

POLICY 21

WELCOMING, CARING, RESPECTFUL, AND SAFE LEARNING ENVIRONMENT

POLICY

The Board of Trustees of Livingstone Range School Division No. 68 is committed to providing welcoming, caring, respectful, and safe learning environments that respect diversity, foster a sense of belonging, and promotes student and staff wellbeing. The Board is committed to preventing, eliminating or, if that is not reasonably practicable, controlling the hazards of harassment and workplace violence. Each student and staff member has the right to learn and work in an inclusive environment free from bullying, discrimination, harassment and violence where equality of opportunity, dignity, and respect are promoted.

The Board of Trustees affirms the rights, as provided for in the *Alberta Human Rights Act*, the *Canadian Charter of Rights and Freedoms*, and the *Alberta Occupational Health and Safety (OHS) Act, Regulations and Code* of each staff member employed by the Board and each student enrolled in a school operated by the Board. As such, the Board is committed to providing a safe learning and work environment and will not tolerate acts of harassment or violence against staff or students as provided for in the *Alberta Human Rights Act*, the *Canadian Charter of Rights and Freedoms*, or the *Alberta Occupational Health and Safety Act, Regulations and Code*.

DEFINITIONS

Welcoming, Caring, Respectful, and Safe Learning Environment

A welcoming, caring, respectful, and safe learning environment is one where students and staff are protected from bullying, discrimination, harassment, and violence within school facilities, on school grounds, on school buses, and during school sponsored/authorized co/extra-curricular activities. This applies whether or not the behaviour occurs within the school building, during the school day or by electronic means. All those involved with the division including trustees, staff (employees, volunteers, and contractors), students, parents, and visitors must share in the responsibility for eliminating bullying, discrimination, harassment, and violence. The Board prohibits bullying, harassment, discriminatory, and violent behaviours and expects allegations of such behaviours to be reported and investigated in a timely and respectful manner.

Harassment

Harassment, as defined by the OHS Act, means any single incident or repeated incidents of objectionable or unwelcome conduct, comment, bullying or action by a person that the person knows or ought reasonably to know will or would cause offence or humiliation to a worker, or adversely affects the worker's health and safety. It includes discrimination within the meaning of the Acts and the *Canadian Charter of Rights and Freedoms*.

Bullying: The Education Act defines bullying as "repeated and hostile or demeaning behaviour

by an individual in the school community where the behaviour is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual's reputation". It also includes the distribution of an intimate image of another person knowing that the person depicted in the image did not consent to the distribution. Bullying can take different forms including but not restricted to:

- Physical (pushing, hitting etc.);
- Verbal (name calling, threats etc.);
- Social (exclusion, rumours etc.);
- Cyber (using digital technology to harass, demean or threaten).

Discrimination: Negative differential treatment of a person or group on the basis of the prohibited grounds of discrimination set out in the Canadian and Alberta Human Rights Act or the Canadian Charter of Rights and Freedoms; mainly, race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

Personal Harassment: Disrespectful behaviour that is unwelcomed and demeans or embarrasses a person and not based on one of the prohibited grounds within the *Canadian and Alberta Human Rights Acts* or the *Canadian Charter of Rights and Freedoms*.

Sexual Harassment: Offensive or humiliating behaviour that is related to a person's sex, gender or sexual orientation, as well as behaviour of a sexual nature that creates an intimidating, hostile, or "poisoned" work/learning environment or that could reasonably be thought to put sexual conditions on a person's educational advancement, job or employment opportunities.

Violence

Violence, as defined in the Alberta OHS Act, whether at the worksite or work related, means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm and includes sexual or domestic violence. Violent behaviour can include: physical attack or aggression, threatening behaviour, verbal or written threats.

Sexual violence as a workplace hazard refers to any sexual act, attempt to obtain a sexual act, or other act directed against a worker's sexuality using coercion, by any person regardless of their relationship to the victim, in a workplace or work-related setting.

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom a person has or has had a personal relationship. Domestic violence becomes a workplace hazard, and is no longer limited to a personal issue, when it occurs or spills over into the workplace.

GUIDELINES

1. The *Canadian Human Rights Act* and *Alberta Human Rights Act* protect individuals from discrimination.
 - a) No person shall discriminate or exhibit an intention to discriminate against a person or a class of persons, or is likely to expose a person or a class of persons to hatred or contempt because of the race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that

person or class of persons.

2. The *Canada Labour Code* protects staff from sexual harassment.
 - a) Every employee is entitled to employment free of sexual harassment.
 - b) Every employer shall make every reasonable effort to ensure that no employee is subjected to sexual harassment.
 - c) The employer will take such disciplinary measures, as the employer deems appropriate against any person under the employer's direction who subjects any employee to sexual harassment.

3. The *Criminal Code and the Alberta Occupational Health and Safety Act, Regulations and Code* protects individuals from harassment and violence in all forms.
 - a) Every employer shall ensure, as far as it is reasonably practicable for the employer to do so, that none of the employer's workers are subjected to or participate in harassment or violence at the work site.
 - b) An employer shall establish, in conjunction with the joint work site health and safety committee, a health and safety program that include identification of existing and potential hazards to workers at the work site, including harassment and violence. Measures will be taken to eliminate, reduce or control those hazards.
 - c) All reported incidents will be investigated, and corrective actions will be taken as required. The circumstances related to an incident as well as the name(s) of the complainant, the person(s) alleged to have committed the act, and any witnesses will not be disclosed unless where necessary or required by law.
 - d) When an employer is aware that a worker is or is likely to be exposed to domestic violence at a work site, the employer must take reasonable precautions to protect the worker and any other persons at the work site likely to be affected.
 - e) An employer must ensure that workers are trained in the recognition of violence and harassment; the policies, procedures and workplace arrangements that the employer has developed and implemented to eliminate or control the hazards of violence and harassment; the appropriate response to violence and harassment, including procedures for obtaining assistance; and the procedures for reporting, investigating and documenting incidents of violence and harassment.
 - f) An employer must ensure that a worker reporting an injury or adverse symptoms resulting from an incident of violence or harassment is advised to consult a health professional of the worker's choice for treatment or referral. When a worker is treated or referred by a physician and if the treatment sessions occur during regular work hours, the employer at the work site where the incident occurred shall not make a deduction from the worker's pay or benefits for the time during which a worker attends the session.

4. The *Education Act* addresses bullying behaviour and protects students from bullying behaviour.
 - a) A student, as a partner in education, has the responsibility to refrain from, report and not tolerate bullying or bullying behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means.
 - b) No person shall
 - i) disturb or interrupt the proceedings of a school,
 - ii) disturb or interrupt the proceedings of a school meeting or board meeting,
 - iii) loiter or trespass in a school building or on property owned by a board, or
 - iv) conduct themselves in a manner detrimental to the safe operations of a school.

5. Principals shall ensure that all school policies and procedures are consistent with and adhere to the philosophy and intent of this welcoming, caring, respectful, and safe learning environments policy.
6. Supervisory and performance evaluation actions and processes undertaken in good faith in accordance with Livingstone Range School Division policy and procedures, the Education Act, Alberta OHS Act, or Ministerial Orders do not fit under the definition of bullying, discrimination, harassment, or violence.

REGULATIONS

1. The Board expects that all trustees, employees, students, parents, volunteers, visitors, and contractors shall show responsibility, understanding, sensitivity and concern for the well-being of others and actively participate in maintaining a welcoming, caring, respectful, and safe learning environment.
2. This policy covers inappropriate behaviour directed toward others in the school, whether or not it occurs within the school building, during the school day or by electronic means.
3. The Board expects that all trustees, staff and students will adhere to LRSD Board Policy 21, Administrative Procedure 308, (Sexual Orientation and Gender Identity), the Education Act, the OHS Act and all other acts and legislations in effect which ensures a welcoming, caring, respectful and safe learning environment for all students and staff.
4. The Board prohibits bullying, harassment, discriminatory, and violent behaviours.
 - a) The Board expects students to adhere to Administrative Procedure 350, Student Expectations and Discipline and the schools' code of conduct.
5. The Board encourages reporting of all incidents of bullying, discrimination, harassment, or violence regardless of the identity of the respondent or offender. Reports should be made promptly to a trusted adult, the Principal, the individual's supervisor, or the Superintendent.
 - a) Staff shall report any incidents of bullying, discrimination, harassment, or violence that may constitute a contravention of the *Education Act or the Alberta OHS Act* to the school Principal who shall inform the Superintendent.
6. The Board expects all reported incidents of bullying, harassment, discrimination, or violence to be investigated in a timely and respectful manner. (Reference; Administrative Procedures 307 *Welcoming, Caring, Respectful, and Safe Learning Environment* 308 *Sexual Orientation and Gender Identification*, 349 *Use of Physical Restraints*, and 350 *Code of Conduct*.)
7. Individuals engaging in bullying, discriminating, harassing, and/or violent behaviour and those willingly making false claims regarding such behaviour may be subject to appropriate disciplinary action up to and including expulsion, termination, and/or criminal prosecution.
8. The Superintendent or Principal may contact the police who may lay a charge when conduct is considered a criminal offense, governed by the Criminal Code, or is believed to contravene the *Education Act* or OHS Act and warrants such action.

9. Following any incident of bullying, discrimination, harassment, and/or violence, the Superintendent or designate or school principal will evaluate the level of potential harm and implement appropriate action (i.e. Threat Assessment, Bullying Protocol, parent contact, etc.).
10. The Superintendent or designate shall ensure that the Crisis Response Manual is maintained and reviewed regularly, and revised as required.
 - a) All staff shall adhere to the procedures outlined in the Crisis Response Manual
 - b) Critical incident reports shall be completed and filed with the Superintendent or designate immediately following an incident. (See Crisis Response Manual)
11. The Superintendent or designate will develop, maintain, review annually, and revise as required the LRSD Safety Handbook.
12. The Superintendent or designate, in consultation with the Joint Work Site Health and Safety Committee, will develop workplace harassment and violence prevention plans. (Administrative Procedure 307) These plans include policy statements as well as procedures. The plans will be reviewed if there is an incident, every 3 years, or as recommended by the Joint Work Site Health and Safety Committee. The prevention plans are not intended to discourage a worker from exercising the worker's rights pursuant to any other law.
13. Principals shall develop, maintain, review annually, and revise as required the School Response Plan.
14. Schools shall have measures in place to prevent bullying, discrimination, harassment, and violence, which may include one or more of the following:
 - a) school policy development on related topics to be communicated to students, parents, and staff;
 - b) a program designed to develop and maintain a positive school climate;
 - c) conflict resolution programs;
 - d) access to a counsellor or family school liaison counselor;
 - e) curricular instruction; and/or
 - f) special presentations on relevant topics.
15. Principals shall ensure that students and staff are familiar with the school safety plan and receive training and, where appropriate, practice in implementation of crisis response procedures.

January 2015 (New Policy)

References:

Administrative Procedure 307, 308, 350
Section 31, 32, 33, 35, 35.1(1), 36, 37, 41, 51, 52, 53, 196, 197, 222, 256 Education Act
Alberta OHS Act definitions, 3 1(c), 37 1(b)
Alberta OHS Code, Part 27
Canadian Human Rights Act
Alberta Human Rights Act
Canadian Charter of Rights and Freedoms
Criminal Code
Code of Professional Conduct

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