

ROLLING RIVER SCHOOL DIVISION POLICY

Harassment

GBCB/P

This policy regarding harassment is intended to help create an atmosphere in the schools of the Rolling River School Division where people can work and learn without the fear of harassment. This policy does not limit the rights of any employee or student to file a complaint with the Manitoba Human Rights Commission. This policy defines harassment and attempts to create an emphasis for the education of adults and students about the nature of harassment and the damage of self-esteem and mutual respect which can result from harassment. The Board will not tolerate harassment and will provide a means for reporting complaints, effective investigation, and meaningful resolution.

Definitions

For the purpose of this policy, the following definitions will apply:

The Human Rights Code prohibits harassment of employees or students on the basis of any characteristic referred to in subsection 9(2), whether the harassment is within the context of employment or within the context of services (where students are considered as customers/consumers of educational services).

The characteristics as referred to in subsection 9(2) of the code include:

- a) ancestry, including colour and perceived race;
- b) nationality or natural origin;
- c) ethnic background or origin;
- d) religion or creed, or religious belief, religious association or religious activity;
- e) age
- f) sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
- g) gender-determined characteristics or circumstances other than those included in clause;
- h) sexual orientation;
- i) marital or family status;
- j) source of income;
- k) political belief, political association or political activity;
- l) physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant, a wheelchair, or other remedial appliance or device.

Section 19(2) of The Human Rights Code defines "harassment" as:

- a) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any characteristic referred to in subsection 9(2);
- b) a series of objectionable and unwelcome sexual solicitations or advances;
- c) a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought to reasonably know that it is unwelcome;
- d) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

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Section 19(1) of The Human Rights Code states: "No person who is responsible for an activity or undertaking to which this Code applies shall:

- a) harass any person who is participating in the activity or undertaking;
- b) knowingly permit, or fail to take reasonable steps to terminate, harassment of one person who is participating in the activity or undertaking by another person who is participating in the activity or undertaking."

Sexual Harassment may include:

- a) unwanted, persistent or abusive sexual attention;
- b) a sexual advance or solicitation made by a person in a position to grant or deny a benefit which may affect the employment status of an employee or the academic status of a student where the individual knows or ought reasonably to know that this attention is unwanted;
- c) sexually oriented behaviour or remarks which create a negative psychological environment for work or study. Such behaviour or remarks include, but are not restricted to:
 - demeaning remarks based on gender;
 - suggestive jokes about sex;
 - inappropriate comments about clothing, physical characteristics or activities;
 - inappropriate displays of sexual pictures or materials;
 - derogatory terms, graffiti which degrades a person based on his/her sex or sexual orientation;
 - leering, ogling, and suggestive or insulting sounds;
 - unwanted questions or comments about one's private life;
 - unwanted physical contact, such as brushing up against one's body, patting or pinching;
 - sexual assault (an offence under the Criminal Code).
- d) a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance.

A **Racial/Ethnic/Homophobic Incident** is a verbal or non-verbal exchange, expression or graphic/visual display including but not limited to derogatory terms, language, images and graffiti which degrades a member or members of a racial/ethnic group or community, or an individual's sexual orientation.

A **Hate Crime** is an offence such as an assault, threat, or act of vandalism motivated by hatred of the victim's race, religion, sexual orientation, gender or ethnic background.

Hate Propaganda is any form of communication that is intended to promote hatred toward groups or individuals. Hate propaganda may be distributed by telephone contact, broadcasting, graffiti, written materials, posters, electronic technology or music.

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Complainant refers to the person who believes that he/she is being sexually harassed and has filed a complaint with the principal/supervisor or the Division.

Respondent refers to the person against whom the complaint has been made.

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Regulation

Legislative Reference: Manitoba Human Rights Code

Date Adopted: September 19, 1996

Date Revised: December 1, 2005

ROLLING RIVER SCHOOL DIVISION REGULATION

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Procedures

It is the responsibility of school and division administration to take measures to address any harassment that they suspect, whether there is a complaint or not. Sometimes victims of harassment are reluctant to complain for fear of reprisal. Others may try to ignore the harassment, hoping that it will stop.

All investigations and interventions shall take place in an atmosphere of respect and confidentiality.

I. INFORMAL COMPLAINTS OF HARASSMENT

A. Role of Complainants

Persons believing they are victims of harassment are advised to keep notes of dates and times of significant incidents.

Complainants should make it known to the alleged harasser their disapproval or unease. The request that the behavior be stopped may prove unsuccessful or circumstances may make it difficult to take this measure. In that case, complainants who are employees should seek assistance immediately from the administration (e.g. principal or supervisor). Complainants may wish to have a Union representative or colleague with them. Complainants who are students should seek assistance immediately from their school principal, vice-principal, counsellor or trusted staff member. Complainants may wish to have a friend with them.

If an incident of harassment takes place, the incident should be reported to the appropriate person immediately. Persons believing they are victims of further harassment are advised to keep notes of dates and times of significant incidents. Many complaints can be satisfactorily resolved in this manner and the matter goes no further. Where an alleged harasser is the principal or vice-principal, the employee in whom the student confides must contact the Superintendent of Schools.

Note: Any suspicion of child sexual abuse must be dealt with according to Rolling River School Division protocol on reporting child abuse.

B. Role of Employees Who Receive An Informal Complaint

If the employee is not an administrator, and receives a complaint from a student, he or she has the responsibility of reporting the matter to the principal or, if the principal is the subject of complaint, to the Superintendent, and to inform the student that such action has been taken.

It is the immediate responsibility of employees who are administrators and who receive an informal complaint either from students or employees, to make an

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informal intervention by discussing his/her observations with the alleged harasser. Should the informal intervention be unsuccessful, the administrator should seek advice from the Superintendent of Schools.

Administrators must advise complainants that they have the right to file a formal written complaint and must give a copy of this policy which describes the formal process.

II. FORMAL COMPLAINT OF HARASSMENT

A. Role of Complainants

Employees will direct written complaints to the Superintendent of Schools.

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Students will direct written complaints to the principal when the alleged harasser is another student or when the alleged harasser is an employee. Students will direct written complaints to the Superintendent in the event the alleged harasser is a principal or vice principal.

B. Role of Recipients of a Formal Complaint

On receiving a formal complaint from an employee against another employee, the following people will initiate an investigation:

1. Superintendent of Schools
2. Secretary-Treasurer (if non-teaching employee)
3. Designate appointed by Superintendent of Schools

Note: There must be male and female representation on the above-mentioned investigative committees if the complaint is sexual harassment.

On receiving a formal complaint from a student against another student, the following people will initiate an harassment investigation:

1. School Principal
2. Coordinator of Student Services

On receiving a formal complaint from a student against a school employee, the following people will initiate a harassment investigation:

1. Superintendent of Schools and Secretary-Treasurer, (if non-teaching employee)
2. School Principal
3. Designate

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C. The Investigation

The investigation will consist of interviewing the parties, gathering facts and preparing a report. Both parties will be informed of the findings without undue delay.

An alleged harasser will be informed within a reasonable period of time by an authorized person that a formal complaint has been filed and that he/she will be given a written statement of allegations.

An alleged harasser who is an employee may be accompanied by a Union representative, a fellow employee or another adult during interviews related to the complaint.

An alleged harasser who is a student under 18 will be accompanied by a parent(s) /guardian or adult of their choices.

An alleged harasser who is a student 18 and over may be accompanied by a parent(s) or an adult of their choice.

D. Resolution

A person found to have harassed another person will be subject to disciplinary procedures.

Where the harasser is an employee, disciplinary procedures could range from a reprimand to terminating of employment. The investigating committee will be responsible for the choice and a recommendation will be made to the Board. All matters relating to discipline will respect procedures outlined in current collective agreement(s).

Where the harasser is a student, disciplinary procedures could range from a letter of discipline to suspension. The investigating committee will be responsible for the choice and the implementation of the corrective measures.

An allegation of harassment can be very damaging; therefore, complaints which have been deliberately falsely alleged will render the complainant liable to discipline.

The report of disciplinary action resulting from a harassment complaint will be placed in the employee's central personnel file or the student's discipline file.

E. Confidentiality

Situations involving harassment shall be treated in strict confidence by the Division. All information from investigations and interviews pertaining to a complaint shall be shared only with the persons directly involved unless otherwise required by law.

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III. PREVENTIVE MEASURES

Schools and classrooms present opportunities to model and promote basic human rights for all. Respect for human rights will be most effective in a school environment that exemplifies respect for the dignity and worth of each individual. This can come about through education that creates an awareness of harassment and the negative effects of harassment on the individual.

All schools and offices will distribute this policy to employees and educate the school community of the unacceptable nature of harassment.

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Policy

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