

JAMES BAY LOWLANDS SECONDARY SCHOOL BOARD
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ADMINISTRATIVE PROCEDURE STUDENTS: NO. 360	
Effective	August 21, 2019
Last Revised	August 15, 2023

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SEXUAL HARASSMENT OF STUDENTS

PURPOSE

System and school administrators of James Bay Lowlands Secondary School Board have developed this administrative procedure to protect students from harassment connected to any of the academic, extracurricular, athletic, and other programs or activities of the school regardless of the location.

DEFINITIONS

Sexual Harassment: Sexual harassment means unwanted, persistent, or abusive sexual attention; or a sexual advance or solicitation made by a person in a position to grant or deny a benefit which may affect the academic status of a student.

Redress: Redress means to put right, to make amends.

PROCEDURES

1. Board Responsibilities

- 1.1 In keeping with its legal and social responsibilities as an employer and educator, the James Bay Lowlands Secondary School Board does not tolerate sexual harassment in its employment or educational dealings. The Board recognizes its responsibility, in accordance with the *Ontario Human Rights Code* to deal quickly, fairly, and effectively with complaints should they ever arise.
- 1.2 Each staff member of the Board is responsible for helping to create an environment that is free of sexual harassment, as both work and learning can best be accomplished in an environment of understanding and mutual respect for the dignity and rights of each individual.
- 1.3 The Board is responsible for the working and learning environment on all campuses including the Northern Lights Secondary School, Board Office, Board vehicles, and any other location where the business of the Board is being conducted. Sexual harassment which occurs in the community but has repercussions in the work and learning environment, or is adversely affecting the Board's community relationships, is covered by this administrative procedure.

1.4 Sexual harassment which occurs during a cooperative education placement is covered by this administrative procedure.

2. Board Expectations

2.1 This administrative procedure applies to:

- all employees;
- all students;
- trustees;
- members of committees established by the Board;
- contractors (i.e. those undertaking construction or provision of service); and
- visitors and/or guests.

2.2 The principal and the director of education are the Board employees responsible for implementing these procedures.

3. Complaints

3.1 Any student who alleges sexual harassment is advised to follow the complaint procedures outlined in this administrative procedure.

3.2 All complaints handled through the complaint procedure are confidential and the records are to be retained in the office of the supervisory officer. Discipline letters or letters of apology are placed in the employee or student file.

3.3 To be dealt with effectively, it is advisable that complaints are submitted within twenty (20) calendar days after the incident. This does not preclude a student from bringing forward a complaint any time after the twenty (20) calendar day guideline.

3.4 The alleged harasser and complainant may choose a representative to assist them in presenting their position. This advocate could be a Federation or union representative, employee, student council representative, fellow student, or legal counsel.

3.5 There shall be no reprisals against complainants or witnesses.

3.6 Offenders are subject to a range of sanctions, such as:

- a) verbal or written apology;
- b) written reprimand;
- c) barring of contractor(s) from future bids;
- d) ceasing to arrange further cooperative education work placements;
- e) demotion;
- f) suspension;
- g) mandatory training;
- h) dismissal; or
- i) expulsion.

- 3.7 Where the complaint is substantiated, redress aims to restore the person to the position (s)he would have been in had the sexual harassment not occurred. Examples of redress are:
- a) cessation of offending behaviour;
 - b) receipt of written apology;
 - c) review of marking.
- 3.8 Complainants whose complaints are found to be trivial, vexatious, or made in bad faith are subject to a range of sanctions, such as:
- a) verbal or written apology;
 - b) written reprimand;
 - c) suspension; or
 - d) expulsion.

4. **Complaint Procedure**

- 4.1 Any person who becomes aware of behaviour covered by this administrative procedure, shall advise the principal or director of education of this information.
- 4.2 If a student confides in a Board employee or trustee about allegations of sexual harassment, the employee or trustee shall refer the student to the principal.
- 4.3 Any student who believes that (s)he is experiencing sexual harassment should direct their complaint to the principal.

5. **Advice Procedure**

The student discusses any concerns with the principal who will provide options with respect to how to deal with the offending behaviour.

6. **Informal Complaint**

- 6.1 The student provides the details of the complaint to the principal.
- 6.2 If the alleged harasser is an employee of the Board, the principal contacts the supervisor of the alleged harasser to relay the substance of the complaint. The supervisor and the principal meet with those involved in the complaint to resolve the matter. The accused individual may have an Ontario Secondary School Teachers' Federation (OSSTF) or union representative present at all such meetings.
- 6.3 If the alleged harasser is a student, the principal contacts the home room teacher of the alleged harasser to relay the substance of the complaint. The home room teacher and the principal meet with those involved in the complaint to resolve the matter.

7. Formal Complaint

- 7.1 The student meets with the principal to describe the complaint and sign a statement outlining the allegations.
- 7.2 If the alleged harasser is an employee of the Board, the principal contacts his/her supervisor.
- 7.3 The supervisor and the principal meet with the alleged harasser. The accused individual may have an Ontario Secondary School Teachers' Federation (OSSTF) or union representative present at all such meetings. The supervisor gives the complaint to the alleged harasser, who is asked to respond.
- 7.4 The alleged harasser has up to five (5) calendar days to respond to his/her supervisor and the principal regarding the allegations and seek a resolution to the complaint.
- 7.5 If the complaint is not resolved, the principal investigates the complaint by talking with people who know about the situation and by looking at any documents that apply to the case (e.g. notes, letters, or drawings).
- 7.6 The supervisor and the principal meet with the complainant and the alleged harasser within fourteen (14) days of receiving the alleged harasser's response, to give the results of the investigation and to advise of the steps the Board is taking to resolve the complaint. The accused individual may have an Ontario Secondary School Teachers' Federation (OSSTF) or union representative present at all such meetings.
- 7.7 All employee discipline occurs in accordance with Administrative Procedure 480 Progressive Discipline: Employees.
- 7.8 If the alleged harasser is a student, the principal contacts the home room teacher of the alleged harasser.
- 7.9 The principal and the home room teacher proceed with the matter as follows:
 - 7.9.1 The supervisor and the principal meet with the alleged harasser. The supervisor gives the complaint to the alleged harasser, who is asked to respond.
 - 7.9.2 The alleged harasser has up to five (5) calendar days to respond to his/her supervisor and the principal regarding the allegations and seek a resolution to the complaint.
 - 7.9.3 If the complaint is not resolved, the principal investigates the complaint by talking with people who know about the situation and by looking at any documents that apply to the case (e.g. notes, letters, or drawings).

- 7.10 The principal and the home room teacher meet with the complainant and the alleged harasser within fourteen (14) days of receiving the alleged harasser's response, to give the results of the investigation and to advise of the steps the Board is taking to resolve the complaint. All student discipline occurs in accordance with the School Code of Behaviour, applicable administrative procedures, and Board policy.

8. Cooperative Education Work Placement

- 8.1 The student provides details of the complaint to the principal.
- 8.2 The principal contacts the director of education to relay the substance of the complaint. The supervisory officer and the principal meet with those involved in the complaint to resolve the matter.
- 8.3 If a student is unable to complete a cooperative education work placement with an employer because of sexual harassment, the Board will provide an alternative assignment/placement to meet program requirements.
- 8.4 The teacher responsible for arranging the cooperative education work placements shall distribute the Board's sexual harassment procedures and operating practice to all work placements to ensure employers are aware of the Board's procedures.

9. Appeal Procedure

- 9.1 If the complainant or the alleged harasser are not satisfied with the decision made as a result of the investigation, they can appeal in writing to the supervisory officer, who will take the appeal to the Board, at the next regular meeting of the Board, or at a special meeting of the Board.
- 9.2 The director of education advises the parties to the complaint of the Board's decision as soon as possible.

10. Alternative Procedure

While students are encouraged to follow the complaint procedure, it is understood that nothing in this administrative procedure is intended to prevent a complainant from using any alternative procedure available through Payukotayno, the *Human Rights Code*, or legal action.

11. Time Limits

- 11.1 The time limits set out in this procedure may be extended by mutual agreement.
- 11.2 The time limits set out in the complaint steps shall be calculated by excluding the periods when either the principal or the director of education are not available due to vacations or scheduled school breaks.

REFERENCE DOCUMENTS**Legal:**

Education Act, Section 169.1 (1) Board Duties and Powers: Promote Student Achievement and Well-Being

Education Act, Section 169.1 (1) Board Duties and Powers: Promote a Positive School Climate

Education Act, Section 265 Duties of Principal: Attention to health and comfort of pupils

The Provincial Code of Conduct and School Board Codes of Conduct

Ontario Human Rights Code

School Code of Behaviour

Board:

Board Policy GOV-01 Values, Vision, and Mission

Board Policy GOV-11 Code of Conduct: Board Members

Board Policy GOV-20 Safe School Environment

Board Policy GOV-21 Appeals and Hearings Regarding Student Discipline

Administrative Procedure 379 Progressive Discipline: Students

Administrative Procedure 381 Student Suspension

Administrative Procedure 382 Student Expulsion

Administrative Procedure 480 Progressive Discipline: Employees