

## **HARASSMENT POLICY** **ALL FORMS OF HARASSMENT, BULLYING & DISCRIMINATION**

### **PURPOSE OF THE POLICY**

**VHA** (the “Academy”) recognizes that all students, teachers and employees have the right to work and study in an environment free from any form of harassment, including harassment with respect to race, colour, sex, sexual orientation, place of origin, citizenship, creed, age, marital or family status, or disability.

The Academy will not tolerate harassment. All teachers, students and employees are expected to conduct themselves in a responsible and professional manner in order to maintain a pleasant environment free from harassment.

The Academy will make every reasonable effort to ensure that no teacher, student, or employee is subjected to harassment. To that end, the Academy has developed the Harassment Policy to define harassment and to provide a mechanism to deal quickly and effectively with any incident that might occur.

### **DEFINITIONS**

#### **HARASSMENT**

Harassment is one or a series of incidents involving unwelcome comments or actions concerning a person’s race, colour, place of origin, ancestry, political belief, religion, criminal conviction, sex, sexual orientation, identity, age, marital or family status or disability which offends or humiliates a teacher, student or employee.

Harassment can occur at the Academy, at Academy related social functions, at Academy related conferences or training sessions, during Academy related travel or elsewhere if the person harassed is there as a result of Academy related responsibilities Harassment may include such actions as:

- verbal or physical abuse, threat or intimidation;
- unwelcome remarks, jokes or innuendoes about race, colour, citizenship, birthplace, creed, sex, sexual orientation, age, body, disability, attire and marital or family status;
- the display of pornographic, racist, or other offensive or derogatory pictures;
- unnecessary or uninvited physical contact such as touching, patting, pinching, or punching;
- practical jokes which cause awkwardness or embarrassment.

#### **SEXUAL HARASSMENT**

Harassment includes sexual harassment. Sexual harassment is defined as one or a series of incidents involving unwelcome conduct, or the threat of unwelcome conduct, of a sexual nature that detrimentally affects the learning environment or leads to adverse education related consequences for the victim of the harassment.

Conduct of a sexual nature may include such actions as:

- unwanted physical contact - forced sexual acts, pulling or undoing clothing, hugging, kissing, touching, patting, pinching, brushing against;

Policy Continued →

- unwanted gestures or actions which have sexual content - leering, ogling, fondling oneself, exposing oneself, voyeurism, stalking, giving sexually suggestive gifts, displaying sexually explicit material in the Academy (magazines, photos or videos);
- the distribution of sexually explicit photos or videos of an individual(s) without consent;
- unwanted verbal conduct - threats of job or classroom consequences for failure to comply with sexual demands or promises of job benefits or grades for complying, sexual propositions, questions regarding “sex life” or preferred sexual practices, coercive social invitations, suggestive comments or innuendoes about physical attractiveness, body parts, or clothing, crude or abusive remarks; denigration because of gender - comments about physical unattractiveness, sexist remarks about appropriate roles.

## **NOT HARASSMENT**

Under no circumstance does harassment include negative performance evaluations, warnings or regular discipline that may be implemented by the Academy. This policy is also not meant to inhibit free speech or interfere with the normal social relations that are a part of a school environment.

## **RETALIATION**

Retaliation is any negative action taken against an individual for having invoked this policy or having participated or co-operated in any investigation under this policy. Retaliation is strictly prohibited.

## **COMPLAINT PROCEDURE**

### **REPORTING AN INCIDENT**

A person who considers that they have been subjected to harassment (the “complainant”) is encouraged to bring the matter to the attention of the person believed to be responsible for the conduct (the “respondent”) and let the person know that their conduct is unwelcome. Where the complainant does not wish to bring the matter directly to the attention of the person they feel is responsible, or where such an approach is attempted and does not produce a satisfactory result, the complainant must seek the advice of the Director of Education as soon as possible.

### **MEETING WITH THE DIRECTOR OF EDUCATION**

The Director of Education will inform the complainant of their right to make a written complaint under this policy. A written complaint should include details of the incident(s), the name of the person(s) involved and any potential witness(es). The complainant may withdraw from any further action in connection with the complaint at any stage. Where the complainant chooses to withdraw from the complaint procedure, the Academy, in its sole discretion, may continue to deal with and investigate the complaint.

## **POSSIBLE ACTIONS**

### **No Harassment**

If the complainant and Director of Education agree that the conduct in question is not harassment as defined in this policy, the Academy may take no further action.

### **Harassment Without Written Complaint**

Where a complainant brings to the attention of the Director of Education facts which they conclude constitute evidence of harassment, but the complainant does not wish to make a written complaint, the complainant may request that a Director of Education meets with the person whose conduct has given offence with a view to obtaining an apology and an assurance that the offensive conduct will not be repeated.

### **Harassment With Written Complaint**

Where the complainant, after meeting with a Director of Education, decides to make a written complaint, the Academy will conduct a confidential and fair investigation of the complaint. The person investigating the complaint will take steps to appropriately resolve the concern as soon as possible. Prior to taking such steps, proposed resolutions will be discussed with the employee, teacher or student raising the complaint.

## **POSSIBLE OUTCOMES**

### **Complaint is Substantiated**

Where the investigation leads to a conclusion that the complaint of harassment is substantiated, the Academy will take appropriate disciplinary action up to and including termination of the employee or teacher or expulsion of the student.

### **Complaint is not substantiated**

The Academy recognizes that the issue of whether harassment has occurred can be a difficult question requiring a factual determination based on all of the evidence received. However, a complaint brought under this policy which is determined to involve malicious intent by the complainant is a violation of this policy and the Academy will take such disciplinary measures as the Academy deems appropriate up to and including termination of employment of the employee or teacher or expulsion of the student.

## **CONFIDENTIALITY**

To protect the interest of the complainant, the person complained against and others who must report incidents of harassment, each individual involved in a complaint has a duty to maintain reasonable confidentiality throughout the process. Information and documents relating to a complaint will only be disclosed to the extent necessary to carry out the procedures set out in this policy or as is required by law.