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## ADMINISTRATIVE PROCEDURE 305 STUDENT BEHAVIOUR – SEXUAL HARASSMENT AMONG STUDENTS

Sexual harassment can be a type of discrimination based on sex, sexual orientation, gender identity or expression. When a student is sexually harassed in school, it can undermine their sense of personal dignity and safety, disrupt their education, and interfere with their ability to reach their full potential in life.

Under the British Columbia *Human Rights Code*, sexual harassment is a form of sex discrimination. It is sexual harassment if someone repeatedly says or does things to you that are insulting and offensive. It can be words or actions that are sex or gender related.

Some examples of sexual harassment are:

- unwanted touching.
- making offensive jokes or remarks.
- making sexual requests or suggestions.
- staring at or making unwelcome comments about someone's body.
- showing sexual pictures or images.
- being verbally abusive to someone because of gender.

### PROCEDURE FOR STUDENTS:

If a student believes they are being sexually harassed, the following procedure is encouraged:

1. Sometimes a person does not realize that a particular habit, action, reaction or attitude is unwelcome. Therefore, it is strongly recommended that the complainant communicate to the individual that their behaviour is unwelcome and ask them to stop (verbally and/or in writing). Before proceeding with a formal complaint, students who believe they are being harassed or who may not know or are unable to communicate with the harasser should approach a teacher, counsellor, administrator, parent or trusted adult to obtain advice, support and skills to halt the harassment. The resolution may include an apology and assurance that the offensive conduct will not be repeated or some other acceptable solution.
2. Keep a record of incidents including dates, times, locations, possible witnesses, what happened, and your response. You do not have to have a record of events to file a complaint, but a record can strengthen your case and help you remember details over time.
3. File a complaint. If, after asking the harasser to stop the behaviour, the harassment continues, report the incident to one of the following individuals:
  - a) principal or vice principal.
  - b) teacher or guidance counselor.

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Related Legislation: Charter of Rights and Freedoms, Section 15.1; B.C. Human Rights Code; Maintaining School Safety: A guide for School and Policy Personnel in BC 2019; BC Human Resources Policy 11 – Discrimination, Bullying and Harassment in the Workplace; Youth Criminal Justice Act (Canada)

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- c) Superintendent or Assistant Superintendent (604-792-1321).
- d) a parent, friend or relative who can help you talk to one of the parties listed above.
- e) **Erase** (BC Safe Schools Report Line) <https://erasereportit.gov.bc.ca/add/report-it>

You also have the right to contact the RCMP or file a complaint under the BC Human Rights Code.

## **Time Limits:**

Complaints can normally be filed for sexual harassment that has taken place within the previous 12 months. This time limit does not apply where sexual assault or sexual abuse has occurred.

## **DIRECTIONS FOR ADMINISTRATORS:**

1. Once a complaint is received, it will be kept strictly confidential. However, it must be recognized that a fair investigation will require some disclosure. An investigation will be undertaken immediately, and all necessary steps taken to resolve the problem. If the issue is resolved through informal means, a copy of the resolution will be kept by both parties. If sexual assault or abuse has been alleged, it must be reported by the person receiving the disclosure or complaint to the Ministry for Children and Families and/or the RCMP for their investigation.
2. The complainant and the alleged harasser will both be interviewed along with any individuals who may be able to provide relevant information. All information will be kept in confidence. Normally, the school principal or vice principal will conduct the investigation. Both the complainant and alleged harasser are entitled to be accompanied by a representative, normally their parent(s)/guardian(s)/caregiver(s) at all phases of the investigation.
3. If the investigation reveals evidence to support the complaint of sexual harassment, both the parents/guardians/caregivers of the victim and alleged harasser must be informed, in writing, of the allegation and of the findings. The harasser will be subject to appropriate consequences that may include:
  - training, counselling, suspension and/or transfer, and the incident will be documented.
  - No documentation or reference to the complainant where the complaint is filed in good faith, whether the complaint is upheld or not.
4. Should the school principal conclude that a complaint is not filed in good faith, appropriate discipline will be applied. This discipline could range from an apology to a transfer as noted in point #7 below.
5. If the investigation fails to find evidence to support the complaint, there will be NO documentation concerning the complaint.
6. Regardless of the outcome of a sexual harassment complaint made in good faith, the student lodging the complaint, as well as anyone providing information, will be protected

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from any form of retaliation including harassment of the individual(s) who have made a complaint or provided evidence.

7. In the event that a transfer is required, it shall be the harasser who is transferred, except where the complainant requests to be the one transferred.
8. Both the complainant and the alleged harasser have access to the school or district counsellor.
9. A student or parent/guardian of the student has a right to appeal decisions made by District staff as per Policy 390: Resolving Concerns.

## **Responsibility of Employees:**

It is the responsibility of the administrator, teacher or any employee within this district to take immediate and appropriate action to report or deal with incidents of sexual harassment whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed.

School administration should follow-up with both complainant and harasser to ensure the conduct does not continue and that counselling is provided if needed or wanted.