Director of Human Resources.
- v. The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appellant.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026B – APPENDIX B

### HARASSMENT – PROCEDURES FOR RESOLUTION - EMPLOYEE

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### **EMPLOYEE COMPLAINT ABOUT A STUDENT**

When a complaint involves an employee making a complaint about a student, the procedures identified for A Student Complaint About a Student (**Appendix C**) shall be followed. This procedure shall be followed with the understanding:

- i. the complainant is an employee not a student;  
and
- ii. the employee making the complaint will contact the Principal of the school the student attends;  
and
- iii. the principles of involving the Harassment Resource Team and of notifying parents of the students, as outlined in **Appendix C** will be maintained.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026C – APPENDIX C

### HARASSMENT – PROCEDURES FOR RESOLUTION - STUDENT

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

#### APPENDIX C – PROCEDURES FOR RESOLUTION

##### **A. General Information**

Complainant refers to the individual who believes he/she is being harassed and/or the individual who has filed a complaint of harassment.

Respondent refers to the individual alleged to be the harasser and/or the individual against whom the complaint has been made.

A witness or third party to an incident of harassment may file a complaint of harassment.

*Should a complaint of harassment be filed, the School Division reserves the right to proceed in the investigation with or without the participation of the parties identified in the complaint.*

##### **B. Complaints**

Documentation of all harassment complaints (written complaint, record of investigation, and final disposition) will be retained confidentially by the Director of Human Resources. Information/ Investigation files involving harassment complaints will be kept separate from the student's cumulative file pending resolution of the complaint.

1. In the event the allegations are substantiated through investigation, a summary of the investigation, final disposition, and any action taken shall be maintained by the Director of Human Resources in a personal file with a general reference in the student's cumulative file to the complaint and contact person for information.
2. In the event the allegations are not supported through investigation, a summary of the investigation, final disposition, and any action taken will be maintained confidentially by the Director of Human Resources until the time at which the student graduates from the public school system or reaches the age of 21, whichever comes first, when such documents will be destroyed.

These documents will be accessible to the Superintendent, Associate Superintendent, Secretary-Treasurer, or Director of Human Resources as documentation and will be accessed only for information related to the specific incident documented.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026C – APPENDIX C

### HARASSMENT – PROCEDURES FOR RESOLUTION - STUDENT

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

3. Respondents will be advised that retaliation against the complainant or interference in the process of investigation will not be tolerated and, if such occurs, will result in immediate suspension or expulsion for students.
4. Complaints made in a malicious or vindictive manner or which have no substantiation in fact may result in suspension or expulsion for students.
5. In the interests of all parties involved in a harassment situation, individuals are encouraged to identify their concerns in a timely manner. However, individuals may lodge a complaint at any time they feel they are being harassed. **All complaints must be documented and signed by the complainant and/or an individual in authority.**
6. A complaint involving an individual under the legal age of majority which may be construed as child abuse shall be dealt with according to the applicable legislation and School Division Policy 5063: Child Abuse.
7. In the complaint procedures outlined, should a respondent be an individual identified as a participant in the investigation or appeal process, the role of the respondent will be assumed by his/her supervisor.
8. The Director of Human Resources will ensure the appropriate Senior Administrators including the Associate Superintendent(s) and Secretary-Treasurer are informed on the status of the complaint as necessary.

#### **Student Initiated Complaints**

- i. There will be a designated group of teachers/counsellors in the Division referred to as the Harassment Resource Team. These individuals will work with the Principal(s) and/or Director of Human Resources as required or requested in the management and/or investigation of harassment complaints initiated by students.

The Harassment Resource Team will be designated by the Superintendent and will act as a resource to individuals investigating harassment complaints. The Division will undertake to provide appropriate training for the Team.

- ii. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026C – APPENDIX C

### HARASSMENT – PROCEDURES FOR RESOLUTION - STUDENT

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.

- iii. The complainant should document any or all incidents of harassment and identify:
- the respondent's name,
  - date, time and location of the incident,
  - a brief description of the incident,
  - names of witnesses to the incident,
  - any action taken by the complainant in response to the incident.

**Harassment Documentation Complaint Forms will be available to students in schools in locations such as the Guidance/Counselling office, the main office or from teacher advisors.**

This documentation should continue on an ongoing basis if the unwanted behaviour continues.

- iv. If the harassment continues and/or if the complainant chooses, the complainant should report the incident to a trusted, responsible adult in the school or Administration Office. (Example: Principal, Teacher, Counsellor, Teacher Assistant, Secretary, Director of Human Resources)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the adult they contact.

- v. The individual contacted shall notify the Principal of the school with details of the complaint. In the event the complaint has been made against the Principal, the individual contacted shall notify the Associate Superintendent of the school with details of the complaint.
- vi. When a student is named in a Harassment Complaint the parent(s)/guardian(s) of student(s) will be notified as per the following:
- a. when the student(s) are under eighteen (18) years of age and a decision has been made to follow a formal resolution process, the complaints will be communicated to parent(s)/ guardian(s); complaints to be resolved



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026C – APPENDIX C

### HARASSMENT – PROCEDURES FOR RESOLUTION - STUDENT

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

- b. through an informal process will be communicated to parent(s)/guardian(s) at the discretion of the Principal. when the student(s) are eighteen (18) years of age or older, communication with parent(s)/ guardian(s) will be encouraged with the consent of the student.

The student will be consulted and advised on the communication to occur and who will communicate with the parent(s)/guardian(s). The communication may be made by the student, the adult first contacted by the complainant, the Principal, the Vice Principal, the Associate Superintendent or the Director of Human Resources.

- vii. A meeting shall be arranged with the complainant and respondent and his/her parent(s)/ guardian(s) if the student is under eighteen (18) years of age and the Principal within five (5) school days of receipt of the complaint to review the complaint and to outline the procedures that will be followed to investigate and resolve the matter.

#### **STUDENT COMPLAINT ABOUT A STUDENT: Informal Resolution**

When the complaint involves students, the Principal shall review the student's cumulative file and contact the Director of Human Resources to check on past incidents of harassment involving the respondent. The Principal should notify the respondent of the complaint and attempt to achieve a resolution to the problem through mediation and counselling. Involvement from Guidance Counsellors, the Harassment Resource Team and/or the Director of Human Resources can be requested as appropriate by the Principal.

#### **STUDENT COMPLAINT ABOUT A STUDENT: Formal Resolution**

- i. If: (a) past allegations of harassment are evident in a student's history, **or**  
(b) at the request of the complainant, **or**  
(c) when the complaint involves an employee of the Division, **or**  
(d) when the Principal deems the complaint to be sufficiently serious,  
the complaint shall be addressed through a formal resolution process. The adult contacted by the student shall forward a written complaint to the Principal.

**(NOTE: The Harassment Documentation Complaint Form is required for this purpose.)**



## BRANDON SCHOOL DIVISION POLICY

### PROCEDURES 5026C – APPENDIX C

### HARASSMENT – PROCEDURES FOR RESOLUTION - STUDENT

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

- ii. The Principal shall coordinate the development of an investigative committee involving the Principal or Vice Principal and the Harassment Resource Team, with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. This committee will review and investigate the complaint of harassment by the following process. The committee will:
  - a) set reasonable timeframes;
  - b) define objectives and procedure to follow in the investigation;
  - c) interview the complainant and make detailed notes;
  - d) interview the respondent and make detailed notes;
  - e) interview any witnesses and make detailed notes;
  - f) allow third party representation at the interview(s) (e.g., parent, guardian, counsellor, friend, etc.);
  - g) follow the rules of natural justice, exercise fairness, sensitivity and objectivity in their investigation or fact-finding process;
  - h) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action, and provide recommendation on resolution or action where appropriate to the Principal.

The committee may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- iii. The Principal shall respond in writing to the complainant and respondent, and their parent(s) if they are under eighteen (18) years of age, indicating the investigative committee's recommendation and stating the decision of the Principal on any disciplinary action to be taken and/or on any action to be taken by the complainant or the respondent.

A record of the decision and action to be taken shall be maintained in confidence by the Director of Human Resources with a notation in the cumulative file to contact the Director of Human Resources.

- iv. Either the complainant or the respondent has the right of first appeal of the decision on the action to be taken through written request to the Associate Superintendent within ten (10) working days of the decision. The Associate Superintendent will be privy to all documents from the complaint and the investigation; may hold a hearing with the individuals involved at his/her discretion; and shall reach a decision. The Associate Superintendent may undertake any investigation he/she believes is relevant and shall respond in writing to the appellant within fifteen (15) working days of receipt of the appeal.





# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026C – APPENDIX C

### HARASSMENT – PROCEDURES FOR RESOLUTION - STUDENT

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

- v. The complainant or the respondent has the right of second appeal of the decision on action to be taken through written request to the Superintendent within ten (10) working days of the decision. The Superintendent will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at his/her discretion; and shall reach a decision. The Superintendent may undertake any investigation he/she believes is relevant and shall respond to the appellant in writing within fifteen (15) working days of receipt of the appeal.
- vi. The complainant or the respondent has the right to third appeal of the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appeal.

#### **STUDENT COMPLAINT ABOUT AN EMPLOYEE: Formal Resolution**

- i. When a student complaint is about an employee, the complaint shall be addressed through a formal complaint process. The adult contacted shall forward a written complaint to the principal.  
  
**Note:** In the event the complaint has been made against the Principal, the individual contacted shall notify the Associate Superintendent with details of the complaint.
- ii. The principal shall forward a written complaint to the Associate Superintendent of the School and the Director of Human Resources.
- iii. The Director of Human Resources shall inform the Superintendent of the complaint, and in consultation with the Superintendent, will coordinate the formation of an investigative committee. The committee shall be composed of at least three (3) members with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. Members might include:
  - 1) the Principal(s)/Supervisor(s) of the parties involved in the complaint
  - 2) the Associate Superintendent/Secretary-Treasurer
  - 3) the Director of Human Resources
  - 4) member(s) to be appointed at the discretion of the Superintendent.



## BRANDON SCHOOL DIVISION POLICY

### PROCEDURES 5026C – APPENDIX C

### HARASSMENT – PROCEDURES FOR RESOLUTION - STUDENT

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

This committee will review and investigate the complaint of harassment by the following process.

The committee will:

- a) set reasonable timeframes;
- b) define objectives and procedures to follow in the investigation;
- c) interview the complainant and make detailed notes;
- d) interview the respondent and make detailed notes;
- e) interview any witnesses and make detailed notes;
- f) allow representation at the interview(s) (e.g., union representative, lawyer, friend, parent(s)/guardian(s), counsellor, etc.);
- g) follow the rules of natural justice, exercise fairness, sensitivity and objectivity in the investigation or fact-finding process;
- h) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action and provide recommendations on resolution or action to be taken where appropriate to the Superintendent.

The committee may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- iv. The Superintendent will be privy to all documents from the investigation, may undertake any subsequent investigation he/she believes is relevant, and may conduct a hearing with the individuals involved at his/her discretion. In the event a hearing is not called by the Superintendent, either the complainant or the respondent has the right to request a hearing with the Superintendent. Such request for a hearing must be requested in writing within ten (10) working days of receipt of a decision on the complaint. The Superintendent will conduct said hearing within fifteen (15) working days of receipt of the request. The Superintendent shall respond to the appellant on the findings of the hearing within ten (10) working days of conducting the hearing.
- v. The Superintendent shall respond in writing to the complainant and respondent indicating the investigative committee's recommendation and stating the decision of the Superintendent on any disciplinary action to be taken and/or any action to be taken by the complainant or respondent.

If the complaint is found to be valid, a record of the decision and action taken shall be placed in the harasser's personnel file. If the complaint is unfounded, then all written documentation of the complaint shall be maintained in confidence by the Director of Human Resources.



# **BRANDON SCHOOL DIVISION POLICY**

## **PROCEDURES 5026C – APPENDIX C**

### **HARASSMENT – PROCEDURES FOR RESOLUTION - STUDENT**

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

- vi. The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appeal.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026D – APPENDIX D

### HARASSMENT –

### PROCEDURES FOR RESOLUTION – VISITOR/VOLUNTEER/PARENT

Adopted: Motion 118/97

REVISED: DRAFT NOVEMBER 2009

#### APPENDIX D – PROCEDURES FOR RESOLUTION

##### A. General Information

Complainant refers to the individual who believes he/she is being harassed and/or the individual who has filed a complaint of harassment.

Respondent refers to the individual alleged to be the harasser and/or the individual against whom the complaint has been made.

A witness or third party to an incident of harassment may file a complaint of harassment.

*Should a complaint of harassment be filed, the School Division reserves the right to proceed in the investigation with or without the participation of the parties identified in the complaint.*

##### B. Complaints

When a harassment complaint is initiated by a Visitor, Volunteer, or Parent, the procedures as they apply to staff and students shall be followed as outlined in Appendix B and Appendix C.

#### A COMPLAINT ABOUT A VISITOR, VOLUNTEER OR PARENT

- i. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.
- ii. The complainant should document any or all incidents of harassment and identify:
  - the respondent's name,
  - date, time and location of the incident,
  - a brief description of the incident,
  - names of witnesses to the incident,
  - any action taken by the complainant in response to the incident.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026D – APPENDIX D

### HARASSMENT –

### PROCEDURES FOR RESOLUTION – VISITOR/VOLUNTEER/PARENT

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

**Harassment Documentation Complaint Forms will be available from the main office in schools or from the Division Administration Office.**

This documentation should continue on an ongoing basis if the unwanted behaviour continues

- iii. If the harassment continues or if the complainant chooses, the complainant should report the incident to a trusted, responsible individual in a position of authority. (Example: Principal, Vice Principal, Associate Superintendent, Union Representative, Director of Human Resources)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the individual they contact.

- iv. The individual in authority should refer the issue to the School Principal who shall notify the respondent of the complaint and attempt to achieve a resolution to the problem through counselling and mediation. Involvement and consultation from the Director of Human Resources and/or Associate Superintendent may be requested at this point. A written report outlining the complaint and/or recommended action and resolution will be forward to the Associate Superintendent for review.
- v. In the event action is recommended, the Associate Superintendent shall review the issue and shall respond in writing to the complainant and respondent indicating the investigative committee's recommendation and stating any action to be taken by the complainant or respondent.

Whether the complaint is found to be valid or unfounded, a record of the decision, any action taken, and all written documentation of the complaint shall be maintained in confidence by the Director of Human Resources.

- vi. Either the complainant or the respondent has the right of first appeal of the decision on action to be taken through written request to the Superintendent within ten (10) working days of the decision. The Superintendent will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at his/her discretion; and shall reach a decision. The Superintendent may undertake any investigation he/she believes is relevant and shall respond to the appellant in writing within fifteen (15) working days of receipt of the appeal.



# **BRANDON SCHOOL DIVISION POLICY**

## **PROCEDURES 5026D – APPENDIX D**

### **HARASSMENT –**

### **PROCEDURES FOR RESOLUTION – VISITOR/VOLUNTEER/PARENT**

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009*

- vii. The complainant or the respondent has the right to second appeal of the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appeal.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026E – APPENDIX E

### HARASSMENT – INVESTIGATION OF HARASSMENT COMPLAINTS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009 \*\* note: REPLACES REGULATION 5026*

### REQUIREMENTS FOR THE INVESTIGATION OF HARASSMENT COMPLAINTS

#### A. GENERAL INFORMATION

The Requirements herein, deal primarily with the formal resolution process for complaints. **The informal process should follow a parallel process but may not involve an investigative committee.**

The Brandon School Division Harassment Policy provides for both formal and informal resolutions of harassment complaints. An investigation must occur when a complaint is made. The investigation will be completed by the individuals identified in Procedures for Resolution – Appendix B, Appendix C, and Appendix D. The following provides a reference to guide individuals designated to investigate harassment complaints. The purposes of the guidelines are:

1. to provide a common process for all harassment complaint investigations and to ensure consistency, equity and accountability in the process;
2. to assist investigators to complete the investigation in a timely and efficient manner;
3. to ensure investigators obtain the essential information required to make a recommendation on disposition of the complaint.

*Note: Any written documentation received in regards to a complaint, including investigative interview statements, should be signed by the appropriate parties.*

#### B. DUTIES OF THE INVESTIGATIVE COMMITTEE

1. Ensure a written and signed account of the harassment incidents as identified by the complainant is evident (refer to Harassment Documentation Complaint Form for information that should be available in the report).
2. Have a pre-investigative meeting to review the complaint and the procedure to be followed.
3. Notify the respondent of the complaint and the investigative procedure to be followed (reference the Harassment Policy and Procedures).
4. Notify the parent(s)/guardian(s) of complainant/respondent or witnesses, if appropriate, of the complaint and the role of their child in the complaint and/or investigation.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026E – APPENDIX E

### HARASSMENT – INVESTIGATION OF HARASSMENT COMPLAINTS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009 \*\* note: REPLACES REGULATION 5026*

5. Advise individuals to be interviewed of their right to have a third party present during their interview (at the discretion of the individual being interviewed).
6. Arrange interviews of all parties involved in the following order:
  - (a) Complainant
  - (b) Respondent
  - (c) Witnesses identified by the complainant
  - (d) Witness identified by the respondent (if different from those identified by the complainant)
7. Conduct interviews in a private location (refer to Section C - Harassment Complaint: Interview Guidelines) and record objective notes.
8. Discuss information obtained in the interviews, seek consultation as required, and provide a written report on findings and recommended action to be taken.

#### C. HARASSMENT COMPLAINT: INTERVIEW GUIDELINES

1. Ensure the representation of the investigators at the interviews considers gender, race, and ethnicity where such factors may be a potential issue within the complaint.
2. Prior to the interviews the investigators should establish a preliminary set of questions to be asked of each party interviewed (refer to Section D - Harassment Complaint: Interview Format Guidelines).
3. The coordinator of the investigation will arrange a private meeting room to conduct the interviews.
4. Identify that the information obtained via the interviews will remain confidential to the investigative committee and administrators involved in the harassment complaint procedure and ask that the individual being interviewed maintain this confidentiality by not discussing the interview or situation with others.
5. Identify that written notes will be taken during the interview to ensure that the accuracy of the investigation is maintained. Keep accurate detailed notes which identify the individuals interviewed, dates, times and places and who was present. Record direct quotes whenever possible and note attitudes and behaviours. Don't provide comment on your thoughts or editorialize (e.g., I don't believe her; he is overly sensitive, etc.).
6. Remain objective and neutral and do not speculate on the outcome of the situation with individuals being interviewed.





# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026E – APPENDIX E

### HARASSMENT – INVESTIGATION OF HARASSMENT COMPLAINTS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009 \*\* note: REPLACES REGULATION 5026*

#### D. HARASSMENT COMPLAINT: INTERVIEW FORMAT GUIDELINES

These guidelines are provided as an example of basic questions to conduct the interview. Please note that additional questions will be asked based on responses to questions such as these and will be dependent on the details of the complaint.

- ◆ Introduce the investigative committee if appropriate and review the intent of the interview as investigative and fact finding.

On     (date)    , it has been reported, an incident occurred between \_\_\_\_\_  
and \_\_\_\_\_ and that you were a witness or a party to that incident. Could  
you please discuss your recollection of the events that occurred during that incident?

- ◆ Ask the individual to recount the incident in his/her own words and clarify/question to ensure the following questions are answered:

1. What happened?
2. Who was involved in the incident?
  - a) as an active participant
  - b) as a witness
3. Where and when did the incident occur? (time, place, date)
4. Were there any significant events that led up to the incident or followed the incident?
5. Where there any events leading up to this incident(s) or as a result of the incident(s) that you are aware of that you can share with us?
6. Are you familiar with any similar incidents that have occurred involving these individuals?
7. How did this incident make you feel or affect you?



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026E – APPENDIX E

### HARASSMENT – INVESTIGATION OF HARASSMENT COMPLAINTS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009 \*\* note: REPLACES REGULATION 5026*

#### E. HARASSMENT COMPLAINT: INVESTIGATION DOCUMENTATION GUIDELINES

- Document in ink
- Document what is said, not what is inferred. Record direct quotes of what was said by the complainant, the respondent and interviewed witnesses during the incident.
- Clarify what is being said frequently and review with the interviewer what has been recorded. Don't try to transcribe the interview word for word. **Once the interview is complete, request verbal confirmation that the recorded interview notes are accurate as they have been reviewed. Record any clarifications provided and/or acknowledgement of accuracy, and have the interviewee signed or initial the recorded statement.**
- Use abbreviations whenever possible.
- Identify the complainant and the respondent by initials only.
- Use the margin to note the perceived attitudes and behaviours observed.
- Be sure notes reflect specific details of the incident including:
  - What happened.
  - How often it occurred.
  - Where the incident(s) took place.
  - When the incident(s) took place.
  - How close the parties were to each other.
  - What the respondent said (exact quotes).
  - What the complainant told the respondent (exact quotes).
  - List of witnesses. Ensure accurate spelling of names.
- At the end of each interview the committee should discuss the interview and ensure an accurate representation of the interview is recorded. This record should include items of fact, perceived attitudes and behaviours, points of common understanding and differences of interpretation.
- Date and sign your notes and list all parties present during the interview.



# BRANDON SCHOOL DIVISION POLICY

## PROCEDURES 5026E – APPENDIX E

### HARASSMENT – INVESTIGATION OF HARASSMENT COMPLAINTS

*Adopted: Motion 118/97*

*REVISED: DRAFT NOVEMBER 2009 \*\* note: REPLACES REGULATION 5026*

#### **Final Documentation of Investigative Committee**

The committee shall be responsible for preparing a final report including:

1. The allegations noting complainant and respondent.
2. A list of witnesses.
3. A list of all individuals and their representatives at the interviews.
4. Investigative notes
  - (a) All original interview notes.
  - (b) The original complaint form as filed by the complainant.
5. The findings of the committee.
6. The recommended action to be taken.

Final documentation of the committee shall be filed with the Director of Human Resources, and copies of items No. 1, 3, 5, and 6 shall be forwarded to the Superintendent for consideration and response.