

## Harassment Reporting and Investigation

### BACKGROUND

Fusion Education Association is committed to responding promptly, fairly and impartially to concerns involving harassment, sexual harassment, discrimination and reprisal. Whenever possible, concerns should be addressed at the earliest appropriate opportunity while ensuring procedural fairness, confidentiality and respect for all individuals involved. This administrative procedure establishes the process for reporting, reviewing, resolving and investigating concerns arising under Administrative Procedure #310 – *Harassment, Sexual Harassment and Discrimination*. The Superintendent is responsible for implementing this administrative procedure.

### PURPOSE

The purpose of this administrative procedure is to:

1. establish a fair and consistent process for reporting concerns;
2. encourage the early resolution of workplace issues where appropriate;
3. ensure complaints are reviewed and investigated in a timely and impartial manner;
4. protect the rights, dignity and privacy of all individuals involved; and
5. support a respectful, safe and psychologically healthy workplace.

### REPORTING CONCERNS

1. Employees who believe they have experienced or witnessed harassment, sexual harassment, discrimination or reprisal are encouraged to report the concern as soon as reasonably possible.
2. Where appropriate and where the employee feels comfortable doing so, concerns may first be addressed directly with the individual involved.
3. Employees may report concerns to their immediate supervisor or directly to the Superintendent.
4. Concerns involving the Superintendent shall be reported to the Chair of the Board.
5. A complaint may be made verbally or in writing. Employees may be asked to provide written information to assist in reviewing the concern.

### EARLY RESOLUTION

1. Where appropriate, concerns may be resolved through discussion, clarification, facilitated conversation or another informal resolution process.
2. Informal resolution will not be used where:
  - the alleged conduct is serious;
  - there is a significant power imbalance;
  - there is a concern for safety;
  - the matter may involve unlawful conduct; or
  - another formal response is appropriate.

### REVIEW AND INVESTIGATION

1. Upon receiving a complaint, the Superintendent or designate will determine whether:
2. the concern may be resolved informally;
3. a formal investigation is required; or
4. another administrative process is more appropriate.
5. Where a formal investigation is required, the Superintendent may conduct the investigation or appoint an impartial investigator.
6. Individuals involved in the complaint will be provided an opportunity to respond to the information relevant to the investigation.

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7. Findings will be based on the balance of probabilities.
8. Where a complaint is substantiated, appropriate corrective action will be taken.
9. Where a complaint is not substantiated, no disciplinary action will result solely because a complaint was made in good faith.

### CONFIDENTIALITY

1. Fusion Collegiate will make reasonable efforts to protect the privacy of all individuals involved.
2. Information will be shared only with those who require it to resolve, investigate or respond to the complaint, or where required by law.
3. All participants are expected to maintain confidentiality throughout the process.

### REPRISAL

1. Reprisal against any individual who raises a concern, participates in an investigation or acts as a witness in good faith is prohibited.
2. Any individual who knowingly makes a false or malicious complaint or intentionally provides false information may be subject to corrective or disciplinary action.

### RECORDS

Records relating to complaints and investigations will be maintained in accordance with applicable legislation and Fusion Collegiate administrative procedures governing personnel records and privacy.

**LEGAL REFERENCES:** *Alberta Human Rights Act, Education Act, Occupational Health and Safety Act, Occupational Health and Safety Code, Protection of Privacy Act*

**RELATED FEA ADMINISTRATIVE PROCEDURES:** #307 Harassment, Sexual Harassment and Discrimination, # 104 Records Retention and Disposition