

**DISCRIMINATION,  
BULLYING,  
AND HARRASSMENT  
POLICY**

**September, 2015**

## Contents

1.	POLICY.....	3
2.	APPLICATION .....	4
3.	DEFINITIONS .....	5
4.	PROCEDURES.....	7

## 1. POLICY

As a responsible employer and institution of learning, **Vancouver Waldorf School** (the “School”) is committed to providing a positive, safe and productive learning and working environment for all members of the School community. Therefore, the School is committed to ensuring that the working and learning environment is free from discrimination, bullying and harassment (including sexual harassment).

**Vancouver Waldorf School** aims to:

- foster an environment where all members of the School community are treated with dignity, courtesy and respect;
- promote appropriate standards of conduct at all times;
- implement training and awareness-raising strategies to ensure that everyone knows their rights and responsibilities; and
- where necessary, encourage reporting of inappropriate behaviour and provide an effective procedure for resolving complaints in a sensitive, fair and timely manner and as confidentially as possible.

This Discrimination, Bullying and Harassment Policy (the “Policy”) is implemented in connection with these goals. This Policy will be subject to annual review and evaluation, and modifications shall be made (as deemed necessary) to respond to current circumstances and evolving needs.

This Policy sets out what constitutes:

- discrimination;
- harassment;
- sexual harassment; and
- bullying.

This Policy also details the complaints procedure which **Vancouver Waldorf School** has implemented to ensure that any form of discrimination, bullying or harassment is dealt with promptly, confidentially and impartially.

All employees have a responsibility to treat each other fairly and with respect. Individual employees must also ensure that they do not discriminate against, harass, sexually harass or bully other members of staff. Any reports of discrimination, bullying or harassment will be treated seriously by the School.

Disciplinary action, up to and including termination of employment, may be taken against anyone found to have acted in contravention of this Policy.

## 2. APPLICATION

This Policy and its procedures apply to all employees, including all full-time, part-time, temporary, casual and seasonal employees (including all faculty and staff, as well as student employees) employed by the **Vancouver Waldorf School**. It applies to all interpersonal interactions in connection with the workplace, including electronic communications, such as email or social media.

**Vancouver Waldorf School** recognizes that employees may be exposed to workplace discrimination, bullying or harassment by members of the community who participate in the activities of the School. In those circumstances, we will make every reasonable effort to put a stop to such behaviour, as well as to support and assist any employee subjected to it. The School encourages reporting of all incidents of discrimination, bullying or harassment regardless of who the offender may be.

This Policy applies to all Employees while they are doing work or volunteering for **Vancouver Waldorf School** or representing the School in any capacity, whether such activities occur on **Vancouver Waldorf School** premises or property, or at School sponsored events, field trips or other off-site locations. For added clarity, discrimination, bullying or harassment which occurs outside of the workplace, but which may adversely affect employee relationships, is prohibited by this Policy.

The standards and expectations set out in this Policy shall apply equally to all volunteers, contractors and members of the community when they participate in activities associated with **Vancouver Waldorf School**.

### *Key Responsibilities*

All employees must:

- not engage in discrimination, bullying or harassment;
- report any observations or knowledge of discrimination, bullying or harassment;
- apply and comply with the **Vancouver Waldorf School's** policies and procedures on discrimination, bullying and harassment.

The School's Contact Officers are primarily responsible for the administration of this Policy. The Contact Officers are the *Pedagogical Manager* and the *Business Manager*.

Employees in positions of authority are responsible for modelling appropriate workplace behaviour and for deterring discrimination, bullying or harassment by taking actions such as identifying and intervening in inappropriate workplace behaviour, as defined by this Policy, and demonstrating a willingness to address concerns with any employee.

All employees are expected to assist in the implementation and enforcement of this Policy by promptly reporting violations to the School's Contact Officers and cooperating during any investigations under this Policy.

### **3. DEFINITIONS**

#### **Discrimination**

It is unlawful to discriminate against or harass a person in connection with their employment (or otherwise) on the basis of any of the following attributes or personal characteristics:

- age;
- physical or mental disability;
- race, colour, ancestry or place of origin;
- religion;
- sex;
- gender identity;
- transgender or transsexual status;
- sexual orientation;
- family, marital, or parental status;
- political belief;
- pregnancy or potential pregnancy; and
- conviction of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person.

#### **Direct Discrimination**

Direct discrimination is adverse differential treatment of a person regarding his or her employment, or any term or condition of his or her employment, on the basis of one or more of the above attributes or personal characteristics covered by human rights law, regardless of motive or knowledge that discrimination or adverse treatment has occurred.

#### **Indirect Discrimination**

Indirect discrimination is the imposition of a requirement, condition or practice that has a disproportionate impact on a particular group of people who share one or more of the protected attributes or personal characteristics set out above. Motive or awareness of the discrimination is irrelevant – indirect discrimination can occur when a requirement, condition or practice is intended or appears to be neutral.

#### **Bullying and Harassment**

Bullying and harassment includes any inappropriate conduct or comment(s) by a person towards another when that person knew or reasonably ought to have known their conduct or comment(s) would cause the other person to be humiliated or intimidated.

The reasonable person test applies – that is, would a reasonable person, given all the circumstances, have anticipated that the behaviour in question would be humiliating or intimidating?

Examples of conduct or comments that might constitute bullying and harassment include:

- verbal abuse
- psychological abuse
- intimidation or insults
- unwelcome derogatory or demeaning comments, jokes, innuendo or gestures
- potentially harmful hazing or initiation practices
- spreading malicious rumours about an employee
- calling an employee derogatory names
- vandalism of an employee's personal belongings

The list is not exhaustive. Other types of behaviour may also constitute bullying and harassment. Bullying and harassment usually involve a pattern of persistent conduct or comments. However, bullying or harassment could also occur in connection with a single incident or comment that is sufficiently egregious.

Bullying and harassment **does not** include reasonable and legitimate actions of **Vancouver Waldorf School** or its employees, managers or representative in connection with managing or directing an employee's performance, managing or altering an employee's workload, reporting structure or duties, administering discipline associated with employee misconduct, or otherwise managing or implementing legitimate operational initiatives.

### **Sexual Harassment**

A person sexually harasses another if he or she engages in any unwelcome conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence, humiliation or intimidation to any employee, or that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or an opportunity for training or promotion.

Sexual harassment may have occurred regardless of any innocent intent on the part of the offender. Sexual harassment may occur in a single incident or series of incidents.

This Policy is not intended to prohibit relationships or behaviour based on mutual consent or normal social contact between employees.

Sexual harassment can take many forms and can be physical, verbal, written or visual, and is not limited to only obvious unwelcome physical behaviour such as inappropriate touching, patting, brushing up against someone or offensive gesturing. Examples of conduct that may constitute sexual harassment include:

- sexual or suggestive remarks or questions;
- sexual propositions or unwelcome sexual advances;
- sexual jokes and innuendo;
- unwanted physical contact that is sexual in nature such as touching, deliberate brushing up against a person, etc.;
- display or distribution of sexually explicit reading material, email, screen savers, pictures, calendars etc.;
- suggestive looks or leers; or
- sexually explicit conversations.

#### 4. PROCEDURES

All complaints of discrimination, bullying or harassment will be dealt with in accordance with **Vancouver Waldorf School's** procedure which is set out below. **Vancouver Waldorf School's** goal is to resolve all issues and complaints in-house where possible. However, you can seek assistance or redress from an outside resource, at any stage, if you wish.

If you feel you have been discriminated against, bullied or harassed, you should not ignore it. You should keep notes on all instances of discrimination, bullying or harassment – dates, times, places, witnesses (if any), together with what you said, did or felt. In addition, you should follow the complaints procedure which is set out below.

If you witness conduct that may amount to discrimination, bullying or harassment, you should report the matter to one of the School's Contact Officers, who are required to act in accordance with complaints procedure set out below.

The Contact Officers are the *Pedagogical Manager* and the *Business Manager*.

#### **Complaints Procedure**

**Vancouver Waldorf School** takes any complaint under this Policy very seriously and will invoke either the informal or formal complaints procedure outlined below.

To permit effective investigation, a complaint (formal or informal) should be made within a reasonable amount of time after the occurrence of the event(s) that forms the basis of the complaint, and in any case should be made within six months of the last incident that forms the basis of the complaint, unless extenuating circumstances exist.

If an informal approach is taken but the desired result is not achieved, then a formal approach can be adopted. If the complaint is sufficiently serious, a formal approach may be taken without first invoking the informal approach.

The **Vancouver Waldorf School** encourages all members of the School community to attempt to resolve complaints and concerns through the School's complaint procedure, if possible. However, it is also your right to seek assistance or resolution from outside the School if you wish.

### **Informal Complaint Procedure**

People are sometimes unaware their behaviour may be offensive and disturbing to others. Any employee subjected to conduct or comments perceived to be harassing, bullying or discriminatory should make his or her disapproval and/or unease known to the offender immediately and request that it stop. If disapproval and the request to stop are insufficient to stop the unwanted conduct, or if an employee does not feel comfortable confronting the offender, then he or she should discuss the matter with one of the School's Contact Officers.

The Contact Officers are managers authorized to address complaints under this Policy and are people with whom you can discuss your concern and initiate a complaint if you choose to do so.

When you meet with the Contact Officer to discuss your concern/complaint, he or she will explain the relevant steps that will be taken to address the matter. The Contact Officers will not act as a mediator or investigator and will not make disciplinary decisions in relation to your complaint. However, the Contact Officers may assist you in resolving your concern/complaint directly with the person(s) involved.

As noted above, the Contact Officers are the *Pedagogical Manager* and the *Business Manager*.

### **Formal Complaint Procedure**

If you believe that you have been, or continue to be, subject to discrimination, bullying or harassment as defined above you should:

1. Inform the Trustees of the Vancouver Waldorf School Society of the details in writing, through:

The Secretary  
Vancouver Waldorf School Society  
2725 St Christopher's Rd  
North Vancouver, BC V7K 2B6.

2. Seek support from within the School through either the College of Teachers through the Pedagogical Manager or the Business Manager. Any of these personnel can be contacted personally, by phone or in writing.

On receipt of a formal complaint, the following procedures/steps will apply:

1. All complaints will be handled promptly, with sensitivity, discretion and in a confidential manner.
2. The members of the Human Resources Committee on the Board of Trustees of the Vancouver Waldorf School Society shall be notified of the complaint and shall assign the appropriate individual(s) to investigate the complaint and recommend appropriate action to resolve the matter. Such individual(s) may include one or more Director(s) of the Vancouver Waldorf School Society, member(s) of the College of Teachers or an independent professional consultant experienced in such matters (referred to herein as the "Facilitator(s)").
3. The Facilitator(s) shall conduct a support and investigative meeting at the earliest possible opportunity. A complainant may bring a support person to this meeting if they choose. The purpose of the meeting will be to hear and document the details of the complaint. The complainant will have a full opportunity to provide a detailed account of the conduct that is the subject of the complaint. The Facilitator(s) will ensure that the complainant's account of the conduct and its effects on her/him are recorded.
4. The Facilitator(s) will meet with the respondent accused of harassment, bullying, or discrimination. The respondent will have the opportunity to explain his or her actions fully and to have those explanations properly and fairly considered and investigated.
5. The names of all parties and the circumstances relating to a complaint will be kept confidential, except to the extent that disclosure is necessary for the proper investigation, administration and disposition of the complaint, including the implementation of disciplinary measures, and where disclosure is compelled by law. Relevant witnesses will be interviewed and pertinent records will be reviewed. Complete cooperation with investigations pursuant to this Policy is required.
6. The **Vancouver Waldorf School** may, at its discretion, suspend with pay an employee accused of discrimination, bullying or harassment until the investigation is concluded. Such suspension is administrative in nature and shall not be intended or deemed to be disciplinary in any way.

## **Resolution of Complaints**

### **Resolution by Informal Complaints Procedure**

If a complaint is resolved through the Informal Complaint Procedure, **Vancouver Waldorf School** will monitor the efficacy of the resolution and the wellbeing of those involved. Further action may be taken if the problem behaviour continues or is repeated.

## **Resolution by Formal Complaints Procedure**

Upon completion of a Formal Complaint Procedure, a report will be prepared by the Facilitator(s) that will include the Facilitator(s)' key findings and, if appropriate, recommendations regarding corrective action or other initiatives to resolve the matter (the "Report"). The complainant and the alleged offender will be informed, in writing (if necessary), regarding the determination of the investigation, and any action to be taken.

The Facilitator(s) shall brief and receive support from the College of Teachers and the Board of Trustees. The Report will be submitted to the Board of Trustees through the Secretary. The Report shall be kept in a confidential file, separate from the personnel files of the offender and the complainant.

## **No Retaliation**

**Vancouver Waldorf School** is committed to making sure that anyone who makes a good faith complaint is supported and not penalised in any way.

Any form of retaliation or threats against any of the parties taking part in the investigation of a discrimination, bullying or harassment complaint is strictly prohibited and will result in disciplinary action up to and including termination of employment.

## **Vexatious Complaints**

Inaccurate, misleading, malicious or false accusations have negative consequences for the person(s) concerned, interpersonal relationships and the morale of the School Community. Where it is found that an employee has purposefully or recklessly brought forward an inaccurate, misleading, malicious or false complaint, disciplinary measures will be taken, up to and including termination of employment.

## **Corrective Action**

Any employee who is found to have committed discrimination, bullying or harassment while working for **Vancouver Waldorf School**, and any manager or supervisor who is found to have been aware of that such conduct and permitted it to occur without intervention, may be disciplined, up to and including termination of their employment.

Corrective action may include any one or more of the following:

- A formal apology
- Counselling an employee about inappropriate behaviour
- Appropriate training or retraining
- Written warning placed in the employee's personnel file
- Suspension or termination of employment

Where disciplinary action is taken by **Vancouver Waldorf School** against an employee for discrimination, bullying or harassment, documentation concerning the complaint shall be maintained in a confidential file, separate from the offender's employee's personnel file and will be taken into consideration to establish just cause for discipline or dismissal in the event of subsequent violations of this Policy by the offender.

**Acknowledgement**

I have read and understand the content, requirements, and expectations of this Policy. I have received a copy of the Policy and agree to abide by the Policy as a condition of my employment and my continuing employment at Vancouver Waldorf School. I understand that if I have questions, at any time, regarding this Policy, I am expected to consult with the School's Business Manager.

\_\_\_\_\_  
**Name of Employee (print)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Employee's Signature**