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## PROTECTION OF STAFF

### Background

Employees, students, volunteers, parents and all others who visit Division facilities are required to conduct themselves in a manner which promotes and protects the best interests of students, staff and colleagues.

On occasion, members of staff and volunteers will have to deal with parents, students, members of the public, or colleagues who exhibit anger, express their frustrations or demands in a manner which is demeaning to the well-being of a staff member(s). Division staff are expected to respond to such challenges with a professionalism that may defuse the causes of such behaviour and could allow problems or concerns to be resolved.

On rare occasions the professional behaviour of Division staff may be unsuccessful in defusing offensive behaviour by others. The Division has an obligation to support, assist and educate its staff and volunteers in the schools with respect to issues surrounding abuse, harassment or defamation associated with the carrying out of their duties. Such situations are to be addressed, where possible, through informal resolution processes. These processes include mediation or conciliation. Where such processes are fruitless or if the severity of the situation warrants, the Superintendent is authorized to use legal remedies through the Division's counsel.

### Definitions

*Abuse* is a violation of the rights, dignity, and worth of other individuals. This includes any act of physical assault and/or verbal expression that humiliates, degrades, elicits fear or takes unfair advantage of a staff member.

- *Verbal Abuse* may take the form of threats, name calling, gestures or swearing.
- *Physical Abuse* may include striking out, grabbing, pulling or kicking an individual or other such similar activity which may result in injury. Legally, it is referred to as assault.

*Defamation* is any expression that attacks or injures the reputation or honour of an individual or recognized group by, amongst other things, false and malicious statements. Defamatory expressions malign, slander or libel an individual or recognized group.

*Harassment* means any comment, conduct or gesture or contact of a discriminatory nature that is likely to cause offence or humiliation to an employee. The Alberta Human Rights Commission states: harassment occurs when one person subjects another to unwelcome verbal or physical conduct because of:

- Race, religious beliefs, colour, gender, physical or mental disability, sexual orientation, age, ancestry, or place of origin.
- Unwanted physical contact, tension, demands, jokes or insults are harassment when they negatively affect the working environment (and/or) the ability to obtain services.

Harassing behaviour may be either criminal or civil in nature.

*Criminal* harassment may include:

- Oral – threats that give rise to a genuine concern for personal safety.
- Physical – abuse as described above or watching or besetting (stalking).
- Telephone/Mobile Phones – conveying threats by telephone/mobile phones that give rise to a genuine concern for safety.
- Written – threats conveyed in writing, via texts, email or other social media, which give rise to a genuine concern for safety.

*Civil harassment* may include:

- Oral – shouting, swearing or the use of personally demeaning, sarcastic expressions.
- Physical – intentionally using an intimidating presence or entering Board property without permission.
- Telephone/Mobile Phones – numerous and lengthy calls that disrupt an employee's ability to attend to duties.
- Written – frequent detailed frivolous or vexatious written complaints that require an employee to spend inordinate time investigating thus detracting the employee from attending to duties.

*Safety* means freedom from physical harm, mental, emotional or psychological trauma.

## **Procedures**

### **1. Communicating with Angry Persons**

In the performance of their duties, Division staff may be faced with individuals experiencing serious levels of frustration, concern or anger. Such individuals may initially conduct themselves in an uncivil and rude manner. Wherever possible, staff members are to use communication techniques that defuse frustration or anger and allow problem resolution to occur. In working with angry, concerned persons, staff members are expected to:

- 1.1 Conduct themselves in a civil and cordial manner.
- 1.2 Anticipate, where possible, personal sensitivities (e.g. parental feelings of "guilt" associated with students with diverse learning needs or other family circumstances) and avoid comments or behaviours that arouse those sensitivities.
- 1.3 Call for support from a colleague or administrator if rude, confrontational behaviour persists.
- 1.4 Assert their legal rights whilst meeting their responsibilities.
- 1.5 Adjourn meetings with angry persons if, in their judgment, there is no possibility, at the time, for civil discourse.
- 1.6 Respect the requirements of the Freedom of Information and Protection of Privacy Act in discussing unsuccessful meetings except with their immediate supervisor(s) or, if necessary, the Superintendent.

### **2. The Division will provide:**

- 2.1 Staff learning opportunities in personal communication, conflict resolution and human problem solving; and

- 2.2 Staff learning opportunities to assist staff in dealing with the personal and emotional consequences of dealing with angry persons.

### 3. Reporting

- 3.1 When a staff member believes that he/she has been subjected to physical abuse or criminal harassment, the individual is to immediately inform the supervisor and then complete the Staff Incident/Injury Report online. If necessary the supervisor may inform the police.
- 3.2 When an individual believes that he/she has been subjected to criminal or civil abuse, harassment or defamation, he/she is to keep records, where possible, of the experience(s).
- 3.3 If the matter brought to the attention of a supervisor is not resolved through the intervention of the supervisor, the matter will be reported to the Office of the Superintendent who may consult with legal counsel.
  - 3.3.1 If the individual affected is a member of the Alberta Teachers' Association, the individual is advised to contact the Association.
- 3.4 If the intervention of the Superintendent does not satisfactorily resolve the matter, it will be referred to legal counsel for advice and possible action.

### 4. Dealing with Civil Harassment

- 4.1 When an employee believes that another employee of the Division has harassed him/her, the affected individual will follow procedures outlined in Administrative Procedure 171 – Harassment and Violence in the Workplace.
- 4.2 When an employee believes that a student has harassed him/her the affected employee will follow procedures outlined in Administrative Procedure 171 – Harassment and Violence in the Workplace.
- 4.3 When an employee believes that a parent, volunteer or visitor to a school or other Division personnel has harassed him/her, the employee will:
  - 4.3.1 Seek the assistance of an immediate supervisor (Principal, Manager, etc..) in drafting a plan to address the issue.
  - 4.3.2 Make every attempt to meet with the parent or volunteer. The immediate supervisor is to be present.
  - 4.3.3 Require that the allegations associated with the harassment be detailed and specific, not vague or nebulous.
  - 4.3.4 Listen. Try to understand the other person's perspective. Try to ascertain truth in the concern being expressed.
  - 4.3.5 The goal is to resolve the problem to the mutual satisfaction of both parties. Try to elicit the complainant's help to reach a satisfactory resolution.
  - 4.3.6 Keep an accurate written record of events, times, places and witnesses.
  - 4.3.7 If the harassment persists, action Section 3 above both orally and in writing.
- 4.4 Where a Principal, department manager, or the Superintendent believes that harassment of an employee disturbs or interrupts the proceedings of a school the conduct of the perpetrator can be controlled through the application of the *Education Act*.

- 4.4.1 If harassment occurs through loitering or trespassing on property owned by the Division, Sections 31-35 of the *Education Act* may, likewise, be invoked.
- 4.4.2 A Staff Incident/Injury Report (Form 160-01) is to be completed for documentation.

## 5. Systemic Investigations

- 5.1 When the Superintendent has reason to believe that harassment or abuse of an employee(s) has occurred but a complaint has not been registered, the Superintendent will investigate the matter under the following conditions:
  - 5.1.1 There is a focused pattern of inquiries, complaints or behaviour over time that suggest the existence of a specific problem; or
  - 5.1.2 There is reason to believe a broader or systemic problem exists in the learning or work environment that causes, contributes to or encourages harassment; or
  - 5.1.3 As a result of an investigation, a complaint is not supported but there is reasonable evidence that a broader systemic problem exists.
- 5.2 Prior to investigating, the Superintendent will create a written document that identifies the conditions providing reasonable grounds for an investigation.
- 5.3 Where the Superintendent authorizes an investigation, the appropriate parties will be advised of:
  - 5.3.1 The intent to conduct a systemic investigation,
  - 5.3.2 The reasons for initiating the investigation, and
  - 5.3.3 The process or procedures to be implemented for the investigation.
- 5.4 The results of any systemic investigation undertaken by the Superintendent will be reported to the Board.

## 6. False Charges

- 6.1 If an investigation determines that complaint(s) made by an employee was intentionally false, malicious, or vindictive, the employee will be subject to disciplinary action including dismissal or legal action as the circumstances warrant.
- 6.2 If the employee described in clause 6.1 above is a teacher, they may be subject to discipline by the Alberta Teaching Profession Commission and the Alberta Teachers' Association.

Reference: Section 33, 52, 53, 197, 204, 222 Education Act  
Alberta Human Rights Act  
Child Youth and Family Enhancement Act  
Employment Standards Code  
Freedom of Information and Protection of Privacy Act  
Occupational Health and Safety Act  
Canadian Charter of Rights and Freedoms  
Canadian Human Rights Act  
Criminal Code  
Student Record Regulation 225/2006  
ATA Code of Professional Conduct

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