



# VANCOUVER TALMUD TORAH

## Harassment and Discrimination Policy

### Policy Statement

Vancouver Talmud Torah School is committed to providing a working and learning environment that is free from Discrimination and Harassment, and in which individuals are treated with dignity and respect.

### Scope of this Policy

This policy applies to all non-student members of the School Community, including employees, parents, Board members and visitors, while they are on School property or engaged in School-related activities. This policy does not apply to students, who are covered by other School policies.

### Definitions

**“Discrimination”** means discrimination based on a person’s sex, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sexual orientation, age, or non-employment-related criminal conviction.

**“Harassment”** means Personal Harassment or Sexual Harassment.

**“Personal Harassment”** means unwelcome verbal or physical behaviour which:

- by a reasonable standard would be expected to cause insecurity, discomfort, offence or humiliation to another person or group;
- has the purpose or effect of interfering with a person’s work performance or studies, or creating an intimidating, hostile or offensive working or learning environment; and
- serves no legitimate School-related purpose.

Personal harassment includes, but is not limited to, such things as:

- words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- threats or intimidation;
- physical assault;



- persistent rudeness, bullying, taunting, patronizing behaviour, or other conduct which adversely affects the working or learning environment.

**“Responsible Administrator”** means the member of the School Administration who is appointed to handle a complaint filed under this policy.

**“School”** means Vancouver Talmud Torah School.

**“School Community”** means all non-student members of the School community, including employees, parents, Board members and visitors.

**“Sexual Harassment”** means conduct or comments of a sexual nature that is unwelcome, and that detrimentally affects the working or learning environment or leads to adverse School-related consequences. Sexual harassment includes, but is not limited to, such things as:

- unwanted touching;
- unwelcome sexual flirtations, advances or propositions;
- sexually suggestive, obscene or degrading comments or gestures;
- offensive jokes of a sexual nature;
- leering or staring;
- displaying or circulating pictures or other material of a sexual nature; or
- unwelcome questions or remarks about a person’s sex life, appearance, clothing.

## **Principles**

1. All members of the School Community are expected to treat each other with dignity and respect, and to refrain from engaging in Discrimination and Harassment.
2. It is the School’s policy that Discrimination and Harassment will not be tolerated. The School will take appropriate action to enforce this policy, including but not limited to warning, disciplining, suspending, expelling or dismissing members of the School Community who violate this policy.
3. Education and awareness are keys to understanding and eliminating Discrimination and Harassment. The School will provide information and offer training to support the administration of this policy and to ensure that members of the School Community are aware of their responsibilities under this policy.
4. All matters arising under this policy will be dealt with in a fair, unbiased and timely manner.



5. The filing of a complaint under this policy is the right of every member of the School Community and may be exercised without fear of reprisal. However, complaints of Discrimination or Harassment are serious matters. Member of the School Community who are found to have made frivolous, vexatious, or malicious complaints of Discrimination or Harassment will be subject to appropriate action, up to and including expulsion or dismissal.
6. Retaliation against any person who is involved in a complaint of Harassment or Discrimination under this policy will not be tolerated and will result in appropriate action, up to and including expulsion or dismissal.
7. Handling complaints of Discrimination and Harassment requires the collection, use, and disclosure of sensitive personal information. Confidentiality is required so that those who may have experienced Discrimination or Harassment will feel free to come forward, and so that the reputations and interests of those accused are protected.
8. All members of the School Community are required to maintain the confidentiality of any information they may receive during the course of the complaint process and/or investigation, particularly within the work or learning area in question and in shared professional or social circles.
9. Subject to disclosure which is required by law or is necessary in order to investigate or resolve a complaint, the School, in addressing alleged Discrimination or Harassment, will make every effort to keep the information pertaining to the complaint confidential.
10. This policy is not to be interpreted, administered, or applied in such a way as to detract from the right and obligation of those in supervisory roles to manage and discipline employees and students in accordance with the School's collective agreement, policies and procedures. The exercise in good faith of the School's rights for operational or pedagogical reasons, performance management, or progressive discipline does not constitute Harassment.
11. If a complainant pursues a course of action outside this policy in connection with a complaint of Harassment or Discrimination, the Administration may, in its sole discretion, decide to place the process under this policy in abeyance pending the conclusion of the other proceeding.

## **Complaint Procedure**

### **Early Resolution**

1. Any member of the School Community who believes he or she is being discriminated against or harassed is encouraged to begin by approaching the respondent, informing the respondent of his/her discomfort with the behaviour, and asking the respondent to stop.



2. If the complainant is not satisfied with the outcome of this discussion, or if the complainant does not feel comfortable approaching the respondent directly, the complainant may proceed to file a formal complaint.

### **Filing a Complaint**

3. A formal complaint alleging Discrimination and/or Harassment must be made in writing, and must contain particulars including the names of the complainant and the respondent, a detailed description of the relevant facts (including dates, times and places), the names of any witnesses, and the remedy the complainant is requesting.
4. The complaint can be delivered to any member of the Administration.
5. The Administration will designate a Responsible Administrator to handle the complaint. The Responsible Administrator must be a person who is not the complainant or respondent.
6. The Responsible Administrator will ensure that the complainant has a copy of this policy.
7. Except in exceptional circumstances, a complaint must be filed within 6 months of the alleged contravention. If a continuing contravention is alleged in a complaint, the complaint must be filed within 6 months of the last alleged instance of the contravention.
8. The Responsible Administrator will review the complaint to determine whether the complainant's allegations, if proven, would fall within the scope of this policy. The Responsible Administrator may decide to interview the complainant to assist him/her in making this determination. If the Responsible Administrator determines that the complaint does not fall within the scope of the policy, he/she will:
  - a. advise the complainant of the determination; and
  - b. refer the complainant, as appropriate, to other School policies that may address the matter, or to other services within or outside the School that may be able to provide assistance.
9. The complainant may apply to the Responsible Administrator to withdraw all or part of a complaint at any stage of the process.
10. The School's legal responsibility to provide an environment free from Discrimination and Harassment may require the School to initiate and/or proceed with a complaint on its own initiative.

### **Responding to a Complaint**

11. If the Responsible Administrator determines that the complainant's allegations, if proven, would fall within the scope of this policy, the Responsible Administrator will:



- a. notify the respondent in writing of the complaint;
  - b. provide the respondent with written particulars of the relevant allegations;
  - c. provide the respondent with a copy of this policy;
  - d. invite the respondent to respond to the complaint; and
  - e. in confidence, and on a need-to-know basis, advise the appropriate School personnel that a complaint has been made.
12. If the respondent wishes to respond to the Complaint, the response must be in writing, and must contain a detailed reply to the relevant allegations (including dates, times and places), and the names of any witnesses.

### **Interim Measures**

13. Where the Administration considers it appropriate to do so, the Administration may put interim measures into place pending the disposition of the complaint. The Administration shall ensure that such measures are non-punitive in nature.

### **Informal Resolution**

14. The Responsible Administrator may seek to resolve the complaint informally, with the consent of the complainant and the respondent. The Responsible Administrator may appoint a mediator to assist in the informal resolution process.
15. All communications between the parties during informal resolution meetings shall be without prejudice and confidential.

### **Investigation**

16. If the informal resolution process does not result in agreement, or if the Responsible Administrator determines that it is not appropriate to seek an informal resolution, the Responsible Administrator may either:
- a. order that the complaint be investigated; or
  - b. make a decision regarding the complaint if the Responsible Administrator determines that it is possible to do so based on the information contained in the complaint and the response.
17. If the Responsible Administrator orders an investigation, the Responsible Administrator may either proceed to conduct that investigation, or make arrangements for the appointment of an external investigator.



18. The investigator will interview the complainant, the respondent, and any witnesses the investigator believes may have information relevant to the complaint. The investigator will review any documents he/she considers relevant. During the investigation, the investigator must ensure that the respondent is provided with a fair opportunity to respond to the complainant's allegations.
19. If the complainant or the respondent refuses to cooperate with the investigator, the investigator may proceed with the investigation without that person's input.
20. If an external investigator is appointed, the external investigator, after completion of the investigation, will prepare a written report setting out:
  - a. the investigator's findings of fact regarding the allegations contained in the complaint;
  - b. if applicable, the investigator's findings regarding credibility; and
  - c. any other information, findings or recommendations that are set out in the terms of reference provided to the external investigator.
21. The external investigator's report will be delivered to the Responsible Administrator. This report will not be disclosed to the parties, except where required by law.

## **Decision**

22. After completion of the investigation stage, the Responsible Administrator will make a decision regarding the complaint.
23. If the Responsible Administrator determines that the respondent has not engaged in Harassment or Discrimination or otherwise violated this policy, the Responsible Administrator will dismiss the complaint.
24. If the Responsible Administrator determines that the respondent has engaged in Harassment or Discrimination or has otherwise violated this policy, the Responsible Administrator will make a decision regarding the appropriate action to be taken.