CATHOLIC DISTRICT SCHOOL BOARD OF EASTERN ONTARIO
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BOARD ADMINISTRATIVE PROCEDURE

ADMINISTRATIVE PROCEDURE

803 – Workplace Harassment Prevention

DIRECTIONAL POLICY

Nurturing Employee Relations

Title of Administrative Procedure:

Workplace Harassment Prevention

Date Approved:

April 2026

Projected Review Date:

April 2027

Directional Policy Alignment:

This administrative procedure aligns with the *Nurturing Employee Relations Directional Policy*. The Catholic District School Board of Eastern Ontario (CDSBEO) will ensure all employees conduct their duties with integrity and professionalism, upholding human rights and creating environments free from discrimination and harassment. In doing so, CDSBEO is committed to providing working and learning environments where everyone is treated with respect and dignity.

Alignment with Multi-Year Strategic Plan:

The *Workplace Harassment Prevention Administrative Procedure* supports our vision of cultivating the heart, mind, body, and soul of our students and staff. This administrative procedure is aligned with the tenant of "Protecting" which reflects our priority of promoting actions that ensure the protections of God's creation.

CDSBEO Strategic Plan

Purpose

The purpose of this procedure is to address incidents and potential incidents of harassment and disrespectful conduct with seriousness, accountability, and sensitivity. This procedure is adopted to nurture safe, caring, and healthy working and learning environments.

Action Required

The Board is committed to providing a working and learning environment that fosters trust, support, and respect.

This administrative procedure applies to all workers of the Board and their interactions with the school board community, including but not limited to employees, students, trustees, parents, including Catholic School Council and Parent Involvement Committee members, visitors, volunteers, Community Use permit holders, contractors and employees of service organizations who work on or are invited onto Board property.

All people have the right to be free from harassment and discrimination in the workplace which includes activities that occur while on Board premises or at any work-related functions. This includes incidents that take place beyond the normal workplace, on social media or outside the working hours.

All forms of workplace harassment, and discrimination, including workplace sexual harassment, constitutes a breach of this administrative procedure and is subject to disciplinary action that could result in dismissal. Disciplinary actions will be subject to the related provisions of the Board collective agreements, and terms and conditions of employment.

Any incidents or allegations will be addressed as outlined in this procedure in a fair, timely, confidential manner.

1.0 Rights of Complainants

Nothing in this procedure denies or limits access to other avenues of redress available under the law. At any stage, a complainant may choose to report the matter to the police, bring proceedings before the Human Rights Tribunal of Ontario, or seek to address the matter through their professional organization or association. Typically, multiple processes will not be permitted to proceed concurrently, although informal dispute resolution attempts will be permitted at any time with the agreement of the Board and the parties. The Superintendent of Human Resources or designate will, after consulting with the parties, determine how to proceed in circumstances where there are concurrent processes underway.

Prior to initiating any complaint and throughout the complaint process, complainants have a right to assistance and support in the form of a union or association representative, if applicable.

The complainant is free to commence the complaint procedure at the formal stage outlined below. The complainant is also free to discontinue a complaint at any time. The Board, however, may deem the circumstances worthy of further investigation and initiate its own action.

2.0 Informal Resolution

Informal Resolution is a procedure that provides an opportunity for parties to resolve a dispute mutually in a respectful manner. Supervisory and managerial personnel, as well as union or association representatives, should first engage in Informal Resolution as a means of resolving issues.

Where appropriate, the person who feels offended by the action of another person in the workplace is encouraged to make it known to that person, verbally or in writing, as soon as possible in an attempt to resolve the concern cooperatively. Bystanders are also encouraged to speak up and ask an offender to stop, as appropriate.

If the problem is not resolved, or the offended person does not want to speak directly with the other, the offended person should meet with their principal, manager or supervisor, involve a union or associate representative, seek advice from the Human Rights and Equity Advisor, or seek support from the Human Resources Department in an attempt to find a solution or determination of an appropriate, balanced course of action to resolve the complaint.

Reprisals against individuals because they have reported a complaint in good faith are strictly prohibited.

3.0 Mediated Resolution

Mediation involves an unbiased third-party acting as a facilitator in direct communication between the parties who voluntarily agree to enter into this process. It is an opportunity to resolve disputes in a respectful manner. It provides the opportunity to generate a variety of options for resolution and contributes to restoring the working relationship between the parties.

Where there is already a complaint being investigated under this administrative procedure, at any time during the investigation the parties may agree to hold the investigation in abeyance and attempt to achieve a mediated resolution.

Mediation is appropriate when all parties agree that a mutually agreeable solution is achievable and desirable. The investigator will request approval from the Superintendent of Human Resources or designate to mediate or attain a trained mediator when the parties have expressed an interest in a mediated resolution. (In cases where mediation is sought, the Human Resources Department will provide trained mediators who are acceptable to both parties).

Meetings required for mediation sessions will be scheduled as soon as possible and, where practical, in a time and place convenient for the complainant, the respondent, and the mediator.

When matters are resolved through mediation, the complainant and the respondent will sign a Memorandum of Agreement outlining the terms to which they have agreed. Supervisory and managerial personnel will ensure that the terms that the parties have agreed to have been met.

Mediation is voluntary and the complainant or the respondent may choose to withdraw at any time.

4.0 Formal Complaint Process

If an informal resolution is not successful or is not appropriate, an employee may file a formal complaint with the Superintendent of Human Resources or designate. All steps of the formal process should be completed without undue delay and within six (6) months of the incident.

Filing a Formal Complaint

To file a formal *Workplace Harassment Complaint*, the complainant should complete *Appendix A: Workplace Harassment Formal Complaint Form*. The completed form should be sent to the Superintendent of Human Resources or designate in a confidential manner. The Superintendent of Human Resources or designate will have the discretion to refer a complaint to the appropriate supervisor and the parties.

The complainant is encouraged to keep a written record including the name of the respondent, date, time, location, description of the conduct at issue, potential witnesses who have been informed.

Threshold Assessment

All reports filed under the *Workplace Harassment Prevention Administrative Procedure* will be subject to an immediate Threshold Assessment to determine whether the alleged conduct would, if proven, meet the definition of "workplace harassment." This assessment will be conducted by the Superintendent of Human Resources or designate on behalf of the Board.

If the Board, following this threshold assessment, determines that any of the following apply to the report filed, the complainant will be advised, and no further action will be taken under the Workplace Harassment Prevention Administrative Procedure:

i. The incident outlined in the report would not, if true, meet the definition of "workplace harassment":
ii. The report does not provide sufficient details of the alleged harassment, and the complainant is given notice that insufficient details have been provided and given reasonable time to provide sufficient details; or
iii. The report is vexatious, frivolous, or trivial, has not been made in good faith or would, if investigated, constitute an abuse of the Workplace Harassment Prevention Administrative Procedure.

Individuals who are named as respondents in a complaint have a right to know in a timely manner that they are the subject of a complaint, who the complainant is, what the allegations are, and what approach to a resolution is being considered. A respondent has a right to know the specifics of an allegation, including times, dates, and alleged conduct. Respondents will be given a copy of the submitted *Workplace Harassment Formal Complaint Form* and given time to prepare a full and complete response to the allegations. This information will be provided to the respondents by the Superintendent of Human Resources or designate.

If the Superintendent of Human Resources or designate concludes that the complaint is not related to harassment, both the complainant and the respondent will be confidentially informed in writing of that finding. The Superintendent of Human Resources or designate will redirect the complainant to the appropriate avenue of recourse or suggest other means of resolving the issue.

Investigation and Resolution

Complaints found to meet the criteria for "workplace harassment" require an investigation of the complainant's allegations. Investigators may be from the Human Resources Department or may also be from a third party, as deemed appropriate by the Board.

Human Resources, in conjunction with any involved third-party investigator, will ensure that the following steps are taken as soon as possible:

i. take appropriate measures to ensure the safety of the complainant;
ii. notify the complainant(s), the respondent(s), and witness(es) that they are entitled to support and assistance throughout the process;
iii. ensure that the respondent(s) have a copy of the complaint;
iv. interview the complainant(s) and/or the third party reporting the complaint;
v. interview the respondent(s);
vi. interview witness(es);
vii. come to conclusions about whether a specific incident did or did not occur based on a balance of probabilities;
viii. provide a written summary of the findings and conclusions to the complainant and to the respondent and give them an opportunity to respond to same; and
ix. take appropriate action(s) to resolve the situation.

If the respondent declines to participate in the investigative process, the investigation will still proceed. The respondent should be encouraged to participate in the interest of a balanced and fair process.

The steps above may be amended to ensure the investigation is appropriate should the respondent not be a CDSBEO employee. If the steps are changed, the procedure should maintain confidentiality and fair process.

Disclosure of the formal investigation report, in whole or in part, will be considered case by case on a "need-to-know" basis, but availability to all involved parties should not be presumed.

In the event a complaint is not substantiated, no further action will be taken. However, if there is a need to restore a positive learning or working environment follow-up steps may be taken. Possibilities of follow-up steps can be found below:

i. counselling for the parties;
ii. application of strategies to restore a positive learning/working environment;
iii. mediation;
iv. specific training for the complainant or respondent;
v. workshops for the staff and/or others in the school/workplace regarding their rights and responsibilities;
vi. permanent separation of respondent and complainant from each other; and/or
vii. restorative measures.

In cases where the complaint is founded, the complainant will be informed if any corrective or disciplinary measure will be taken as a result of their complaint. If the complaint is found to be trivial, vexatious, or an abuse of the process, the respondent will be informed if any corrective or disciplinary measures will be taken.

The Superintendent of Human Resources or designate will then ensure that any corrective or disciplinary measures in relation to the complaint are implemented (up to and including termination of employment).

Harassment by a Third Party

In the event of discrimination or harassment by a third party (i.e., non-CDSBEO employees), the CDSBEO will take appropriate corrective measures. These may include, but are not limited to, issuing a written warning, serving a trespass notice, contacting police, or taking any other action deemed necessary to stop the behaviour.

Other Recourse

If the complaint has been dealt with through another avenue of recourse, the formal complaint process articulated in this administrative procedure will not proceed and the file will be closed.

Other avenues of recourse include:

i. a formal grievance;
ii. a formal complaint to the Human Rights Commission
iii. reporting to police

Appeals Process

In the event a complainant or respondent to a complaint has one or both of the specific concerns listed below, a request may be made to the Director of Education or designate to convene a review within ten working days of the final decision. A reviewer will be appointed by the Director of Education or designate.

The grounds for review are as follows:

i. the investigators did not comply with the procedures; or
ii. new evidence has become known after the final decision but before the expiry of the ten working days limitation period for requesting a review.

No review of the final decision will be undertaken with regard to the claim that the conclusions drawn by the investigator(s) based on findings of fact were incorrect.

The reviewer will report his or her findings to the Director of Education or designate who will affirm or amend a final decision or require that a new investigation be undertaken.

A complainant also retains the right throughout these proceedings to withdraw a complaint at any stage.

5.0 Confidentiality

Procedural fairness requires that the respondent to a complaint be apprised of the nature of the complaint and by whom it has been made so that they have an opportunity to respond to the allegations. A copy of the completed *Workplace Harassment Formal Complaint Form* (Appendix A) will be shared with employee respondents to a complaint. The disclosure of witness names and statements to the parties may also be necessary.

Subject to the Municipal Freedom of Information and Protection of Privacy Act, all correspondence and other documents generated under these procedures are considered private and confidential.

The Board may be required to provide information obtained during an investigation to an outside agency such as, but not limited to, police services, court, or tribunal that has the right to require information otherwise protected by the Municipal Freedom of Information and Protection of Privacy Act.

6.0 Misuse of Complaint Process and Reprisals

If there is a determination on a balance of probabilities that a complaint has been filed in bad faith, the complaint process will discontinue, and disciplinary action will occur.

Reprisals against individuals because they have reported a complaint are strictly forbidden. Alleged reprisals will be investigated as formal complaints and, if substantiated, are subject to the same consequences as complaints of harassment.

Responsibilities

The Board of Trustees is responsible for:

- Reviewing this administrative procedure to ensure its alignment with the *Nurturing Employee Relations Directional Policy*.
- Reviewing this administrative procedure as part of its regular policy and procedures review cycle.

The Director of Education is responsible for:

- Designating resources for ensuring the implementation of and compliance with this administrative procedure.
- Reviewing this administrative procedure with respect to workplace harassment as often as necessary, but at least annually.

Superintendent of Human Resources or Designate is responsible for:

- Reviewing and implementing this administrative procedure.
- Ensuring that allegations of workplace harassment and sexual harassment are dealt with promptly and that the alleged incidents of harassment are investigated in a fair, consistent, thorough, and confidential manner.

- Organizing staff training on harassment and discrimination as needed.

Superintendents of School Effectiveness and System Portfolios are responsible for:

- Where appropriate, collecting all pertinent information relating to the behaviours and the reported circumstances involved in a harassment complaint.
- Clearly communicating this policy to staff.

Principals, Vice-Principals, Managers and Supervisors are responsible for:

- Notifying Human Resources of workplace harassment incident complaints.
- Posting this Administrative Procedure at a conspicuous place in the workplace.
- Addressing and attempting to resolve disputes informally, as appropriate, in a timely fashion.
- Maintaining confidentiality in the complaint process.
- Implementing this policy, and reviewing it with school or Board employees, parents, volunteers, and students.

Employees are responsible for:

- Initiating a complaint if the employee believes they are the target of harassment or has witnessed harassment directly, have received reports of harassment incidents, or have reasonable grounds to suspect that harassment is occurring.
- Ensuring all matters are confidential, whether the employee is complainant, respondent, or any other way involved with the complaint, unless legally required to report. Seeking advice from an employee's own union/association representatives in addressing workplace harassment is permitted.

Progress Indicators

- CDSBEO will continue to provide a work environment in which all workers are treated with respect and dignity.
- Workplace harassment complaints will be addressed and resolved in a timely fashion.

Definitions

Complaint: A formal allegation of harassment submitted in writing to the Superintendent of Human Resources or designate, and which is based on conduct meeting the criteria of harassment.

Complainant: the person who filed the complaint.

Informal Resolution: Informal resolutions can result from confidential and voluntary collaborative problem-solving using techniques such as face-to-face conversation, conflict coaching, or facilitated discussion that has the advantage of addressing and respecting the needs, concerns, and mutual interests of all involved parties.

Respondent: the alleged harasser.

Reprisal: Any act of retaliation, either direct or indirect.

Supervisory and Managerial Personnel: Including principals, vice-principals, managers, supervisors, superintendents, and the Director.

Time Limits: Set out in the Board's Administrative Procedure, it can be extended if, upon the determination of the Board and/or Superintendent of Human Resources or designate, there is an appropriate reason for doing so, or if both parties agree. The Board adopts a six-month time frame, and the Board may, at its discretion, decide not to deal with the complaint when the facts upon which the complaint is based occurred more than six months before the complaint was filed.

Workplace: Any place where employees perform work or work-related duties or functions. Schools and school-related activities, such as extra-curricular activities and excursions, comprise the workplace, as do Board offices and facilities. Conferences, training sessions and workplace social events fall within the ambit of this administrative procedure.

Workplace Harassment: A course of vexatious comments or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome. This includes conduct that is discriminatory towards a person because of their citizenship, race, place of origin, color, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, record of offences and any other grounds indicated by the Ontario Human Rights Commission. In limited circumstances, a singular incident may be recognized as harassment depending on the nature of the comment or conduct. Intent is not a prerequisite to harassment. It is enough that the victim perceives the conduct as harassment and that a reasonable person, in the circumstances, would perceive the conduct as harassment.

Workplace Sexual Harassment:

i. Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or;
ii. Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that solicitation or advance is unwelcome.

Related Documents

- APPENDIX A – Workplace Harassment Formal Complaint Form

- APPENDIX B – Overview of Workplace Harassment Investigation

References

- Canadian Charter of Rights and Freedoms
- Ontario Human Rights Code, R.S.O. 1990, c.H.19
- Occupational Health and Safety Act (OHSA) | ontario.ca
- RSO 1990, c M.56 | Municipal Freedom of Information and Protection of Privacy Act | CanLII
- https://www.ontario.ca/laws/statute/90o01
- RSO 1990, c T.2 | Teaching Profession Act | CanLII
- Ontario College of Teachers Act, S.O. 1996, c.12
- Bill 90, Ontario College of Early Childhood Educators Act, 1996 - Legislative Assembly of Ontario (ola.org)
- SO 2007, c 7, Sch 8 | Early Childhood Educators Act, 2007 | CanLII
- Social Work and Social Service Work Act, S.O. 1998, c.31
- Psychology Act, S.O. 1991, c.38
- Education Act, RSO 1990, c. E.2
- B2:1 Code of Conduct- Standards of Behavior
- CDSBEO Workplace Violence Prevention Administrative Procedure
- 801: Employee Acceptable Use of Technology Administrative Procedure