

SECTION B

STAFF GUIDELINES



STAFF GUIDELINES

PARENTAL HARASSMENT OF SCHOOL BOARD STAFF AND AGENTS OF THE BOARD

INTRODUCTION

1.0 Parental Harassment

Black's Law Dictionary defines harassment as:

*Words, conduct or action (usually repeated or persistent) that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress in that person and serves no legitimate purpose.*¹

Harassment is defined in the Ontario Human Rights Code as “engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome”. [Subsection 10(1)e].

Harassment can be, but is not limited to, misuse of power. It is unacceptable and unsolicited conduct, action, beliefs and attitudes which, intentionally or unintentionally, demean the victim and/or assert control and/or influence over the victim. It is behaviour that is not welcomed and may make you feel uncomfortable, embarrassed, offended or scared. It may include:

- something done to you and/or something done to someone else including unnecessary and unwelcome physical contact such as touching, petting or pinching, leering, suggestive staring and/or other gestures, unwanted sexual attention, remarks, behaviours, sexually degrading words and/or solicitation made by a person who knows or ought reasonably to know that such attention is unwelcome;
- comments which hurt someone's feelings including insults, jokes, name-calling, slurs and teasing;
- fighting and/or bullying;
- graffiti, insulting words, messages, slogans, pictures, and offensive posters, video, or a form of electronics transmission;
- lack of sensitivity to a person's gender, sexual orientation, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status, employment status and/or disability;
- making and/or distributing material which contains biased or hateful ideas;
- implied and/or expressed verbal threats;
- a happening and/or a series of repeated happenings, but only has to happen once, to affect you;
- a non-intentional occurrence (which could be construed as harassment).

The concept of parental harassment is discussed in “An Educator's Guide to the Role of the Principal” written by Eric Roher & Simon Wormwell as follows:

An appropriate definition of parental harassment could also include the following:

- *unwanted comments, interferences or suggestions;*
- *various forms of intimidation and aggressive behaviour;*
- *verbal threats;*
- *verbal and emotional abuse;*
- *the application of force or physical assault;*
- *“bullying” which is an attempt to undermine an individual through cruel or humiliating behaviour; and/or*
- *“mobbing” which involves a collective effort to psychologically harass a person.*

Robert Keel and Nadya Tymochenko in “An Educator’s Guide to Parental Harassment” indicate that there are two categories of harassment recognized by law: civil harassment and criminal harassment. They also point out that within each of these categories, there are five types of harassment: verbal; physical; telephone; written; and Internet (also known as cyberbullying). In general, fear for one’s safety is an essential element for a criminal harassment charge.

Bullying is defined as repeated and aggressive behaviour by any person, including ie. a pupil where:

- *the behaviour is intended [by the person] to cause, or [the person] ought to know that the behaviour would be likely to cause harm, fear, or distress to another individual, including psychological harm or harm to the individual’s reputation and;*
- *the behaviour occurs in a context where there is a real or perceived power imbalance between the pupil and the individual based on factors such as size, strength, age, intelligence, peer group power, economic status, social status, religion, ethnic origin, sexual orientation, family circumstances, gender, race, disability or the receipt of special education (intimidation)*

For the purposes of the definition of “bullying”, behaviour includes the use of any physical, electronic, written or other means (Accepting Schools Act, 2011 Bill 13).

2.0 School Board Staff and Agents of the Board (CPCO, CUPE, LIUNA, OECTA, PASS, PECW)

The guidelines for the management of parental harassment apply to **all** staff members of the Hamilton-Wentworth Catholic District School Board. The guidelines also apply to agents of the Board including Lunch Room Supervisors, School Bus Drivers, Contractors hired by the Board, Volunteers and Trustees of the Board. In the discussion which follows, where reference is made to staff member, please note that this term also includes agents of the Board.

3.0 De-escalating Potential Conflict

- 3.1 Despite a staff member's best efforts to avoid problems with parents, they do occur. In these cases it is important to recognize the warning signs of potential conflict and implement strategies to de-escalate the conflict.

Warning Signs of Potential Conflict:

- frequent, unscheduled, or inappropriate presence in the school, or phone calls;
- frequent difficult telephone conversations or meetings, e-mails, faxes;
- refusal to meet in person to discuss a concern;
- refusal to sign communications from the school;
- student defiance that is endorsed by parents;
- complaints from more than one parent, possibly with a ringleader organizing the action;
- a reminder of a parent's position of authority (e.g. police officer, lawyer, etc.);
- threats to involve legal counsel or media without reasonable discussion.

- 3.2 As soon as a staff member picks up on the warning signs that relations are strained, it is important to take steps to prevent the matter from escalating. The first step is to respond to parent communications in a timely fashion. The following steps are recommended:

Teacher:

- notify the Principal;
- reflect on what has been happening in your relationship with the student;
- document all communication with parents (i.e. notes, emails, telephone, face-to-face) meetings with the Principal, description of disruptive incidents, and request for assistance. It is important to maintain a professional tone and to maintain confidentiality. Personal documentation should be dated, filed and securely retained;
- meet with the parent(s); invite the Principal if the meetings are challenging.

Educational Assistant:

- notify classroom teacher, and if necessary, the Principal;
- the student is the responsibility of the classroom teacher, and as such, he/she must assume the position of link to the parent.

Principal:

- notify the Superintendent;
- reflect on what has been happening in the relationship between the student and teacher;
- document all communication with the parent and between the parent and teacher, including descriptions of disruptive incidents. It is important to maintain a professional tone and to maintain confidentiality. Personal documentation should be dated, filed and securely retained;

- gather background information and history of the parent's past behaviour;
- meet with the parent, invite the Superintendent if these meetings are difficult and provide the parent with a copy of the "Respecting Home-School Relationships: Guidelines For Resolving Conflict Between Home and School";
- invite another staff member or a Board support staff representative and/or a union representative to attend the meeting if you feel that representation is required. (Such a request should be discussed in advance of the meeting).
- Figure B outlines the staff communication guide to addressing parental harassment.

3.3 Protocol of the Meeting

Prior to a parent meeting, the Principal should discuss with the staff member the ground rules for how the meeting will be conducted. Examples of such ground rules are:

- a purpose for the meeting will be established;
- both parties will have the opportunity to speak and to listen;
- all parties will be treated with respect;
- the meeting will discontinue if conflict escalates;
- fair expectations will result from the meeting;
- a course of action to be taken will be developed;
- a written summary of decisions will be shared with all parties.

3.4

STRATEGIES FOR USE BEFORE, DURING, AND AFTER A MEETING

Before a meeting, it's important for the people conducting the meeting to make sure that:

- ✓ the appropriate people will be in attendance, ensuring a balanced representation parties (e.g., parents; educators; the student, if appropriate; a parent advocate; a community service agency representative; an interpreter for English language learners);
- ✓ necessary accommodations (e.g., the provision of sign-language interpreters) are made for parents (and/or the student) attending the meeting;
- ✓ all the participants understand the IEP process and have a copy of the plan well before the meeting, if it is to be discussed;
- ✓ specific concerns and questions that can be addressed prior to the meeting have been dealt with;
- ✓ the purpose of the meeting has been established and/or an agenda has been prepared and agreed upon, in consultation with all participants;
- ✓ everyone involved knows the purpose of the meeting and has all the information necessary to engage in informed discussion;
- ✓ adequate advance notice of the meeting has been given;
- ✓ the location and meeting time are acceptable to everyone;
- ✓ a realistic amount of time has been set aside for the meeting;

- other;
- ✓ adequate seating is provided, and chairs are arranged so that people are facing each other;
 - ✓ any necessary materials (e.g., reports) have been gathered;
 - ✓ if notes are required, a note-taker has been identified and agreed upon in advance.

During a meeting, the person conducting the meeting should:

- ✓ ensure that all parties remember that *the student's* interests come first;
- ✓ ensure that all participants are introduced and have an opportunity to state how they see the issue;
- ✓ listen attentively and with an open mind to others' views;
- ✓ avoid drawing premature conclusions about others' views and/or about potential solutions;
- ✓ invite questions and comments to clarify assumptions, perceptions, and information;
- ✓ seek clarification about the thoughts, feelings, and assumptions of others, paraphrasing if necessary to ensure that others' views have been correctly interpreted;
- ✓ acknowledge key points made by others and ensure that they have fully understood another's position before responding;
- ✓ politely express disagreement about substantive matters if necessary, but avoid personal attacks and be prepared to intervene to prevent personal attacks by others;
- ✓ recognize the value of allowing people to vent their feelings, while keeping in mind that the meeting may need to be rescheduled if emotions can't be calmed;
- ✓ if emotions are out of hand and/or the meeting has reached an impasse, be prepared to stop the meeting and reconvene on another day;
- ✓ use paraphrase and exploratory questions to help less articulate participants express their concerns and feelings;
- ✓ ask questions such as "How would this benefit the student?" to keep the discussion focused on the student's interests;
- ✓ thank all parties for coming and provide them with the name of a contact person for follow-up questions and feedback, along with details of how this person can be reached.

After a meeting, the note-taker should:

- ✓ prepare a summary of the meeting that clearly outlines:
 - the key points discussed and any action items or decisions made;
 - the next steps agreed upon;
 - the date time, location, and purpose of any follow-up meeting scheduled;
- ✓ ensure that copies of the summary are sent to all those who attended the meeting.
- ✓ ensure that copies of the summary are maintained in secure and confidential files.

(Source: Adapted from Portland Public Schools, *Guidelines for Conflict Management in Special Education*, 2000.) [ref. "Shared Solutions" pg. 22, 23]

4.0 **Managing Serious Parental Issues**

- 4.1 When a parent's behaviour is interpreted to be consistent with the definition of harassment or bullying, the situation can be deemed as parental harassment. Behaviour may include threats to one's personal reputation, disruptions to one's ability to perform effectively or affecting one's personal health.

Signs of serious parental issues:

- parent(s) refuse to meet with board officials;
- conducting meetings or telephone or e-mail campaigns with other parents;
- demanding that a staff member be moved, disciplined or fired;
- a written complaint to a third party without discussing concern with the staff member first (e.g. Principal, Superintendent, Ontario College of Teachers, etc.);
- harassing or abusing a staff member including stalking, damages to staff property;
- making unsubstantiated allegations of abuse/assault against the staff member;
- attempts to defame the character of the staff member.

When all efforts at trying to resolve the problems have failed and a staff member is experiencing harassment or abuse from a parent, the staff member must notify their Principal and/or Superintendent that he/she expects support and protection, by filling out and submitting the Staff Report of Parental Harassment form (Appendix B). It is the Board's responsibility to protect employees and agents of the Board from unfair practices of parents and others who may interfere with the school program and jeopardize the staff member's rights.

- 4.2 The Board's Options for Dealing with Problem Parental Behaviour

The Board is provided with options for dealing with persons who pose a threat to the physical or mental well-being of the students and/or staff.

Provisions for actions are included in several Acts, including:

- the Education Act;
- the Occupational Health & Safety Act;
- Bill 168, Violence and Harassment in the Workplace Act (2009);
- the Trespass to Property Act;
- section 265(m) of the Education Act outlines exclusion from school property as an option for persons who pose a threat or demonstrate harassing behaviour

Bill 168, "Occupational Health & Safety Amendment Act, Violence and Harassment in the Workplace 2009" recommends that any threats of violence or actual threats must be reported by staff to the Board, and the Board can consult with police on the legal ramifications and possible safety precautions recommended.

Dependent on the circumstances, the Superintendent of Education may request that the Board's Solicitor draft a "Cease-and-Desist" letter. Such a letter should explain the nature of the wrong doing and the potential legal consequences if such conduct continues. A parent will need to be made aware of how inappropriate the behaviour has become, the real threat posed to a staff member's reputation and well-being and what the Board's intentions are in the event that the actions continue (Refer to the Staff Guidelines section of this document).

Once action has been taken by the Board, the Director or designate should complete the Board Response to Staff Report of Parental Harassment form (Appendix B) as a follow-up to how the concern was handled. It is suggested that a copy be submitted to the Superintendent of Education, the Principal or Manager and the local union/association office, and a copy given to the originating staff member.

4.3 The Staff Member's Options for Dealing with Problem Parental Behaviour

In this situation the staff member is advised to:

- speak to the school Principal and/or the Superintendent of Education about the problem;
- in the case of a school Principal who is being harassed, he/she shall contact their Superintendent of Education;
- contact the local union/association office (CPCO, CUPE, LIUNA, OECTA, PASS, PECW);
- if there has been violence either perpetrated or threatened, a safety plan may be required as per the Board's Violence and Harassment in the Workplace policy and procedure.

If the staff member feels that the parental harassment concern has not been resolved, he/she may:

- notify the school Principal and the Superintendent of Education in writing using the Staff Report of Parental Harassment form (Appendix B) and send a copy to the local union/association office;
- make a report to the Health and Safety Officer of the Board, who in turn will bring the issue to the Joint Health and Safety Committee;
- if there has been violence either perpetrated or threatened, a safety plan may be required as per the Board's Violence and Harassment in the Workplace policy and procedure;
- if the issue is not resolved at this point, it may then be referred to the Ministry of Labour.

4.4 The Options of Agents of the Board for Dealing with Problem Parental Behaviour

In this situation, Agents of the Board are advised to:

- use form Appendix B;
- speak to the school Principal, department manager and/or the Superintendent of Education about the problem;

- contact their local union/association if they have one.

4.5 When to Involve the Authorities

The Board's Violence and Harassment in the Workplace policy and procedure provides employees with strategies to assist in developing safety plans if required.

Staff members are strongly encouraged to involve the Police or appropriate legal authorities in cases of threats, assault and/or stalking, cyber-stalking, harassment or bullying.

Assault is defined in the Criminal Code of Canada as follows:

A person commits an assault when:

- *without the consent of another person, he applies force intentionally to that other person, directly or indirectly;*
- *he attempts or threatens, by an act or gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or*
- *while openly wearing or carrying a weapon or carrying a weapon or imitation thereof, he accosts or impedes another person or begs.*

This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

Uttering Threats is defined by the Criminal Code of Canada, (section 264(1) as:

Everyone commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat:

- to cause death or bodily harm to any person;
- to burn, destroy, or damage real or personal property;
- to kill, poison or injure an animal or bird that is the property of that person

Stalking is defined in the Criminal Code of Canada (section 264(1)(2)) as follows:

No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances to fear for their safety or the safety of anyone known to them.

(2) The conduct mentioned in subsection (1) consists of,

- *repeatedly following from place to place the person or anyone known to them;*
- *repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;*
- *besetting or watching the dwelling house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or*
- *engaging in threatening conduct directed at the other person or any member of their family;*
- *engaging in the use of the Internet or social media to repeatedly contact a person, known as cyberstalking.*

If a parent becomes violent or utters threats of physical violence, it is imperative that the Police be contacted immediately. The staff member is to notify the school Principal and/or the Superintendent of Education as well as the union/association that the police are involved.

In extreme cases where a staff member is being repeatedly followed or watched at work or at home, the behaviour may be considered stalking. If this occurs, the staff member and the school Principal are advised to contact the Police for their assistance and advice, as well as the Superintendent of Education and their union/association representative.

4.6 Dealing with the Emotional Strain of Parental Harassment

The emotional cost of being harassed must also be addressed by the staff member. The staff member is advised to:

- discuss concerns with the Principal, and or Superintendent;
- consult his/her physician;
- contact the Employee Assistance Program.

STAFF GUIDE TO PARENTAL HARASSMENT

Where concerns lead to harassment, which is characterized by the following actions:

1. Parent repeatedly phones, e-mails or interrupts class to address concerns;
2. Parent threatens, bullies or uses improper language in the school or directed to staff;
3. Parent writes petition or involves other parents;
4. Parent defames staff or administration or board personnel and undertakes a campaign of intimidation.

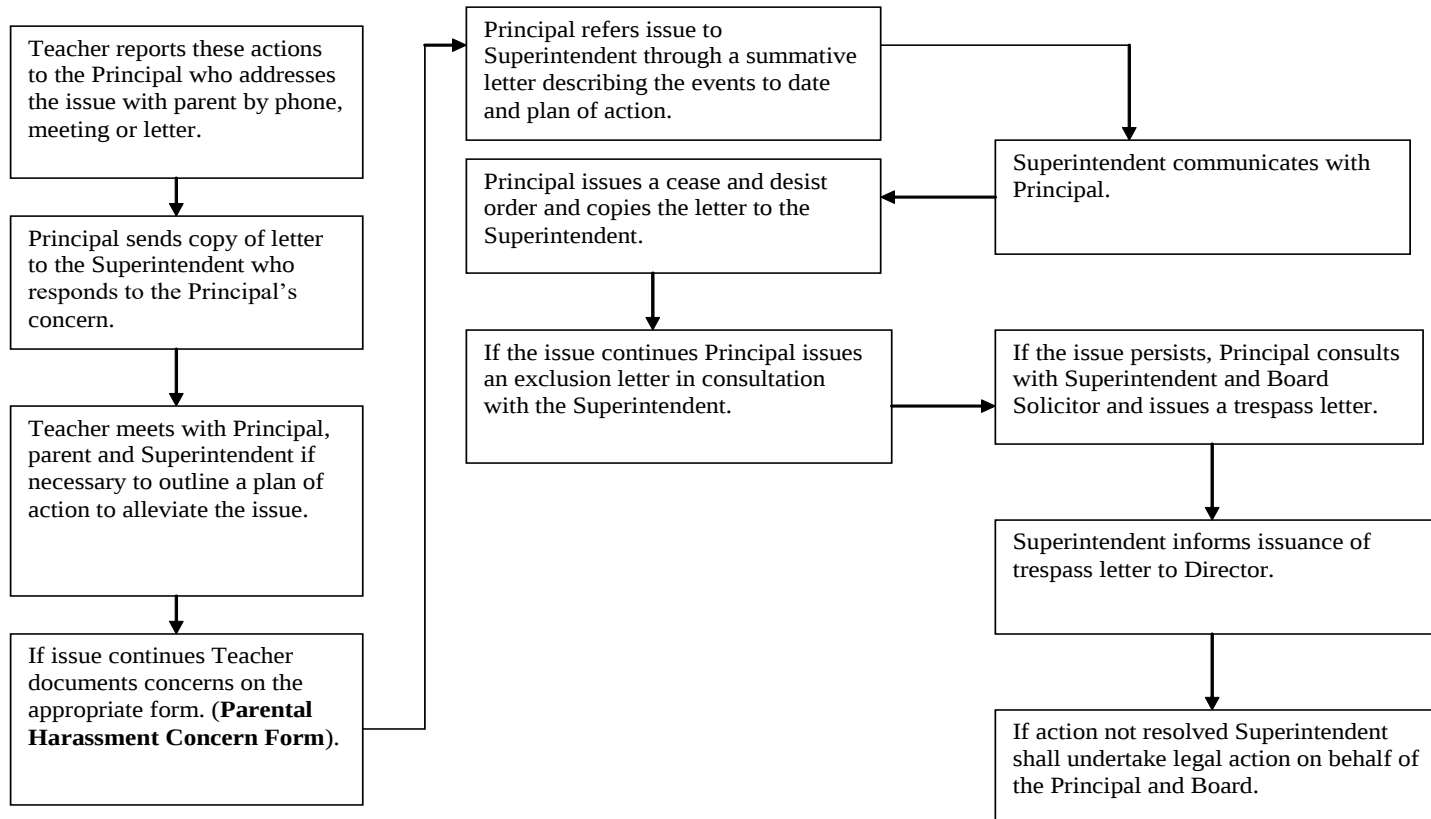


Figure B



Hamilton-Wentworth
Catholic Schools

Appendix B

HAMILTON-WENTWORTH CATHOLIC DISTRICT SCHOOL BOARD

Staff Report of Parental Harassment

[To be completed by any employee, i.e. Teacher, E.A. Custodian, Principal]

STAFF MEMBER NAME: _____

POSITION: _____

SCHOOL/SITE: _____

PRINCIPAL/MANAGER: _____

NAME OF PARENT/GUARDIAN: _____

The Staff Report of Parental Harassment form is to be used by an employee of the Hamilton-Wentworth Catholic District School Board who perceives that he/she is being harassed by a parent or guardian, and that despite measures to deter such actions, harassing behaviours have persisted.

The staff member is to provide a brief summary of the issue including when the problem occurred, names of persons involved and the relevant details. Anticipated outcomes are to be identified.

Date of incident: _____

Person(s) involved: _____

Summary of concerns:

Signature: _____ Date: _____