

SEXUAL HARASSMENT POLICY FOR STUDENTS

1. Statement of Commitment

The inherent right of all individuals to be treated with dignity and respect is central to the values and beliefs of the Lycée Français De Toronto ("Lycée Français"). Lycée Français is committed to maintaining an educational community which fosters mutual respect for the dignity and well-being of all employees, volunteers and students.

Sexual harassment is prohibited by the Ontario Human Rights Code. In keeping with its values and legal responsibilities, Lycée Français will treat any complaint of sexual harassment as a serious matter.

The quality of an individual's every day environment impacts on her or his sense of dignity and worth. Sexual harassment poisons the working and learning environment for the whole community and may cause long-lasting effects. It negatively affects morale, motivation and learning. It may result in lowered self-esteem, increased absenteeism and poor or poorer school performance.

Lycée Français is committed to providing a working and learning environment that promotes ethical behaviour. It therefore, requires all persons to exercise behaviour that facilitates the creation of a supportive, harassment-free environment that is conducive to the achievement of excellence and the development of one's potential.

2. Purpose of the Policy

The purpose of this Sexual Harassment Policy (the "Policy") is to maintain a learning and teaching environment free from acts of harassment. This Policy is a clear statement of Lycée Français' commitment and determination to act promptly against any incident of harassment and to create an environment where harassment will not be tolerated. The objectives of the Policy are to:

- to focus the attention of students, staff and parents/guardians on the importance of dealing with sexual harassment promptly and effectively;
- to enhance the knowledge of students with regard to forms of harassment;
- to articulate the formal and informal complaint procedure for students, and provide confidential, impartial and effective procedures to resolve complaints in ways that respect all parties;

- to provide appropriate consequences and responses for the maintenance of a harassment-free learning and working environment; and
- to define the roles and responsibilities of students and Lycée Français personnel.

3. What is Sexual Harassment?

The *Human Rights Code* establishes a person's right to an environment free of discrimination and harassment.

Sexual harassment is defined as vexatious* comment or conduct based on sex by a person who knows or ought reasonably to know that such behaviour is unwelcome.

Sexual harassment may be unwanted, uninvited sexual attention. It may involve remarks, gestures, or actions of a sexual nature that make a person feel unsafe or uncomfortable. It may create an intimidating, hostile or offensive learning environment. Sexual harassment is illegal. It may include but is not limited to:

- Unwanted sexual advances which may include leering, intentional touching and/or patting, kissing or pinching.
- Persistent requests for a date, a proposition, or demands for sexual favours.
- Inappropriate sexually oriented remarks or behaviour.
- Reprisal or threat of reprisal for the rejection of a sexual advance or request for sexual favours.
- Expressions of bias on the basis of sex or sexual orientation in any form.
- Inappropriate sexual comments about a person's body or appearance.
- Sexually suggestive remarks or innuendoes.
- Sexist jokes that are offensive or embarrassing.
- Displaying of pornographic or other offensive pictures, cartoons and graffiti in the schools and other Lycée Français premises as well as on clothing.
- Letters, phone calls or visits of a sexually harassing nature.

* *State of irritation or distress, annoying (The Concise Oxford Dictionary of Current English page 1195, (1982) New York: Oxford University Press).*

4. What is not Sexual Harassment?

- An occasional compliment.
- A hug between friends.
- Mutual flirtation or banter.

5. Complaint Process

Sexual harassment does not commonly stop on its own. Experience indicates that instances of sexual harassment generally get worse. If a student is a victim of sexual harassment or is a witness to this, even though the student may be upset, he or she should act promptly. Once positive action is taken, most harassment problems are resolved successfully and the offensive behaviour stops.

A student may decide to use the informal complaint process or the formal complaint process. The student may take action whether the offender is a fellow student, a member of staff, or another person participating in a school-sponsored program.

Each student retains the right to decide how to respond to sexual harassment.

INFORMAL COMPLAINT

1. If a student believes that he/she has been sexually harassed, the student may wish to discuss the situation with a trusted adult.
2. As soon as possible, the student should write down the details surrounding the incident(s) including times, dates, places, names of witnesses, if any, and circumstances surrounding the incident(s).
3. The student may wish to speak directly to the person involved. She/he may choose to do this alone or in the presence of a trusted adult. If the student chooses to speak to the person, it would be helpful to make a note of the conversation that took place. The person should be told that the behaviour is unwelcome and must stop.
4. The student may wish to advise the person by letter. If this option is chosen, a copy of the letter and record including the date and time of its delivery, should be kept. The letter should:
 - be brief;
 - be factual and clear;

- give date(s), time(s) and location(s);
 - describe the specific incident(s);
 - state the impact on the student (i.e. how it made the student feel);
 - state what the student would like to happen; and
 - be signed by the student.
5. If the student is not satisfied with the results of the initial contact or if the harassment continues, the student may request the presence of a teacher, guidance counsellor, or Principal/Designate to assist with the discussion so that the parties may focus on the issues and work toward achieving a satisfactory resolution.
6. If the harassment is not resolved at the informal stage, the student may choose to initiate a formal complaint.

FORMAL COMPLAINT

A Student or a Staff Member Harassed by a Student

1. The student/staff (the "complainant") will submit a written, signed complaint to the Principal/Designate. If the alleged harasser is the Principal/Designate, the written complaint should be directed to the Chair of the Board.
2. A signed complaint should include identification of the individual(s) involved and a clear description of the incident(s) of harassment including times, dates, places and names of witnesses, if any.
3. If the student (the complainant or alleged harasser) is under eighteen (18) years of age, the Principal/Designate will notify the parent/guardian.
4. Consideration should be given to separating relevant students and/or staff while the investigation is being conducted. Such action will be considered on a case-by-case basis to protect the interests of all parties.
5. Principal/Designate will promptly conduct an investigation. The investigation should proceed in the following manner:
 - The Principal/Designate should meet with the complainant. During the course of this interview the Principal/Designate should listen carefully, ask specific questions to elicit details, find out about the nature of the relationship with the alleged harasser (the "respondent"), ask about witnesses, and ask what the complainant would like to have happen.

- The Principal/Designate should meet with the respondent. This person should be told the identity of the complainant and presented with the facts. The respondent should be asked for a specific response to each allegation, including the nature of relationship, and whether there were any witnesses. The Principal/Designate should remain neutral and reserve judgment until all facts have been collected.
 - The Principal/Designate should interview each witness mentioned by the parties. These witnesses should be interviewed separately. The Principal/Designate should determine whether these individuals were actually present at the time of the alleged behaviour, or whether they simply heard about the incident afterwards. Each witness should be informed of the importance of confidentiality.
 - Based on the information received, the Principal/Designate, in consultation with the school legal counsel, should determine whether or not the incident appears to constitute sexual harassment.
 - The seriousness of the incident must be determined and appropriate disciplinary action taken.
6. To assist in determining the appropriate disciplinary action, several factors should be considered:
- impact of the offence on the complainant;
 - power imbalance between victim and offender;
 - gravity of offence;
 - offender's documented history with regard to similar behaviour; and
 - age of the offender and victim.
7. The complainant, at any stage, may choose to withdraw the complaint. The Principal/Designate, however, may still be obliged to investigate.

PLEASE NOTE: WHEN STUDENTS ARE INVOLVED IN A SEXUAL HARASSMENT COMPLAINT, IT SHOULD BE DETERMINED BY THE PRINCIPAL/DESIGNATE WHETHER OR NOT THE INCIDENT APPEARS TO CONSTITUTE SEXUAL HARASSMENT, SEXUAL ASSAULT OR SEXUAL ABUSE. IF THERE IS A SUSPICION OF SEXUAL ASSAULT OR SEXUAL ABUSE, BASED ON THE INFORMATION RECEIVED, THEN PROCEDURES FOR INVESTIGATION OF SEXUAL ABUSE OR SEXUAL ASSAULT SHOULD BE FOLLOWED.

APPEAL PROCESS

The decision of the Principal/Designate may be appealed by the complainant or respondent in writing to the Chair of the Board within seven (7) working days of receipt of the decision. The Chair of the Board will receive the material and refer the matter to the appropriate Reviewer. The Reviewer will review the decision of the Principal/Designate and make a determination in this matter. If the Principal is the respondent, the Chair of the Board will make the final determination in the matter within 15 working days.

CORRECTIVE ACTIONS

If the complaint has been substantiated, the seriousness of the occurrence will determine the school's disciplinary response. Responses may include, but not be limited to:

- inform the parent/guardian of a student's behaviour and the corresponding consequences;
- temporarily remove privileges (i.e. recess, lunchroom/cafeteria, school activities);
- refer to counselling and/or guidance intervention;
- suspend the student; and
- involve the police where a criminal offence may have occurred.

In circumstances where a complaint has been substantiated, the onus is on the Principal/Designate to consider first and foremost the impact on the complainant.

The complainant will be informed by the Principal/Designate that corrective action has been taken and asked to report any further incidents of harassment or reprisal. In order to prevent a re-occurrence of harassment, the respondent's conduct will be monitored by the Principal/Designate.

SCHOOL RELATIONSHIP

Consideration should be given to encourage the students to work out their relationship. The Principal/Designate may appoint an adult or peer mediator/facilitator to assist in helping the parties reach a resolution.

Student Harassed by a Staff Member or Volunteer

1. The student will submit a written complaint to the Principal/Designate. A signed, written complaint should include identification of the individual(s) involved and a clear description of the incident(s) of harassment including times, dates, places and names of

witnesses, if any. Where the Principal is the alleged harasser, the written complaint should be forwarded to the Chair of the Board.

2. Students may obtain the assistance of a trusted adult, such as a parent/guardian, teacher, guidance counsellor, other support staff, or the Principal/Designate in the preparation of a written complaint.
3. If the student is under eighteen (18) years of age, the Principal/Designate will notify the parent/guardian.
4. The complainant will submit a written complaint to the Principal. A signed written complaint will include:
Identification of the individual(s) involved and a clear description of the incident(s) of sexual harassment including times, dates, places and names of witnesses, if any.
5. The Principal/Designate shall confirm in writing to the complainant receipt of the complaint within seven (7) working days. Before forwarding the complaint to the individual alleged to have engaged in harassment, the Faculty Chair/Designate shall first meet with the complainant.
6. The Principal/Designate will forward a copy of the complaint, to the respondent within seven (7) working days of receipt of the complaint
7. The Principal/Designate will discuss the complaint separately within the two parties and, on their recommendation, may consult with others who are in a position to provide relevant information. In conducting an investigation, the Principal/designate will ensure that the following steps are taken:
 - appropriate steps to ensure the safety of the complainant;
 - interview the complainant(s) and/or the third party reporting the complaint;
 - inform the respondent(s) of the allegations and provide an opportunity for a response;
 - interview witness(es);
 - come to a conclusion about whether a specific incident did or did not occur based on a balance of probabilities; and
 - take appropriate action to resolve the situation.
8. If considered appropriate by the Principal/Designate and/or the parties, the Principal/Designate will prepare a written summary of any agreement, reached between the parties, including timelines, responsibilities and monitoring.
9. The investigation should be completed as soon as possible, ideally within fifteen (15) working days of the request to the Principal. If circumstances of the complaint will require

longer than fifteen (15) working days for completion of the investigation, then both parties are to be notified of the reasons for the delay and the expected time for completion of the process.

10. Findings of the investigation and conclusions of the Principal/Designate will be forwarded to both parties.

11. The complainant, at any stage, may choose to withdraw the complaint. The school, however, may still be obliged to investigate.

12. The provisions of this Policy do not take away an employee's right to take action outside of its provisions. For example, using any of the internal options does not mean one cannot exercise other rights, such as filing a complaint directly to the Ontario Human Rights Commission.

APPEAL PROCESS

The decision of the Principal/Designate may be appealed by the complainant or the respondent in writing to the Chair of the Board within seven (7) days working days of receipt of the decision. The Chair of the Board will review the decision of the Principal/Designate and make a determination in this matter.

CORRECTIVE ACTIONS

If the complaint has been substantiated, the seriousness of the occurrence will determine the school's disciplinary response. Responses may include, but not be limited to:

- (a) a written reprimand delivered to the employee with a copy placed in the employee's personnel file;
- (b) referral to counselling/course;
- (c) transfer;
- (d) withholding of a promotion;
- (e) demotion;
- (f) suspension with or without pay; or
- (g) dismissal.

In circumstances where a complaint has been substantiated, the onus is on the Board to consider first and foremost the impact on the complainant.

The complainant will be informed by the Principal/Designate that corrective action has been taken and asked to report any further incidents of harassment or reprisal. In order to

prevent a re-occurrence of harassment, the respondent's professional conduct will be monitored by the appropriate supervisor.

6. Other Considerations

TIME LIMIT FOR FILING COMPLAINT

Any complaint must be filed within a reasonable time following the occurrence of the event. Lycée Français adopts the six-month time frame prescribed by the Human Rights Code and Lycée Français may, in its discretion, decide not to deal with the complain when the facts upon which the complaint is based occurred more than six months before the complaint was filed.

TIME

Any time limits set out in the Policy can be extended if, upon the determination of the Chair of the Board, there is an appropriate reason for doing so or if both parties agree.

CONFIDENTIALITY

Lycée Français understands that it is difficult to come forward with a complaint of sexual harassment and recognizes a complainant's and respondent's interest in keeping the matter confidential.

To protect the interests of the complainant, the person complained against, and any others who may report incidents of sexual harassment, confidentiality will be maintained throughout the process to the fullest extent practicable and appropriate under the circumstances.

All relevant documents and records regarding sexual harassment allegations will not be accessible to any Lycée Français staff other than the Principal/Designate, Lycée Français counsel, the Chair of the Board or appropriate supervisor.

FRIVOLOUS OR VEXATIOUS COMPLAINTS

Lycée Français does not condone frivolous or vexatious complaints. If it is determined as a result of an investigation that a complaint was made maliciously with intent to harm or made in bad faith, formal disciplinary action will be taken against the complainant, including, but not limited to, a letter of reprimand, suspension or possible expulsion.

Such disciplinary action will be placed in the student's/employee's file. The complainant has the right to receive written notification of this conclusion, including reasons and grounds, to respond to it and be represented at all subsequent proceedings.

PARENT INVOLVEMENT

In handling a complaint of sexual harassment, the Principal/Designate must inform the parents/guardian of the student responsible for the harassment and/or the victim involved, where a respective student is under eighteen (18) years of age. If the complaint involves students, eighteen (18) years of age and over, the students may decide whether or not they wish their parents to be informed of the complaint.

RECORD KEEPING

Where the respondent and/or complainant is a student, all the material gathered as part of the investigation will be forwarded to the Principal/Designate. The material should include:

- (a) the names of complainants and respondents;
- (b) the nature of the alleged harassment;
- (c) correspondence between parties;
- (d) meetings, including dates and names of attendees; and
- (e) information regarding the investigation process and disposition of the complaint.

If the complaint is upheld at the formal stage, the Lycée Français shall take appropriate action including counselling, or removal of privileges, or suspension, and the record of these actions shall be kept in the student's Ontario Student Record.

If the complaint is not upheld, a letter will be sent to the parties notifying them of such. In general, copies of the letters to the complainant and the respondent will be kept in the sexual harassment file of the Principal/Designate.

Lycée Français, however, reserves the right to include the letter in the personnel file of the respondent.

Where the respondent is a staff member, the Principal will be the custodian of the records and documents, and, as such, will ensure confidentiality of all materials.

Registration in the school implies acceptance of LFT's rules and regulations