

EDMONTON PUBLIC SCHOOLS

March 13, 2007

TO: Board of Trustees

FROM: Trustee D. Colburn, Planning and Policy Committee
Trustee D. Fleming, Planning and Policy Committee, Chair
Trustee S. Hansen, Planning and Policy Committee
Trustee W. Keiver, Planning and Policy Committee

SUBJECT: Board Policy ACA.BP – Respectful Learning and Working Environments

ORIGINATOR: E. Schmidt, Executive Director

RESOURCE STAFF: Diana Bolan, David Fraser, Ellen Ogilvy, Bonnie Zack

RECOMMENDATION

1. That revised Board Policy ACA.BP, Respectful Learning and Working Environments (Appendix I) be introduced.
2. That revised Board Policy ACA.BP, Respectful Learning and Working Environments (Appendix I), be considered for the first time.
3. That revised Board Policy ACA.BP, Respectful Learning and Working Environments (Appendix I), be considered for the second time.

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Rationale

Board policy ACA.BP is recommended for revision as shown in Appendix II. Statements shown in bold have been added to emphasize the responsibility that all named parties have in contributing to a positive learning and work environment, to clarify the Board's obligation to protect employees from harassment and discrimination, to outline the Board's expectations in this regard, and to state options for consideration if members of the community engage in discrimination or harassment toward district Trustees or staff. The sections to be deleted are shown with strikethrough markings.

For reference, the revised administrative regulation related to this policy which will be recommended for approval by the acting superintendent is shown in Appendix III.

Background

During the last round of bargaining for the collective agreements with support and custodial staff, the parties agreed to the following letter of understanding:

“The parties support the Board Policy on Discrimination and Harassment which states that ‘Edmonton Public Schools is committed to providing and promoting a learning and working environment for all persons that is free from discrimination and harassment.’ Within 60 days of ratification of the collective agreement, the parties will meet to discuss issues and concerns related to the implementation of Board Policy ACA.BP and Administrative Regulation ACA.AR.”

A committee was formed to address the letter of understanding, with representation from the employer and both locals, as well as representation from the maintenance local, the teachers’ local, provincial ATA and exempt staff. Faye Parker acted as process facilitator and attached is the final report and recommendations of the committee (Appendix IV).

The recommendations were endorsed by all parties and it is the committee’s belief that all staff have the right to work in an environment that is free from discrimination, harassment and personal harassment. As well, it is the responsibility of each staff member to contribute to creating a positive learning and work environment. Respect is fundamental to these concepts. Therefore, the committee recommends using the title ‘Respectful Learning and Working Environments’ in our policy, administrative regulation, supporting documents and training.

As a result of the committee’s recommendations (Appendix IV), there were a number of changes proposed for the existing board policy, ACA.BP – “Discrimination and Harassment”, the administrative regulation, ACA.AR – “Discrimination and Harassment” and supporting resource materials.

While the committee was engaged in this work, the administration determined that these issues were connected to work being done by staff on the revision of IB:BP Student Behaviour and Conduct, and the revision of ACB:BP Multiculturalism and National Identity. The staff involved in revising the three policies (Dennis Huculak, Gloria Chalmers, Karen Bardy, David Fraser, Ellen Ogilvy) were asked to meet to discuss how the policies were inter-related, and to keep each other informed as the work of each sub-group progressed.

From this collaboration, the concept of a framework for district expectations concerning conduct and behaviour emerged. A visual presentation of the framework is attached (Appendix V) to illustrate the relationship among current and future initiatives involving conduct and behaviour. This framework will accommodate initiatives that may result from the Aboriginal Task Force, as well as those that may result from our examination of workplace violence which we are required to conduct under Occupation Health and Safety legislation.

The draft of the revised board policy and administrative regulation “Respectful Learning and Working Environments” was given to principals and decision unit administrators for feedback. They have indicated strong support for the shift to a more positively worded policy and administrative regulation, one which focuses on the responsibility of all trustees, staff members, parents and community members in making our district a respectful working and learning environment (Appendix VI). There was particular appreciation of the emphasis on resolving issues informally. Administrators have stressed a need for extensive support from Central Services in training and increasing awareness of the policy and regulation.

Input was sought from the community at large via the District’s web survey (Appendix VII). The majority of the questions raised by respondents were in regard to issues that are addressed in the administrative regulation. These included definitions, investigative processes, and the possible outcomes of making formal complaints. Several respondents asked why students were not specifically addressed in this policy. Student behaviour is covered under policy IG.BP and administrative regulation IB.AR *Student Behaviour and Conduct*.

Two respondents raised issues of particular concern. The first asked

Why is the distinctive Constitutional position of Aboriginal people completely excluded from this policy? As a distinct people whose distinctiveness is being sought to be included within the legal system why does the EPSB not follow same? Is the EPSB above the law? If not, then include the distinction and address it accordingly.

This respondent further suggested that the district

Honor the Constitution and provide for a council of Aboriginal people to be part of determining consequences or an acceptable alternative when Aboriginal or those people self-disclosing as Aboriginal are involved in the situation.

Charlene Hay, Executive Director, The Northern Alberta Alliance of Race Relations, NAARR, also provided feedback. She voiced a concern that reframing the policy in more positive language could result in minimizing awareness of racism as a condition for complaints:

The change in name to Respectful Learning and Working Environments, likely results from a desire to work toward the positive situation rather than highlight the negative, but we have found through our research and in talking to many families who experience discrimination, that unless “racism” is mentioned, those who read the policy won’t necessarily read it in themselves.

I strongly recommend that another policy is necessary to focus on racism and anti-racism, one that addresses the areas of: curriculum, professional development, counseling, parent & community communication, student assessment and placement, employment and conduct that is specifically directed to racism.

It is the view of committee and the administration that these concerns warrant attention, but may better be addressed by other policies. Consequently, we will submit these comments for consideration to Karen Bardy and Gloria Chalmers who are working on the revision of the board policy ACB.BP Multiculturalism and National Identity; and to the Task Force on Aboriginal Education.

The administration has considered the changes proposed by the committee, the feedback from principals, central services administrators, and input from the public through the web survey, and is bringing forward for consideration the attached revised board policy, ACA.BP – “Respectful Learning and Working Environments”. Pending approval by the board, the revised administrative regulation, ACA.AR – “Respectful Learning and Working Environments” will be considered for approval by the acting superintendent.

The key changes proposed in the policy and administrative regulation are:

- Inclusion of expectations for respectful behaviour from parents, community members and contractors in the board policy;
- Addition of personal harassment (which is not covered under discrimination and harassment legislation);
- A vetting process for complaints to screen out vexatious complaints;
- Multiple reminders throughout the materials that teachers are required to adhere to the Code of Professional Conduct, and CUPE staff members are to abide by the CUPE Equality Statement and Oath of Obligation.

Next Steps

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| March 13 and April 10, 2007 | • Presentation of revised board policy at Public Board for consideration and approval through 1 st , 2 nd , and 3 rd readings |
| March – April 2007 | • Selection and preparation of trainers
• Preparation of brochures for staff and parents and revision of information booklet for staff |
| April 2007 to June 2008 | • Presentation on site to staff in all schools and central decision units |

With regard to the last item, on-site presentations will be provided to all schools and decision units by central staff at no cost to the schools or central decision units. Schools will have the opportunity to select when the training occurs, e.g., after-school sessions, PD days or other arrangements. All staff will be expected to take part in the training.

GRH:dmf

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| APPENDIX I | Revised Board Policy ACA.BP Respectful Learning and Working Environments (Page 6 – 7) |
| APPENDIX II | Recommended Revisions to ACA.BP Discrimination and Harassment (Page 8 -9) |

APPENDIX III	Revised Administrative Regulation ACA.AR Respectful Learning and Working Environments (Page 10 – 16)
APPENDIX IV	Respectful Learning and Working Environment Committee Report (Page 17 – 22)
APPENDIX V	Framework For District Expectations Related To Conduct and Behaviour (Page 23)
APPENDIX VI	Summary of Feedback From Principals (Page 24 – 25)
APPENDIX VII	Summary of Web Survey Input (Page 26 – 28)

Policies -> Table of Contents -> Foundations and Philosophic Commitments

Edmonton Public Schools Board Policies and Regulations

CODE: ACA.BP

EFFECTIVE DATE: 11-09-2001

TOPIC: Respectful Learning and Working
Environments

ISSUE DATE: 25-09-2001

REVIEW DATE: 09-2006

Edmonton Public Schools is committed to providing and to promoting learning and working environments that foster respectful and responsible behavior. It is the responsibility of Trustees, staff members, parents, volunteers and contract workers to contribute to creating a positive learning and work environment.

The Board is obligated to protect all employees of Edmonton Public Schools from discrimination, harassment and personal harassment/bullying, during EPS work and school-related activities. The Board prohibits discrimination, harassment, personal harassment/bullying, and expects the reporting of allegations of such behaviour to be investigated in a timely and respectful manner. Appropriate action will be taken against those whose behaviour contravenes this policy.

The Board expects the Superintendent of Schools, principals and district administrators to:

- be proactive in preventing harassment, discrimination, personal harassment/bullying by informing and educating all parties about the Respectful Learning and Working Environments Policy and associated policies and regulations
- to assist parties in resolving issues in the early stages, and
- to advise parties of the process regarding complaints under this policy.

In the case of alleged harassment of an employee by a parent or other community member, the parties are to attempt to reach resolution through the usual channels of discussion, clarification and negotiation. If this is not successful, a variety of options may be considered by the principal, decision unit administrator, or other member of the central services administration, including but not limited to:

- communicating in person, in writing or other form to further investigate and attempt to reach resolution

- restricting access to district property and/or advising the individual to cease and desist certain actions
- taking legal action including a report to the police.

Reference(s):

AB.BP - Appeals

AB.AR - Appeal Processes

ACA.AR - Discrimination and Harassment

ACB.BP – Multiculturalism and National Identity

IB.BP – Student Behavior and Conduct

IG.AR – Student Behaviour and Conduct

Canadian Charter of Rights and Freedoms

Alberta Human Rights, Citizenship and Multiculturalism Act

Occupational Health and Safety Act, Regulation and Code

 EDMONTON PUBLIC SCHOOLS

Policies -> Table of Contents -> Foundations and Philosophic Commitments

Edmonton Public Schools Board Policies and Regulations

CODE: ACA.BP

TOPIC: ~~Discrimination and Harassment~~
**Respectful Learning and Working
Environments**

EFFECTIVE DATE: 11-09-2001

ISSUE DATE: 25-09-2001

REVIEW DATE: 09-2006

Edmonton Public Schools is committed to providing and to promoting a learning and working environments ~~for all persons that is free from discrimination and harassment, that~~ **foster respectful and responsible behavior. It is the responsibility of Trustees, staff members, parents, volunteers and contract workers to contribute to creating a positive learning and work environment.**

~~Behaviour which constitutes discrimination or harassment shall not be tolerated.~~

~~A staff member or student who subjects any other person to discrimination or harassment shall be subject to disciplinary action as deemed to be appropriate, including dismissal from employment or expulsion from school.~~

~~The Board shall take appropriate action against others who subject Edmonton Public Schools students, staff or representatives of the Board to discrimination or harassment.~~

The Board is obligated to protect all employees of Edmonton Public Schools from discrimination, harassment and personal harassment/bullying, during EPS work and school-related activities. The Board prohibits discrimination, harassment, personal harassment/bullying, and expects the reporting of allegations of such behaviour to be investigated in a timely and respectful manner. Appropriate action will be taken against those whose behaviour contravenes this policy.

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Alberta Human Rights, Citizenship and Multiculturalism Act

Occupational Health and Safety Act, Regulation and Code

DRAFT REVISION OF ADMINISTRATIVE REGULATION ACA.AR**A. General**

This regulation applies to behaviour that constitutes discrimination, harassment or personal harassment/bullying, between or among staff members during work and school related-activities. For information regarding students, please refer to board policy IB.BP and regulation IG.AR-Student Behaviour and Conduct.

B. Informed about Options

1. All staff members shall be provided with information and access to district publications about harassment and discrimination. This information shall also be provided to new staff members at the time they are hired.
2. Complainants, Respondents and Persons in authority who are involved in complaint resolution processes shall be provided with information regarding:
 - i. Policy ACA.BP Respectful Learning and Working Environments. And Regulation ACA.AR - Respectful Learning and Working Environments
 - ii. counselling, support, sick leave benefits, and advisor services provided by and through EPS
 - iii. the right of the Complainant and the Respondent to be accompanied by a union or association representative or another individual
 - iv. the right of the Complainant to withdraw the complaint at any stage in the process
 - v. alternative routes for addressing the complaint
3. At any time in the informal or formal complaint process, mediation is an option for the Complainant and Respondent, if both parties agree.
4. Both the Complainant and Respondent have the right to seek representation from a union or professional organization, or another individual at no cost to the district.
5. The Complainant and the Respondent are encouraged to co-operate with the investigation and resolution of the complaint.

C. Definitions

1. **Respect** means to demonstrate regard for the rights of others.
2. **Discrimination** means refusing to provide an opportunity or benefit with respect to access to any term or condition of employment because of race, religious beliefs, gender, physical disability, sexual orientation, mental disability, marital status, family status, age, ancestry, place of origin, or source of income.

The behaviour giving rise to a complaint of discrimination need not be intentional in order to be considered discrimination.

With reference to employment, the above does not apply to a refusal, limitation, specification or preference based on a bona fide occupation requirement.

3. **Harassment** occurs when an individual is subjected to unwelcome verbal or physical conduct because of race, religious beliefs, gender, physical disability, mental disability, marital status, family status, source of income, age, ancestry, colour, place of origin, or sexual orientation.

Examples of harassment which will not be tolerated in Edmonton Public Schools include: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts which allude to any of the above categories. Edmonton Public Schools also will not tolerate the display of pornographic, racist or offensive signs or images, practical jokes that result in awkwardness or embarrassment, whether indirect or explicit.

4. **Sexual harassment** is any unwelcome behaviour that is sexual in nature. Unwanted sexual advances, unwanted requests for sexual acts, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - i. Such conduct undermines another individual's personal dignity by causing embarrassment, discomfort, humiliation or offence; or
 - ii. Such conduct interferes with an individual's work performance or learning opportunities by creating an intimidating or hostile work or learning environment; or
 - iii. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or of educational services; or
 - iv. Submission to or rejection of such conduct affects decisions regarding that individual's employment or educational advancement including matters such as promotion, salary, benefits, job security, grades or employment references.

Sexual harassment includes such things as unwanted touching (e.g. pinching, patting, rubbing), leering, sexist or dirty jokes, the display of sexually suggestive materials, derogatory or degrading comments, sexually suggestive gestures, and unwelcome propositions, innuendos, demands or inquiries of a sexual nature.

5. **Personal Harassment/Bullying** is the hurtful mistreatment of people by yelling or ridiculing, undermining an individual or groups with vindictive or humiliating words or acts, including malicious exclusion, and any acts of intimidation including stalking.
6. **Complainant** means the individual who makes a complaint.
7. **Respondent** means the individual who the complainant alleges has engaged in Prohibited Behaviour,

8. **Prohibited Behaviour** means discrimination, harassment, sexual harassment or personal harassment/bullying.

D. Confidentiality and Privacy of Information

1. All persons are urged to keep the matter confidential and Edmonton Public Schools will make reasonable efforts to respect the confidential nature of a complaint made under these regulations. However, anonymity and complete confidentiality cannot be guaranteed once a complaint is made. Information collected and retained as part of an investigation may be subject to release as part of a legal process or under the *Freedom of Information and Protection of Privacy Act*.
2. To respect the requirements of legislation, and the requirement that the process be fair to all parties, the following general principles will guide the release by EPS of written information:

General principles of entitlement to information

- A Complainant and a Respondent have a right to their own personal information.
- A Complainant and a Respondent have a right to see written statements, information or reports related to the complaint process.
- Individuals referred to in a written statement, information or report have the right to know what has been said about them, and by whom.

Exceptions to the entitlement to information

- A Complainant or a Respondent does not have the right to see personal information about each other or about a third party that is not directly related to the complaint.
- Where the Superintendent or delegate (including the investigator)
 - a. determines, in accordance with the *Freedom of Information and Protection of Privacy Act*, that disclosure of personal information will constitute an unreasonable invasion of a third party's personal privacy, or
 - b. reasonably believes that disclosure of information will imperil the safety of an involved individual, such information shall not be disclosed.

E. ROLES AND RESPONSIBILITIES

- a. All staff members share responsibility for creating and maintaining a learning and work environment that is free of harassment.
- b. All contractors with Edmonton Public School shall be made aware of this policy.

- c. Principals and Supervisors are responsible for creating, supporting and maintaining a positive work and learning environment. This means, but is not limited to being informed themselves and informing the staff about the content of this Policy and supporting an awareness of harassment in general.
- d. The Director Personnel Staff Relations and Staff Development or his/her designate is responsible for ensuring the implementation of and compliance with the policy and administrative regulation. The Director:
 - receives and responds to inquiries about discrimination and harassment
 - provides information about process, including, if appropriate, strategies to resolve complaints informally
 - advises complainant of their right to contact his/her union or professional association
 - receives formal complaints
 - reviews formal complaints to assess adequacy of information, and secures additional information if needed
 - determines if the matter has been previously investigated and dismissed, and if this is the case, advises the complainant that the matter is considered closed
 - channels complaints that do not fit the definition of harassment into other processes e.g. conflict resolution, employee assistance, informal mediation, legal action
 - advises the complainant of the next steps in the process
 - arranges for an external investigator when the complaint cannot be dealt with through informal processes

Should a complaint be dismissed by the Director of Personnel Staff Relations and Staff Development, the complainant may appeal it to the Superintendent for review. The Superintendent's ruling on the matter shall be final.

F. THE PROCESS -- STAFF MEMBERS

Direct Action

- a. Individuals who experience perceived Prohibited Behaviour are strongly encouraged to take direct action by advising the Respondent at the earliest time possible that his/her actions are of concern or offensive.
- b. The potential Complainant may choose to communicate dissatisfaction or concern to the Respondent in writing, rather than communicating verbally.
- c. Persons using this process should keep a record of all the incidents and the way in which they were handled. This record will help the accurate reflection of events and how they were managed over time.

Informal Complaint

1. If an individual is not comfortable confronting the person whose actions they find offensive, or if the actions do not stop after they have confronted the

individual, the next step is to proceed with an informal complaint. This means that the individual will approach a third party to help find a resolution to the problem. Teachers who have a complaint against another teacher should seek advice on how to address the situation from a staff officer in Member Services, Alberta Teachers' Association, to ensure they are in compliance with the Code of Professional Conduct. Similarly, CUPE members are advised to contact their unions to ensure compliance with the CUPE Equality Statement and Membership Oath of Obligation. The following individuals can also assist by providing information about the process for dealing with an informal complaint:

- i. supervisor
 - ii. respondent's supervisor
 - iii. trusted person in authority
 - iv. principal or an administrator
 - v. Director of Staff Relations and Staff Development
2. Every attempt should be made to resolve the situation informally. For example, any of the parties listed above may intervene on the Complainant's behalf by arranging for the Complainant and Respondent to come together to resolve the matter, arranging for mediation or by advising the Complainant of other options.
 3. If this does not successfully resolve the issue, the Complainant may choose to initiate a Formal Complaint. It is not necessary to initiate an Informal Complaint before filing a Formal Complaint. If a Formal Complaint is initiated, it supersedes an Informal Complaint.
 4. At any time after the initiation of informal complaint, the Complainant may request that no further action be taken. The Complainant still has the option of filing a formal complaint at any time within one year of the incident.
 5. The Respondent has the right to request a timely investigation if an informal complaint is initiated, whether or not the complaint is pursued or dropped.

Formal Complaint

1. A Formal Complaint is made in writing and is filed with the Director Personnel Staff Relations and Staff Development, within one year of the incident. Under exceptional circumstances, the Superintendent may accept a complaint filed more than one year after the incident.
2. The Director Personnel Staff Relations and Staff Development shall review the complaint to ensure that it is complete, and that a formal complaint is the most appropriate process for achieving resolution. After determining that a complaint is complete and not vexatious, he shall promptly inform the Superintendent, the Respondent, and the supervisors of the Complainant and Respondent about the Formal Complaint. If the complainant is not satisfied

with the decision made by the Director of Personnel Staff Relations and Staff Development regarding whether the matter should go forward, he or she may appeal to the Superintendent whose decision will be final.

3. An investigator shall be arranged by Personnel Services. The district will make reasonable efforts to find a mutually acceptable investigator but if this is not possible, the Superintendent will appoint an investigator to ensure that the process is implemented.
4. Attempts to resolve the complaint through conciliation or mediation may continue throughout the process provided that both the complainant and the respondent agree.

Investigation

1. The investigator shall request a detailed written statement from the Complainant. Should the Complainant prefer, the investigator shall interview the Complainant.
2. If the Complainant provides a written statement, the investigator will follow up with an interview of the Complainant.
3. The investigator shall provide the Respondent with the Complainant's written statement and/or written summary of the interview. The Respondent shall be invited to make a written response, or if the Respondent prefers, to respond orally to the investigator. Conversely, the Complainant shall be provided with the Respondent's written statement and/or written summary of the interview and have an opportunity to respond orally or in writing to the investigator.
4. The investigator shall interview the Complainant and Respondent as necessary.
 - a. The investigator shall interview any other persons and gather such other materials as may be necessary for the investigator to conclude the investigation.
 - b. All parties are expected to co-operate with the investigation by being forthcoming, honest and respectful.
 - c. The investigator shall produce a report of fact relating to the complaint made.
 - d. If there is evidence that the complaint was vexatious, a deliberate attempt to avoid supervision or malicious (e.g. a deliberate attempt to avoid supervision, to damage a reputation, to hurt someone), this should be indicated in the report.
 - e. The investigator's report shall be provided to the Superintendent, the Complainant, the Respondent, and the Director Personnel Staff Relations

and Staff Development, within 60 days of the filing of the formal complaint. The Superintendent may extend the timeline for the submission of the report. The Complainant and Respondent may then submit a response in writing to the Superintendent within 10 working days of receiving the investigator's report. The report will indicate whether or not there is evidence to support the complainant.

Outcome

1. If the investigation reveals evidence to support the complaint of discrimination, harassment or personal harassment/bullying, the respondent will be disciplined appropriately. Discipline may include one or more of:
 - i. direction to make a formal apology
 - ii. a written reprimand
 - iii. referral to counselling
 - iv. transfer
 - v. withholding of a promotion
 - vi. demotion
 - vii. suspension or termination
 - viii. any other measures as determined appropriate by the Superintendent
2. If the investigation does not find evidence to support the complaint of discrimination, harassment or personal harassment/bullying, there will be no documentation concerning the complaint placed on the respondent's file.
3. Regardless of the outcome of the investigation, if the complaint was made in good faith, and is not found to be vexatious, the complainant will not be disciplined.
4. The complainant and anyone who provides information will be protected from any form of retaliation from either co-workers or superiors under this policy.
5. In the event that it is determined that the complaint was vexatious or malicious, the complainant may be subject to discipline.

The foregoing does not prohibit a person who is being harassed (employee, volunteer, person providing goods and services, or student) from making a complaint directly to the local police detachment if the matter is perceived to be of a criminal nature, or to the Alberta Human Rights and Citizenship Commission Phone: 427-7661 or toll-free within Alberta 310-0000 and then enter the area code and phone number.

FINAL REPORT AND RECOMMENDATIONS OF THE COMMITTEE ON DISCRIMINATION AND HARASSMENT

The Committee on Discrimination and Harassment (the Committee) has concluded its work and hereby submits its recommendations (Appendix I) to Edmonton Public Schools.

Background

The Committee was created as the result of a Letter of Understanding that is included in Edmonton Public Schools' current collective agreements with CUPE 474 (Custodial) and CUPE 3550 (Support Staff). The Letter of Understanding reads as follows:

“The parties support the Board Policy on Discrimination and Harassment which states that ‘Edmonton Public Schools is committed to providing and promoting a learning and working environment for all persons that is free from discrimination and harassment.’ Within 60 days of ratification of the collective agreement, the parties will meet to discuss issues and concerns related to the implementation of Board Policy ACA.BP and Administrative Regulation ACA.AR.”

When the Committee was created, the Edmonton Public Local of the ATA, the Provincial ATA (Member Services), and CUPE Local 784 (Maintenance) all accepted invitations to participate. The Committee also included a member from the Exempt Staff group and administrative staff from Staff Relations and Staff Development. Committee members are listed below:

Karen Bardy – Exempt Staff
Diana Bolan – Staff Relations
Bruce Cutting – CUPE 784
Deb Davidson – Local 37 ATA
Felix De Los Santos – CUPE 474
David Fraser – Staff Relations
Trudy Grebenstein – CUPE 3550
Marv Hackman – Provincial ATA
John Marler – CUPE 784
Ellen Ogilvy – Staff Relations
Mario Pailamilla – CUPE 474
Bonnie Zack – Staff Relations

The facilitator of the Committee was Faye Parker.

Committee Process

The Committee met seven times between November 10, 2005 and April 12, 2006. Since the terms of reference called for it to discuss issues and concerns related to the implementation of the Board Policy ACA.BP and Administrative Regulation ACA.AR, which deal with discrimination and harassment, one of the first things the Committee did was to go through a

process of issue identification. This was followed by a process of prioritizing the identified issues and concerns to determine the order in which they would be discussed.

Once an issue had been fully discussed, the Committee then examined possible means for the district to address the issue. A consensus model of decision making was used, and all recommended actions reflect the consensus of the Committee.

In addition to discussing and attempting to find a resolution for the individual issues that had been identified, the Committee also spent one meeting learning about the process that Elk Island Public Schools (EIPS) has engaged in to develop and operationalize its policy related to discrimination and harassment. The Committee was impressed by the EIPS policy, which is framed in the context of “Respectful Working and Learning Environments” (Appendix II). The Committee also liked the inclusiveness of the EIPS policy, which states that its application “includes but is not limited to, trustees, employees, students, parents, volunteers, visitors, and contractors.”

When the Committee decided that it had fully discussed all issues, the recommended actions from each meeting were compiled and presented to the committee for review and revision. One meeting was spent discussing and fine-tuning the recommendations, which were then written in their current form and provided to the Committee for a final review. The recommendations were confirmed at the Committee’s meeting of April 12, 2006, and are now being provided to Edmonton Public Schools’ administration.

The Recommendations

As the Committee examined all of the recommended actions that had been agreed upon, two main themes emerged:

- recommended changes to the district processes related to discrimination and harassment process and the applicable materials (policy, administrative regulation, brochures, pamphlets)
- recommendations for communication and training

The recommendations in Appendix I are organized under these headings.

A number of our recommendations reflect our belief that Edmonton Public Schools’ policy and regulations could be improved and potentially gain wider support and understanding among staff and administrators if they were revised and reframed in the positive context of “Respectful Working and Learning Environments.” A school district needs policy and procedures to deal with instances of discriminatory and harassing behaviours. However, the philosophical basis for such policy is the belief that all individuals in the school district are entitled to a respectful working and learning environment, and have a responsibility to contribute to the creation of that environment.

Consistent with the desire to position the district’s policy and regulations in a more positive context are recommendations that emphasize the importance of resolving disputes at an informal level, with district administrative staff and the four staff groups working together to achieve resolution without having disputes move to the formal complaint process.

Other recommendations for revisions to the policy, administrative regulation, pamphlets and brochures are based on the need for district procedures to respect the ATA Code of Professional Conduct (Appendix III) and the CUPE Equality Statement and Oath of Obligation (Appendix IV). Since teachers are bound by the Code of Professional Conduct, it is important that the district's procedures and requirements not place them in conflict with or in violation of the Code. The CUPE Equality Statement underlines and reflects the importance placed by the district's CUPE Locals on having the district's policy and procedures be effective, philosophically supported and consistently applied. This desire is also shared by all other committee members.

Still other recommendations reflect a need for district staff to have a clearer understanding of certain aspects of the processes that accompany a formal discrimination or harassment complaint – specifically the mediation and investigation processes. As a result, it is recommended that separate “protocols” or descriptive material about these processes be developed, along with a set of recurring questions and their answers.

In the Committee's opinion, the implementation of the recommendations related to communication and training is critical to the success of all of the other recommendations, and to the over-all success of the district's policy, regulation and procedures related to discrimination and harassment. This cannot be emphasized too strongly. The members of the committee spent many hours discussing the importance of training and communication in general, as well as how important it would be to have each school principal place the topic of discrimination and harassment on a staff meeting agenda from time to time. Providing such training and communication is seen as part of how the district can demonstrate its commitment to ensuring that issues related to discrimination and harassment are taken seriously by all district staff, students and parents. Comprehensive communication and training programs will also demonstrate the fundamental belief that all in the district are entitled to positive working and learning environments, and are responsible to help create them.

Conclusion

The Committee has appreciated its involvement in this important process and trusts that its recommendations, which are supported by all of the district's staff groups, will be valued and acted upon by Edmonton Public Schools.

FP:fp
April 17, 2006

**EDMONTON PUBLIC SCHOOLS
DISCRIMINATION AND HARASSMENT COMMITTEE**

RECOMMENDATIONS

After a series of seven meetings between November 2005 and April 2006, the Discrimination and Harassment committee has developed and agreed upon the following recommendations to presented to the administration of Edmonton Public Schools.

Revisions to the District Process and Materials (Booklet, Pamphlet, Policy, Administrative Regulation)

The following changes to the discrimination and harassment process and the applicable materials are recommended:

1. Reframe the policy, regulation and communication materials related to discrimination and harassment in the context of respectful working and learning environments.
2. Change the process (and the materials) related to discrimination and harassment so that, even if a formal complaint is filed, there is an informal step first (involving meetings and discussion with Union reps with a view to resolution of the concern), before an investigator is hired. The purpose of this informal step is to determine if it is a harassment issue, a workplace conflict, a supervision issue, etc. and to work with the parties and the Unions to have the issue addressed in the most appropriate way.
3. A possible way of implementing this informal step would be to have a designated “intake officer” who would make decisions about how each complaint should be handled. If there were such a designated role, there would need to be an appeal mechanism for staff dissatisfied with the person’s decisions.
4. In revising the materials, ensure that they reflect the requirements Code of Professional Conduct for ATA members and the CUPE Equality Statement and Oath of Obligation.
5. Have the materials indicate more strongly that everyone in the district is encouraged to resolve problems and conflicts at an informal level.
6. Clarify in the materials (including the administrative regulation) what constitutes cooperation (and non-cooperation) with an investigation. Confirm the obligation of employees to cooperate in an investigation in a timely manner. Indicate that the Superintendent can direct co-operation and that non-cooperation can be a matter for discipline. In doing this, ensure that the definition of “directing co-operation” is clear – that an employee can be directed to provide a statement, for example, but that the content of the statement cannot be directed.

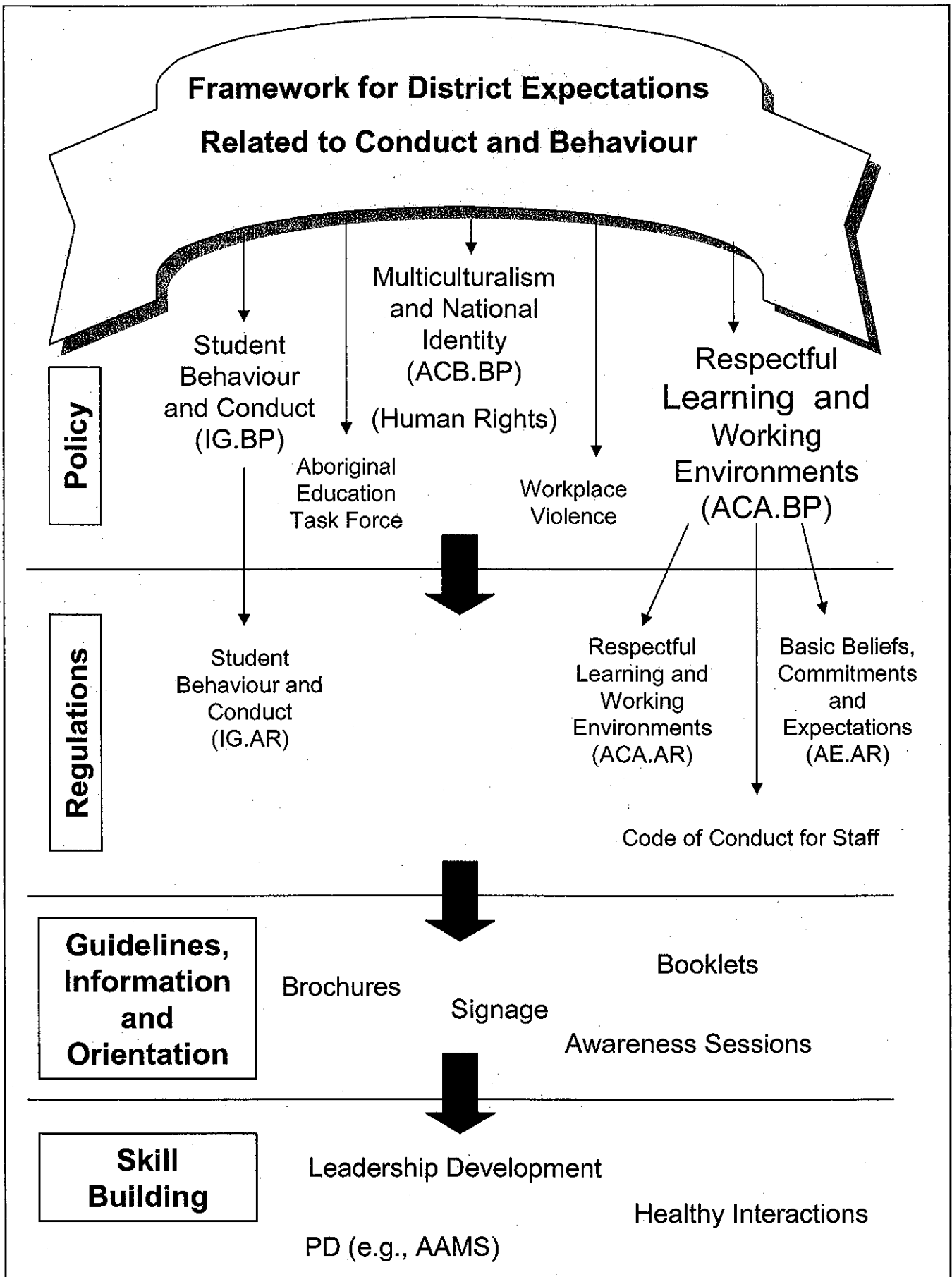
7. Make the policy and the regulation more all inclusive. Include all parents, community members, students, all parts of the organization, contractors; include both the right of individuals to respectful working and learning environments and their responsibility to contribute to the creation of such environments. In general, refer to 'work sites' and 'working and learning environments' rather than 'schools.' (Use the work done by Elk Island Public Schools as a reference.)
8. Incorporate into district materials the sections on confidentiality from the Elk Island Public Schools policy, including a sample format for a formal complaint.
9. Have assurance in the administrative regulation that staff who are found to have a legitimate discrimination or harassment complaint will be allowed to transfer from their work site if they wish. This would be a lateral move, with no disadvantage to the complainant. If such a provision is created, the district must ensure that, in its application, there is no real or perceived coercion for the complainant to move. This is seen as a "safety net" for the complainant and not a means to avoid addressing issues related to the harasser, including discipline, retraining, counselling, etc.
10. Include bullying provisions in the policy, regulation and materials. In addition to staff, include bullying and harassment between students, as well as for parents and community.
11. Develop a 'protocol' (a description and answers to frequently-asked questions) for both the mediation and investigation processes as they apply to discrimination and harassment complaints so that staff have a better understanding of how these processes operate, know what to expect and know what their obligations are.

Communication and Training

In order to affirm and reinforce the philosophical commitment of the Board of Trustees and all district staff to the creation of respectful working and learning environments, there is a need for a comprehensive communication plan and extensive orientation and training. The following recommendations relate to these needs.

1. Create and provide on-going training in communication skills for leaders and staff to help give people the confidence to come forward if they are experiencing discrimination or harassment, as well as the ability to express themselves, to defuse situations and to overcome feelings of powerlessness.
2. Develop a communication plan that involves active training for all those affected. Have strategies for reinforcing the messages and refreshing the training. Include orientation and a communication process for parents, students and community as part of this over-all process.

3. Do on-going training regarding policy and procedures related to discrimination and harassment (respectful working and learning environments) for leaders and staff.
4. Create an information/orientation process specifically for the discrimination and harassment policy and regulation, with attendance at an orientation session being required of all staff. Provide the information/orientation session for all new and current staff, and make provision for occasional “refresher” sessions for continuing staff. As part of the board and senior staff commitment to creating respectful working and learning environments, have each staff member sign off on a declaration of attendance at an orientation session.
5. Support work sites in communicating about respectful working and learning environments by creating an appropriate presentation and having a trained group of facilitators present it in the work sites to ensure consistency of messaging. The facilitators could be Centre for Education staff, school staff and/or staff from other district work sites, and the presentations could be part of regular staff meetings.
6. Consider a more extensive new-staff orientation to the district, with attendance being a condition of their employment. The discrimination and harassment material could then be included in the over-all orientation.
7. Try and connect orientation and communication processes to other related district initiatives (e.g., Occupational Health and Safety, Healthy Interactions, Safe and Caring Schools).



Summary of Feedback from Principals

1. Positive changes

- Reframing of the policy to focus on positive tone was very much appreciated; congruent with character education
- Specific, detailed
- Emphasis on resolving disputes informally prior to formal process
- Review of complaints to screen out those that are vexatious is positive
- Inclusiveness of all staff, parents, contractors and community is important

2. Changes which require further clarification

- How does this apply to parents and community members
- Encouragement for teaching staff to discuss concerns generally with their administrator prior to going to the ATA
- Wording changes e.g. where definitions are listed, inserting 'but not limited to' when 'including' is used
- Need to specifically spell out how the policy will be enforced, especially regarding parents and community members
- Clarification around 'intake officer'
- Training
 - Refreshers (how often, who decides)
 - Examples of discrimination and employment
- Changes do not adequately address specific legal requirements for Workplace Violence under part 27 of the OHS Code
- Reading materials may be sufficient for some employees
- Definition of bullying
- Further clarification of the difference between supervision and harassment
- Who oversees transfers if this occurs
- Essential that all staff members hear the same information

3. Supports needed from Personnel Services

- Solid in-services
- Newsletter inserts and school council packages
- Central staff available to provide support at difficult meetings (at no cost to the school)
- Concise overview with sources of further information for staff
- Opportunity for principals to discuss the policy, ask questions and determine implications
- Training and awareness (personnel and communications) both inside and outside the organization
- Independent ombudsman
- Communication with contractors

- Lots of training especially with long-serving staff who may be accustomed to a much different setting and standard of behaviour
- Explanations about differences between the old and revised policy
- How will the changes affect school personnel with respect to students
- Signage to support the policy
- One page summary of key points
- Communication plan
- Training should be mandatory the first year with mandatory refresher components in following years
- Support in dealing with extreme parents.
- Communication to parents that is consistent across the district

4. Comments

- Very well thought out, thorough report
- Hope we are not forced to make policies to support the lowest common denominator, and create issues that otherwise may not exist
- One area not protected is that of weight. This is an area that people make jokes and comments about. Nothing in your literature changes that understanding. Should be listed with all the other examples.
- Issues around transfers, and the problems this might create
- Issues around harassment by parents and kids toward school staff-policy needs to be all encompassing
- Issues around OHS and a policy and written procedures regarding workplace violence. This policy does not address this issue in sufficient detail.
- Appreciation of the countless hours this has taken-good to have a comprehensive overview
- Concern about ATA publication “Parenting through the School Years”. On p. 14 of this document it suggests to parents that if there is a concern with the professional conduct of the teacher they should contact the superintendent or the ATA. Where does the responsibility of the principal fit in?
- Good work; it is tough to reach consensus on this difficult issue. Appreciate the positive approach
- It is not clear who is the front line worker, school administrator or district personnel. If the focus is on more informal then possibly school administrator would be-and this may be another layer of work under management and not instructional
- This looks excellent
- Positive revision
- Informal step is a good one before proceeding to the formal. Thanks so much for your hard work
- Think some very thoughtful work has been done in bring this policy into today’s world. Getting people to understand the difference between harassment and supervision will help
- Thank you for all the work the committee has put into this document.

Summary of Web Feedback

Question 1 Please select the one identifier that best describes the perspective from which you are providing feedback.

Choices	Count	Percent
Parent	2	14.3
Community Member	1	7.1
Community/Professional Organization	0	0.0
Principal/Decision Unit Administrator	6	42.9
Staff Member	5	35.7
Total Responses	14	100

Question 2 What aspects of this policy, if any, require clarification?

- Who will judge what is appropriate action? Appeals and safeguards?
- Should be clarification as to what constitutes harassment, who determines if it has occurred and what kind of proof is required to determine if a teacher has been harassed.
- What about harassment of a child by a teacher. How would this be determined? Repercussions to the child? Concerns about parents being perceived to be harassing when they are seeking information.
- Clarification as to why parents or other members of the community are included in the policy. Concern that these actions should be dealt with independent of internal acts of harassment or discrimination. Sounds intimidating.
- Where is the distinction of situations involving Aboriginal people?
- Expectations of administrators are outlined but not of how every staff member should contribute to a positive environment.
- Needs to be explicit policy reference to protecting staff and students from parental harassment while on school premises.
- Definition of harassment which included bullying by one staff member toward another.
- How is personal harassment different from harassment?
- Why are students not included?
- Concern about the use of this policy to avoid supervision, especially when a staff member's performance is being challenged. Could become a barrier for administrators who perceived that doing difficult performance evaluations is not worth it if there is no support from central services.

Question 3 What aspects of the policy cause you concern and why?

- Why do employees get singled out? What about teachers harassing parents?
- Concern that a parent who is trying to get information about an issue or trying to get something changed, could be considered engaging in harassment. Could be abused by both sides.
- Harassment and discrimination by the school or toward the school. These are separate issues and should be written in policy accordingly. Professionals are held to a higher standard, and this could absolve them of their responsibility to behaviour decently and mindfully of the power differential in the parent-teacher relationship.
- Why is the distinctive Constitutional position of Aboriginal people excluded from the policy? Is EPSB above the law?
- The premise has changed to a focus on the positive, but all the bullets are focused on the negative. Need more positive actions expected of leadership staff and staff members to create and enhance a respectful working environment
- Not enough emphasis on protecting district staff from harassment, whether written or spoken by non-school individuals
- What power/authority do we have to enforce measures against “others”. Is this part of the policy setting up false expectations?
- Need some indication from the board that it will support the administration in protecting staff from harassment from any party. Action against parents is mentioned-should mention action against staff and students.
- Possibly too long, otherwise very well done
- Students, other people should be also be in here.
- Is this policy clear enough for parents to understand that they have a responsibility to act in a respectful manner. What is being done to curb (slandorous) behaviour?
- Concern about this process adding to the stress the supervisor feels when addressing poor performance. The respondent states although he or she was not found guilty in a harassment complaint he or she believes that the information was used to pass written judgment on his or her leadership style and believes it was an attempt to intimidate and marginalize him or her.

Question #4 The purpose of the policy is to set the direction for the district. What if anything should be added to the policy?

- Independent arbitrators to facilitate the resolution process are required. Should be a neutral appeal panel.
- Separate issues where school (staff) are the complainant and issues where they are the respondent.
- Honour the Constitution and provide for a council of Aboriginal people to be part of determining consequences or acceptable alternative when Aboriginal or those people self-disclosing as Aboriginal are involved in the situation.
- This is an excellent piece of work. It has my unqualified support.

- Signage stating that all staff shall be treated with dignity and respect has worked well in my school.
- Clarification of 'others'.
- We seem to have singled out parents in this policy it should refer to staff, students, parents and community.
- Right direction.
- Needs to be a section to protect principals and administrators from unfounded criticism.
- The expectation that senior staff adopt and model practices that inculcate respectful learning environments.
- It is important to include the term 'racism' in the policy because unless it is specifically mentioned, those who read the policy won't necessarily read it in themselves.
- Strongly recommend that there be another policy which would focus on racism and anti-racism and which would address the areas of curriculum, professional development, counseling, parent & community communication, student assessment and placement, employment, and conduct that is specifically directed to racism. There are many examples of progressive anti-racism policies from across the country developed by other school boards - many of which were developed after a racial incident.
- The current school based decision making model does a disservice to anti-racism as very few administrators recognize the problem. It takes a lot of time for positive change to occur, but the current pace is too slow to protect the human rights of Aboriginal and visible minority students.