



Chilliwack School District
"Partners In Learning"

ADMINISTRATIVE REGULATION 402.2

HARASSMENT INVESTIGATION GUIDELINES

Investigation of allegations of sexual harassment or harassment requires a fair and careful investigation to ensure the rights of all parties are protected. Some forms of complaint are covered by procedure established in legislation, collective agreement or the policy and practices of the Board. These guidelines are intended to work in harmony with such procedures. Anonymous complaints will not be addressed under this procedure.

In the event that an investigation may be required to resolve a concern, the guidelines outlined in administrative regulation 402.2 are applicable.

Upon receipt of an allegation of sexual harassment or harassment, the Superintendent shall direct the Assistant Superintendent of Human Resources to determine whether or not sufficient specific information exists to proceed with an investigation.

In the event that the Assistant Superintendent determines further information is required prior to proceeding, the complainant will be so notified in writing. Prior to proceeding with an investigation, the individual who is the subject of the complaint shall be informed of the complaint, the identity of the complainant, the details of the allegation and of their right to have a representative or advocate accompany them to any proceedings.

In the event that the Superintendent is involved either as the complainant or the alleged harasser, the complainant shall, at the complainant's discretion, be immediately referred to BCPSEA or a third party named by prior agreement with the employee group or local. In this event an outside investigator may be engaged.

In the event that the Assistant Superintendent of Human Resources is the alleged harasser, the Superintendent shall fill the duties of the Assistant Superintendent of Human Resources as outlined in these Investigation Guidelines.

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In order to protect the rights of all parties to a complaint and to ensure that natural justice (due process) is followed, the guidelines for investigation are:

1. The investigation needs to meet the requirements and procedures designated within the applicable collective agreement or policy under which the complaint arises.

Note The Board/CTA Provincial Collective Agreement Article A.5 and Letter of Understanding on Implementation of Article A.5.: If the complainant is comfortable in dealing directly with the respondent in order to resolve the matter, this should be facilitated (mediation).

2. The investigation shall be conducted within the timelines set out in the collective agreement (if applicable). Where these timelines cannot be met an extension shall be requested. Generally, the investigation should be conducted without delay and be done thoroughly while protecting the rights of all concerned.
3. If the investigation is done by Chilliwack School District personnel, the investigator shall have their other duties adjusted to accommodate the investigation as their primary task. The individual against whom a complaint is made shall be granted release time, as required, to meet with counsel and/or their association/union representatives to prepare for any interview.
4. The investigator is a fact finder who shall be strictly neutral, avoiding the expression of any opinions during the investigation. Each party shall be given an opportunity to indicate relevant witnesses.
5. All parties shall be advised of the need for confidentiality regarding the investigation, the facts and the outcome. They shall be directed not to discuss this matter with anyone.
6. The investigator must keep a detailed and an organized record of the events and proceedings. Inquiry into the working and personal relationship (if any) between the complainant and the respondent shall be made.
7. The alleged harasser and complainant shall be notified of their right to be accompanied by a representative and/or advocate during any meeting.

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8. The alleged harasser must be given the right to respond to allegations made by both the complainant and interviewees.
9. The investigator's confidential report is submitted to the Assistant Superintendent (Human Resources) and shall include:
 - a) The Allegations.
 - b) An Overview of the Process.
 - c) The Facts.
 - d) Other Issues.
 - e) The Conclusions; the reasoning behind them and when differing versions of the event were given, the reasons for preferring one version or the other. This may include the investigator's decision that they were unable to determine what actually occurred.
 - f) Recommendations.

Note: This is modelled after Handout #14 from BCPSEA's Harassment and Sexual Harassment Investigation Training.

10. The complainant and the respondent will be notified by the Assistant Superintendent (Human Resources) or designate of the outcome of the investigation.

In summary, a fair and careful investigation must be done to ensure the rights of all parties are protected.

Cross Refs: Board Policy 402, 402.1, Provincial Teachers' Collective Agreement,
CUPE Collective Agreement, BCPSEA - Investigation-Training Manual for H
Harassment and Sexual Harassment , Davis & Co./BCSSA Harassment Workshop

Adopted: May 25, 1999
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