



Section 3: Staff

“Together We Learn”

**350R – HUMAN RIGHTS
(REGULATIONS)**

1. Reporting and Settlement Process

The following options are made available to individuals or groups who believe they have been discriminated against or harassed in contravention of this Policy:

Option 1 Speak Directly with Offender

- 1.1 Anyone who believes they have been subjected to discrimination or harassment should communicate directly and advise the other party that the conduct is unwelcome and must stop immediately.
- 1.2 The person may wish to be accompanied by one of the Human Rights Advisors when this communication occurs.

Option 2 Mediated Resolution Process

- 1.3 If the person is not comfortable with Option 1 or no resolution is reached at Option 1, they may seek the assistance of a Human Rights Investigator to mediate a resolution to the complaint.
- 1.4 Participation in the mediated resolution process is voluntary.
- 1.5 The mediated resolution of the complaint will be documented, signed by both parties and the Human Rights Investigator, and placed in a confidential file kept by the Human Rights Investigator.
- 1.6 The mediated resolution should be completed within 30 days of the complaint being presented to the Human Rights Investigator. The Investigator will be responsible for monitoring that the participants are complying with commitments made in the mediated resolution.

Option 3 Formal Investigation

- 1.7 If the complaint cannot be resolved through mediation at Option 2 or if the Complainant chooses to file a formal complaint instead, the Superintendent of Schools/CEO (or designate) (hereinafter referred to as the "Superintendent") will conduct a confidential investigation of the complaint in order to determine the facts and assess whether this Policy has been breached.



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- 1.8 Requests for formal investigations should be made to the Superintendent. If the allegation is against the Superintendent, the request for a formal investigation should be made to the Chairperson of the Board of Education.
- 1.9 The time taken to investigate the complaint will not normally exceed 4 weeks from the date of filing of the formal complaint.
- 1.10 A Human Rights Investigator will be assigned to investigate the complaint. The same Human Rights Investigator will not investigate the complaint if they have attempted to resolve the complaint under Option 2.
- 1.11 The Superintendent may choose to retain an outside investigator to conduct the investigation.
- 1.12 The Complainant and the Respondent will have a right to representation during the investigation process.
- 1.13 All documentation respecting the complaint and its investigation will be kept by the Human Rights Investigator in a confidential investigation file.
- 1.14 If a District employee is involved, any letters respecting discipline or dismissal will be placed on the confidential personnel file of the employee who is disciplined or dismissed.

2. BC Human Rights Tribunal

Nothing in this settlement process takes away a person’s right to by-pass this process and file a complaint directly with the British Columbia Human Rights Tribunal. The Tribunal has timelines for filing complaints that need to be met.

3. District Employees and Collective Agreements

Nothing in these regulations takes away the right of a District employee who is represented by CUPE or COTA to by-pass this process and file a grievance or access any other procedures that may be provided in their Collective Agreements.

4. Remedial Action

The goal of this Policy is the prevention of discrimination and harassment. Where a complaint is substantiated, an appropriate remedy will be provided to the person who has been subjected to harassment or discrimination and corrective action will be taken against the person who has breached this Policy. This may include education or training,



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denying access to District facilities and activities, and/or in the case of District employees, discipline up to and including termination of employment.

5. Available Resources

Human Rights Investigators

These individuals are available to mediate complaints or conduct formal investigations. They can also answer questions about Human Rights legislation and the District’s Policy. The Human Rights Investigator will have training in human rights and alternative dispute resolution techniques.

Human Rights Advisors

These are volunteers from our partner groups who have received additional training in Human Rights. They are available to answer questions and provide advice and support to any person or group with a human rights issue.

6. Relationship to the District’s Respectful Workplace Policy

Board Policy 351 - Respectful Workplace is a separate Policy that was developed to create and maintain a learning and working environment where all can expect to be treated professionally and respectfully in their interactions with any employee or person in District facilities and activities. The Respectful Workplace Policy provides guidance and resolution processes when there is conflict in the workplace that is NOT based on a ground or characteristic that is protected by the Human Rights Code. For example, a conflict between people that is based on religion would be dealt with under the Human Rights Policy. A conflict caused by a person’s inability to control their anger could be dealt with under the Respectful Workplace Policy.

7. Further Information

Any questions regarding this Policy or its accompanying regulations can be referred to the Director of Human Resources or the Assistant Director of Human Resources. The individuals holding these positions can be found on the School District website under “Contact Information”.

Date Agreed: February 23, 2000

Date Reviewed/Amended: November 13, 2002

Date Amended: June 22, 2011; February 22, 2017;

Date Reviewed: November 12, 2014

Related Documents: Child, Family & Community Service
Act, Interministerial Protocols, Collective Agreements