

ROLLING RIVER SCHOOL DIVISION POLICY

HARASSMENT PREVENTION

GBCB/P

Rolling River School Division is committed to providing a safe and respectful work environment for all staff, students and the public. No one may be harassed and no one has the right to harass anyone else, at work or in any situation related to employment with this organization.

This policy is intended to help create an atmosphere in the schools and departments 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 or prevent anyone from exercising their legal rights.

The Board will not tolerate harassment and will provide a means for reporting complaints, effective investigation, and meaningful resolution.

Definition of Harassment

Harassment is inappropriate conduct, a course of objectionable, abusive and/or unwelcome conduct or comment undertaken or made on the basis of a person's:

- ancestry, including colour and perceived race;
- nationality or national origin;
- ethnic background or origin;
- religion or creed, or religious belief, religious association or religious activity;
- age;
- sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
- gender identity;
- sexual orientation;
- marital or family status;
- source of income;
- political belief, political association or political activity;
- physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;
- social disadvantage;
- size, weight, physical appearance.

Harassment may also refer to "bullying" behaviour that may involve:

- any repeated humiliation or intimidation that adversely affects a worker's psychological or physical well-being;
- a single instance so serious that it has a lasting, harmful effect on a worker.

Harassment may be written, verbal, physical, a gesture or display, or any combination of these. It may happen only once, but often happens repeatedly.

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Sexual Harassment may include:

- unwanted, persistent or abusive sexual attention;
- a sexual advance or solicitation made by a person in a position to grant or deny a benefit that 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;
- sexually oriented behaviour or remarks that 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);
 - 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.

Reasonable actions by managers or supervisors to help manage, guide or direct workers or the workplace are not harassment. Appropriate employee performance reviews, counselling or discipline by a supervisor or manager is not harassment.

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Employee Rights and Responsibilities

Employees are entitled to work free of harassment at Rolling River School Division.

Employees have the responsibility to treat each other with respect. Any employee who experiences harassment or sees another person harassed is required to report the incident to an appropriate person in authority at Rolling River School Division.

Employees are responsible to co-operate in the investigation of a harassment complaint. Anyone who investigates or gives evidence in a complaint investigation is asked to keep details confidential until the investigation is complete.

All employees have the right to file a complaint with the Manitoba Human Rights Commission.

Employer Responsibilities

Rolling River School Division will ensure, as much as possible, that no employee is harassed in the workplace.

Rolling River School Division will take corrective action with anyone under their direction who harasses another person.

Rolling River School Division will not disclose the name of a complainant or an alleged harasser or the circumstances of the complaint to anyone except where disclosure is:

- necessary to investigate the complaint;
- a part of taking corrective action;
- required by law.

Rolling River School Division, its Senior Administrators, Principals, and Supervisors are responsible for keeping a safe work environment, free of harassment. Any Supervisor that becomes aware of harassment must do everything in his/her power to stop it, whether or not a complaint is made.

Courts presume that employers and supervisors are responsible for being aware of harassment in their organization and may penalize them accordingly. Supervisors who ignore harassment leave themselves and their employer open to legal consequences, and may be subject to discipline.

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.

Retaliation

Anyone who retaliates in any way against a person who has complained of harassment, given evidence in a harassment investigation or been found guilty of harassment, will be considered to have committed harassment and will be subject to corrective actions.

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Preventive Measures, Education and Monitoring

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.

The Division will monitor this policy and make adjustments whenever necessary.

Employees or students with any concerns with this policy should bring them to the attention of their Supervisor or a member of the Division's Senior Administration.

Index Regulation

Date Adopted: September 19, 1996

Date Revised: December 1, 2005

Date Revised: November 7, 2012

Date Reaffirmed: January 18, 2017

Date Reaffirmed: October 7, 2020

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Complainants / Victims

An employee that is harassed should make it known and tell the person harassing to stop verbally, in person or in writing. Employees that are unable to deal with the alleged harasser directly are encouraged to speak to an individual in a role of authority. 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 parent or friend with them.

Complainants that believe they are victims of harassment are advised to keep notes of dates and times of significant incidents.

Any suspicion of child sexual abuse must be dealt with according to the Rolling River School Division Policy JHF - Reporting a Child In Need of Protection.

Informal Complaint

If an 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 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.

Supervisors may deal with harassment incident complaints informally, speaking to the harasser or arranging for mediation (a neutral third party helps the people involved reach an acceptable solution).

If the informal route does not succeed or is not appropriate to the situation, the Supervisor or employee may file a formal complaint.

Formal Complaint

Employees will direct formal complaints in writing to the Superintendent of Schools. Students will direct formal complaints in writing to the School 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.

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

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

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

1. School Principal
2. Superintendent or designate

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 or designate

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 designate

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

The School Division may decide that the complaint will be investigated by an independent party outside of the organization. When the investigation is complete, the investigator will provide a written report for the Division.

Resolution

Employees who harass another person will be subject to corrective action by the employer.

A person found to have harassed another person will be subject to corrective action. Where the harasser is an employee, corrective action could range from a requirement to attend training to a reprimand to termination of employment. The investigating committee will be responsible for recommending corrective action to the Board of Trustees. All matters relating to discipline will respect procedures outlined in current collective agreement(s).

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Where the harasser is a student, corrective action 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.

When the investigation finds harassment occurred the incident and the corrective action will be recorded in the harasser's personnel file or the student's discipline file.

If the investigation does not find evidence to support the complaint, no record will be kept in the file of the alleged harasser.

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

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