



# PLACE OF WORKING AND LEARNING: HARASSMENT AND VIOLENCE POLICY

Policy Category	Corporate Services
Policy Search Name	<i>C – Place of Working and Learning: Harassment and Violence Policy</i>
*Anishinabek Standard	
<i>Place of Learning</i>	<i>D. High level of involvement of professional staff who are of the same cultural background as the students with whom they are working.</i>
<i>Educators</i>	<i>N/A</i>
<i>Students</i>	<i>N/A</i>
<i>Curriculum</i>	<i>N/A</i>
Approval Date & Board Motion Number	1/26/2023 Motion#012-2023
Effective Date	1/26/2023
Previous Versions	Date initially approved: 01/16/2007 Revised November 3, 2022 Date of last revision: 1/23/2023

\*These are organizationally adapted standards from the World Indigenous Nations Higher Education Consortium (WINHEC) and the Alaska Comprehensive Centre/Alaska Native Education approved by the Kenjgewin Teg Board of Directors, 2015.

## 1.0 Background and Purpose

1.1 Kenjgewin Teg is committed to providing all students and employees with a safe and supportive school environment in which all members of the school community are treated with respect. Teachers and other staff members are expected to teach and demonstrate by example that all members of the community are entitled to respect.

1.2 It is hereby the policy of Kenjgewin Teg to prohibit harassment based on real or perceived race, color, religion (creed), national origin, marital status, sex, sexual orientation, gender identity and expression, disability, physical, sexual, emotional, verbal, psychological or on the basis of association with others identified by these categories.

## 2.0 Definitions

“adverse action” Includes any form of intimidation, reprisal or harassment such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action in the case of students and includes any form of intimidation, reprisal, or harassment such as suspension, termination, change in working conditions, loss of privileges or benefits, or other disciplinary action in the case of employees.

**PLACE OF WORKING AND LEARNING:  
HARASSMENT AND VIOLENCE  
POLICY**

“employee”	For purposes of this policy, an employee includes any person employed directly or through a contract with Kenjgewin Teg, board members and any student teacher, intern, or placement volunteer.
“gender identity and expression”	For purposes of this policy, gender identity or expression means having or being perceived as having gender-related characteristics, appearance, mannerisms, or identity, whether or not stereotypically associated with one's assigned sex at birth.
“harassment”	Harassment means verbal or physical conduct based on the student's real or perceived race, religion (creed), color, national origin, marital status, sex, sexual orientation, gender identity and expression, disability, or on the basis of association with others identified by these categories, that (1) substantially interferes with or will substantially interfere with a student's educational benefits, opportunities, or performance; or a student's physical or psychological well-being; or (2) creates an intimidating or hostile environment.
“school community”	Includes but is not limited to all students, employees, contractors, unpaid volunteers, work study students, interns, student teachers, and visitors.
“sexual harassment”	A form of harassment which means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature made by any employee or student to another employee or student when: <ul style="list-style-type: none"><li>• Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education, academic status or progress; or</li><li>• Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student; or</li><li>• The conduct (1) substantially interferes with or will substantially interfere with a student's educational benefits, opportunities, or performance; or a student's physical or psychological well-being; or (2) creates an intimidating or hostile educational environment; or</li><li>• Submission to or rejection of such conduct by a student is used as the basis for evaluating the student's performance within a course of study or other school-related activity.</li></ul>
“physical abuse”	Is defined as but not limited to the use of intentional force that can result in physical harm or injury to an individual. It can take the form of slapping, hitting, punching, shaking, pulling, throwing, kicking, biting, choking, strangling or the abusive use of restraints.
“sexual abuse”	Is defined as but not limited to any unwanted touching, fondling, observations for sexual gratification, any penetration or attempted penetration with a penis, digital or object of the vagina or anus, verbal or written propositions or innuendos, exhibitionism or exploitation for profit including pornography.
“emotional abuse”	Is defined as but not limited to a chronic attack on an individual's self-esteem. It can take the form of name calling, threatening, ridiculing, berating, intimidating, isolating, hazing, habitual scapegoat, blaming.

# PLACE OF WORKING AND LEARNING: HARASSMENT AND VIOLENCE POLICY

“verbal abuse”	Is defined as but not limited to humiliating remarks, name calling, swearing at, taunting, teasing, continual put downs
“psychological abuse”	Is defined as but not limited to communication of an abusive nature, sarcasm, exploitive behavior, intimidation, manipulation, and insensitivity to race, sexual preference or family dynamics.
“retaliation”	Any adverse action taken against a person for reporting a complaint of harassment when the complainant honestly believes harassment has occurred or is occurring, or for participating in or cooperating with an investigation.

## 3.0 Application

3.1 This policy applies to all staff, faculty, and students of Kenjgewin Teg.

## 4.0 Policy

### Policy Objective

4.1 The objective of this policy is to:

- a) Maintain an environment that is free of harassment or abuse
- b) Identify behaviors that are unacceptable.
- c) Establish a mechanism for receiving complaints
- d) Establish a procedure to deal with complaints

4.2 This policy is intended to comply with the province of Ontario as well as federal requirements.

4.3 Kenjgewin Teg shall act to investigate all complaints of harassment, formal or informal, verbal or written, and to discipline or take other appropriate action against any member of the school community who is found to have violated this policy.

### Reporting

4.4 Procedures for reporting and handling complaints of harassment of employees, teachers, or students:

- A. **Students:** It is the policy of Kenjgewin Teg to encourage student targets of harassment and students who have first-hand knowledge of such harassment to report such claims. Students should report incident(s) to any teacher, guidance counselor, or school administrator.
- B. **Employees:** Any employee who is targeted, witnesses, overhears, or receives a report, formal or informal, written or oral, of harassment at Kenjgewin Teg or during school-sponsored activities shall report it to the Director of Human Resources. If the report involves a Dean/Director (other than the Director of Human Resources), the reporter shall make the report directly to the Director of Human Resources. If the report involves the Director of

## **PLACE OF WORKING AND LEARNING: HARASSMENT AND VIOLENCE POLICY**

Human Resources, the reporter shall make the report directly to the President. If the report involves the President, the reporter shall make the report directly to the Chairperson of the Board of Directors.

- C. Under certain circumstances, alleged harassment may constitute child abuse. The statutory obligation to report suspected abuse, therefore, may be applicable.
- D. Privacy: Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.

### **Response**

4.5 The Dean of Post-Secondary Education and Training/Dean of Pathways is the person responsible for receiving oral or written reports of harassment of/from Students, and the Director of Human Resources is the person responsible for receiving oral or written reports of harassment of/about Employees. The President is the person responsible for receiving oral or written reports of harassment of/about the Director of Human Resources. The Board of Directors' Chairperson is the person responsible for receiving oral or written reports of harassment of/about the President.

4.6 Upon receipt of a report, the Dean/Director must notify the President immediately, without screening or investigating the report.

4.7 The Dean/Director may request, but may not insist upon, a written complaint.

4.8 A written statement of the facts alleged will be forwarded as soon as practicable by the Dean/Director to the President.

4.9 If the report was given verbally, the Dean/Director shall reduce it to written form within 24 hours and forward it to the President.

4.10 Failure to forward any harassment report or complaint as provided herein will result in disciplinary action against the Dean/Director.

4.11 Depending on the severity of the matter the Dean/Director will refer to the school policy protocol and the Education Act, this Act will prevail over all school and organizational policies in effect (as/if the matter relates to Students or Teachers).

### **Investigation**

4.12 The Dean/Director or President shall conduct an investigation upon receipt of a report or complaint alleging harassment.

4.13 The investigator shall interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation. In determining whether the alleged conduct constitutes a violation of this policy, the investigator shall consider, among other things: the nature of the behavior; how often the conduct occurred; whether there were past incidents or past continuing patterns of behavior; and the relationship of the parties involved.

## **PLACE OF WORKING AND LEARNING: HARASSMENT AND VIOLENCE POLICY**

4.14 The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) calendar days following receipt of the complaint.

4.15 Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the Dean/Director or President if the complaint involves the Board Chairperson, directly to Kenjgewin Teg Board, for appropriate action in accordance with Kenjgewin Teg.

### **Kenjgewin Teg Action**

4.16 Kenjgewin Teg shall take disciplinary or remedial action as appropriate in order to ensure that further harassment does not occur.

4.17 Such action may include, but is not limited to: counseling, awareness training, parent-teacher conferences, warning, transfer, suspension and/or expulsion of a student, and counseling, awareness training, transfer, suspension and/or termination of an employee.

4.18 Kenjgewin Teg action taken for violation of this policy will be consistent with the requirements of applicable agreements, provincial and federal law, and Kenjgewin Teg policies.

### **Appeal**

4.19 A person judged to be in violation of the policy on harassment and subjected to action under it may appeal the determination and/or the action taken as follows:

- If the person filing the appeal is a student, the appeal shall proceed in accordance with Kenjgewin Teg school policy governing discipline of students and with legal due process requirements.
- If the person filing the appeal is an employee, the appeal shall proceed in accordance with Kenjgewin Teg policy governing employee discipline, including, if applicable, grievance procedures under any applicable agreements, and with legal due process requirements.

### **Retaliation**

4.20 Any individual who retaliates against any employee or student who reports, testifies, assists, or participates in an investigation or hearing relating to a harassment complaint will be subject to appropriate action and/or discipline by Kenjgewin Teg.

4.21 Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under provincial or federal law.

### **Record Keeping and Notification**

4.22 The President/Dean/Director shall assure that a record of any complaint and investigation of harassment as well as the disposition of the complaint and any disciplinary or remedial action taken is maintained by Kenjgewin Teg in a confidential file.

4.23 The President/Dean/Director shall assure that the complainant is notified whether allegations of harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

# PLACE OF WORKING AND LEARNING: HARASSMENT AND VIOLENCE POLICY

## Notice

4.24 The Dean/Director shall use all reasonable means to inform students, teachers, and employees that Kenjgewin Teg will not tolerate harassment.

4.25 Copies of the policy and procedures shall appear in the student and employee handbooks (or other similar publications) as well as publications distributed within the Learning Community of Kenjgewin Teg.

4.26 The notice shall also provide information about the following additional methods of pursuing claims of harassment: A person may make a complaint of harassment to the Human Rights Commission.

4.27 In addition, an individual may seek other remedies through private legal action and, in some circumstances, through criminal prosecution.

## Training

4.28 The Dean/Director shall develop methods of discussing the meaning and substance of this policy with staff and students in order to help prevent harassment.

4.29 In addition to informing staff and students about the policy, these programs, implemented within the context of professional development and curriculum, must also raise awareness about the different types of harassment; how the harassment manifests itself; and the devastating emotion and educational consequences of harassment.

## 5.0 Roles and Responsibilities

5.1 The President is responsible for the overall management and operation of Kenjgewin Teg.

5.2 The Corporate Services unit is responsible for overall implementation of this policy.

5.3 If a position referred to in this policy is vacant, the policy will not be invalidated. Instead, the President shall designate the roles and responsibilities of that role to another team member(s) and will ensure that the Kenjgewin Teg staff and community is informed of the designation(s) as appropriate.

## 6.0 Evaluation Date – 10/31/2024

6.1 This policy will be reviewed every two years as part of the Board of Director’s policy review cycle and schedule. The evaluation date above represents the first date upon which this policy becomes eligible for review.

<b>Related Legislation, Policies, Procedures, Guidelines and Documents</b>	Policy P1.0 Office Conduct
--	----------------------------

**PLACE OF WORKING AND LEARNING:  
HARASSMENT AND VIOLENCE  
POLICY**

<b>Policies Superseded by this Policy</b>	<i>Kenjgewin Teg Personnel Policy, P1.0 Office Conduct Policy #1.0.8 Harassment</i>
<b><i>The official version of this policy is housed in the Office of the President. In case of discrepancy between an online version and the official version held, the official version shall prevail.</i></b>	