

# TEACHERS' RIGHTS

Dealing with Harassment by  
Students, Parents and other Adults



## Introduction

Teachers have the right to be treated with respect and to work in an environment free from harassment and abuse. New Brunswick's teaching staff are increasingly reporting incidents of inappropriate behaviour from students, parents and other adults. The information in this publication is intended to raise awareness of the problems teachers are facing and to provide general information about the law in this area. Readers are encouraged to seek legal advice for their specific questions on the law.

## What kinds of incidents involving students, parents and other adults are teachers concerned about?

- ◆ Parents coming into classrooms and yelling at teachers
- ◆ Teachers receiving angry or inappropriate comments in public
- ◆ Inappropriate comments or behaviour in the classroom
- ◆ Threats received at home or at school
- ◆ Damage to property at home or at school
- ◆ Pushing or other unwelcome physical contact
- ◆ Repeated phone calls



## When is behaviour inappropriate?

There are several laws and policies that define inappropriate behaviour inside and outside the school. Below are some highlights of these acts and policies.

### Policy 703

In Policy 703 the Department of Education makes a commitment to Positive Learning Environments. Some of the statements include the following:

*"every person is valued and all individuals, staff, pupils and parents, are treated with respect and treat others with respect"*

*"adults and pupils in the public school system have a right to work and learn in a safe, orderly, productive, respectful and harassment-free environment"*

### POLICY 703

Some types of behaviour prohibited by Policy 703 include:

- ◆ harassment, intimidation and violence
- ◆ discrimination
- ◆ hate propaganda
- ◆ theft or intentional property damage
- ◆ any behaviour which threatens the health or safety of any person

The full policy can be read online at [www.gnb.ca/0000/pol/e/703A.pdf](http://www.gnb.ca/0000/pol/e/703A.pdf)

## Education Act S.N.B. 1997, c. E-1.12

The *Education Act* outlines the role of parents in s. 13. It states that parents are expected to "communicate reasonably with school personnel employed at the school" and "have due care for the conduct of his or her child". Furthermore, while parents are entitled to "reasonable consultation" with their child's teacher both the teacher and parent are required to "conduct themselves in a respectful manner".

Section 22(3) states a person in or on school property commits a punishable offence when that person "uses threatening or abusive language" or if someone "speaks or acts in such a way as to impair the maintenance of order and discipline in or on the school property".

## Criminal Code R.S.C. 1985, c. C-46

The *Criminal Code* provides protection for all Canadians from harm in many forms. The following are types of offences committed by those who harass, harm or threaten others as the sections of the criminal code define them.

- ◆ **Criminal Harassment (s. 264)** – behaviour that causes the other person to reasonably fear for their safety or the safety of others. This includes, following the person, repeatedly contacting the person directly or indirectly, stalking the person, and threatening conduct towards the person or their family.
- ◆ **Harassing telephone calls (s. 372(3))** – it is an offense to make repeated phone calls with the intent to harass someone.

- ◆ **Assault (s. 265)** – harming someone directly or indirectly or using threats of harm to the other person or someone else. This section includes all forms of assault, which may range from verbal threats to very serious crimes like aggravated sexual assault.
- ◆ **Theft (s. 322)** – taking something from someone either permanently or temporarily with the intent to deprive the owner of it.
- ◆ **Uttering Threats (s. 264.1)** – threats of death or bodily harm to any person, to damage real or personal property, or to cause harm to a pet.
- ◆ **Mischief (s. 430)** – includes not only willful destruction of property but can also include interference with the use, enjoyment or operation of property.

## Human Rights Act R.S.N.B. 1973, c. H-11

Sexual harassment is a violation of the *Human Rights Code*. The *Code* also protects against discrimination and harassment based on characteristics such as race, colour, sex, religion, marital status, sexual orientation and disability.

## Harassment in the Workplace Policy – New Brunswick Public Service

This policy defines harassment as "personal and sexual harassment, poisoned work environment and abuse of authority." It provides for both informal and formal procedures to resolve workplace harassment. To determine which procedure is appropriate for your situation you should refer to the policy. It can be read online at: [www.gnb.ca/0163/ool-blo/harpol-e.asp](http://www.gnb.ca/0163/ool-blo/harpol-e.asp)

## TIPS for teachers dealing with inappropriate behaviour:

### ◆ Don't blame yourself.

### ◆ Don't ignore it.

Ongoing harassment can affect your physical and mental wellbeing, concentration and job performance.

### ◆ Tell someone you trust.

It is important to have emotional support.

### ◆ Keep written records.

Write down what happened, dates, names of witnesses and how you reacted.

### ◆ Read up on the subject and ask questions.

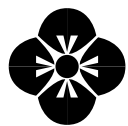
### ◆ Cooperate in the investigation.

If you lodge a complaint it is important to cooperate at all stages of the investigation. If you are uncomfortable or nervous, ask to have a friend come with you to the interview.

### ◆ Be proactive.

Initiate or participate in workshops or events that engage discussion between parents, students and teachers about appropriate behaviour in and out of school.

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### What should I do if I am a victim?

If you feel you are the victim of inappropriate or harassing behaviour there are various ways to resolve the situation.

- ◆ You can meet with the person responsible for the inappropriate behaviour and tell them that their actions or comments are unacceptable. You do not have to do this alone. In some situations this may be enough to resolve the problem.
- ◆ If you are intimidated or uncomfortable dealing with the individual yourself, you should consider seeking help from your school, district, federation or professional association.
- ◆ If you are afraid for your personal safety or the safety of someone else, you should contact the police immediately.
- ◆ It may be wise to keep notes to ensure you have accurate information about the incidents should you choose to take further action.
- ◆ Write down the appropriate contact numbers and keep them in your purse or wallet where you can quickly access them should a problem arise.



### What can the school do?

If there is conflict between a parent or student and a teacher, the first step is often to meet one-on-one with the parent/student and attempt to resolve the problem or come to an agreement. If this initial meeting is unsuccessful, the principal may be involved and attempt to bridge the gap between the people involved. Some schools may have restorative justice or mediation programs to help resolve conflicts.

In cases where there has been a serious incident or ongoing problems with an individual, he or she may be barred from school property. Trespassing on school property can result in a fine of \$25-\$200 for a first offence and between \$100 and \$1000 for subsequent offences under the *Trespass Act*.

If the problem persists, the teacher and principal may wish to bring the complaint to the employer through the District Office.



### What can my professional association or union do?

It is the employer's duty to provide teachers with a safe work environment and to support teachers who are being harassed or threatened. If you feel you are not receiving the help you need from the employer, your teachers' organizations (NBTF, NBTA or AEFNB) will advise you, and if necessary, intercede on your behalf. If you are in need of assistance from your teachers' organization, call 506-452-8921 to be directed to the appropriate person.



### What can police do?

If you have been threatened, assaulted, or if you are worried about your safety, you should consider contacting the police or RCMP in addition to notifying school officials. They can intervene and in cases of criminal behaviour they can lay charges against the student, parent or other adult. For some cases they may recommend dealing with the situation outside of court by using a Community Justice Forum or other restorative justice models to help parties work together to resolve conflict.

If you are concerned for your safety, your family or your property, the police may be able to assist you in obtaining a peace bond. If the parent or student agrees, they can sign an agreement "to keep the peace and be of good behaviour". If they do not agree, the court can order a peace bond, if there are reasonable grounds for your fears.



### As a victim can I get compensation for damage caused or harm done?

If you have incurred harm or damage to property and wish to have compensation you should consult a lawyer who can advise you based on the details of your specific situation.

## For more information:

### Province of New Brunswick

*Education Act* S.N.B. 1997, c. E-1.12  
<http://www.gnb.ca/0062/acts/acts/e-01-12.htm>

*Trespass Act* S.N.B. 1983, c. T-11.2  
<http://www.gnb.ca/0062/acts/acts/t-11-2.htm>

*Human Rights Act* R.S.N.B. 1973, c. H-11  
<http://www.gnb.ca/0062/acts/acts/h-11.htm>

Policy 703: [www.gnb.ca/0000/pol/e/703A.pdf](http://www.gnb.ca/0000/pol/e/703A.pdf)

Harassment in the Workplace Policy  
[www.gnb.ca/0163/ool-blo/harpol-e.asp](http://www.gnb.ca/0163/ool-blo/harpol-e.asp)

### Justice Canada

Stalking is a Crime Called Criminal Harassment  
[www.justice.gc.ca/en/ps/fm/harassment.html](http://www.justice.gc.ca/en/ps/fm/harassment.html)

Criminal Code R.S.C. 1985, c. C-46  
<http://laws.justice.gc.ca/en/C-46/0>

### Public Legal Education and Information Service of New Brunswick

The following publications are available online at [www.legal-info-legal.nb.ca/pub.asp](http://www.legal-info-legal.nb.ca/pub.asp) or by contacting PLEIS-NB at (506) 453-5369:

#### Assault

*No Means No: Sexual Assault Law Services for Victims of Crime Sexual Harassment in Schools*

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