

Kelsey School Division Box 4700 The Pas, MB R9A 1R4 Phone: 623-6421	Code: GBEA
--	-------------------

HARASSMENT

Individuals have the right to take assertive action when they encounter harassment in the learning or working environment. An individual who believes he/she is being harassed by a person in a position of authority, or by a co-worker, or by any other person affiliated with Kelsey School Division, shall report all instances of harassment to administration.

A. Definition

Consistent with the Human Rights Code and the characteristics referred to in that Code, in Subsection 19(2), harassment is any one or more of the following:

- a) a course of abusive, unwelcome, and/or exclusionary conduct or comment undertaken or made on the basis of any of the following characteristics:
 - 1) ancestry, including colour and perceived race
 - 2) nationality or national origin
 - 3) ethnic background or origin
 - 4) religion or creed, religious belief, religious association or religious activity
 - 5) age
 - 6) sex, including pregnancy, the possibility of pregnancy, or circumstances related to pregnancy
 - 7) gender determined characteristics or circumstances other than those included in subsection (6)
 - 8) sexual orientation
 - 9) marital or family status
 - 10) source of income
 - 11) political belief, political association, or political activity
 - 12) physical or mental disability or related characteristics or circumstances, including reliance on a dog guide or other animal assistant, a wheelchair or any other remedial appliance or device

- b) a course of abusive, unwelcome, and/or exclusionary conduct or comment undertaken or made on the basis of work assignment, work relationship, of medical circumstances, or illness as harassment.

Although harassment is typically initiated by a person in a position of authority, it may occur in a number of ways. Harassment of a student by a student, employee by employee, employee by student, student by employee are some examples.

- c) any repeated and unwelcome comment, look, suggestion, or physical contact that:
 - i) creates an uncomfortable working environment for recipient; and
 - ii) is made by a person who knows, or ought to know, that it is unwelcome;

<p>Kelsey School Division Box 4700 The Pas, MB R9A 1R4</p> <p>Phone: 623-6421</p>	<p>Code: GBEA</p>
---	--------------------------

- d) a single behaviour especially made by a person in authority that includes or implies a threat; and/or
- e) a reprisal made after a behaviour is rejected.

The school Division is not able to define, in a comprehensive and exhaustive manner, all of the specific behaviours that might conceivably constitute harassment. One must rely on common sense and experience gained through the application of this policy.

B. Confidentiality

The school Division encourages its staff members and students to report all instances of harassment to the appropriate administrative officer. The provision of confidentiality extends to the complainant, the alleged harasser, or any other individual who reports harassing behaviour. Confidentiality shall be maintained at each stage of the procedure.

Should a complaint proceed to the stage of a formal complaint, requiring investigation, it will be necessary to keep a file of pertinent information. These files should be maintained separately from employee's personnel files. If the accused is supported in the resolution, he/she may ask that the file be immediately expunged.

C. Dealing With Complaint

The Kelsey School Division shall appoint an investigative officer to investigate any alleged harassment.

The principal shall act as the investigative officer if the alleged harassment involves a teacher, employee, or a student at the school level. The Superintendent shall act as investigative officer if the alleged harassment involves Division office personnel or garage personnel.

The school Board shall appoint an investigative officer other than the principal mutually acceptable to KTA and CUPE if the alleged harassment involves an administrator, supervisor, or trustee.

The investigative officer shall be expected to deal expeditiously and fairly with any known instances or allegations of harassment. The investigative officer must act promptly and provide written documentation or corroborative evidence of steps taken to deal with the situation. The complainants, supervisors, administration, and unit heads shall cooperate fully with the investigative officer.

D. Complaint Procedure

Step 1: If students or staff believe that they have been subjected to harassment, they should take direct action and make the inappropriate behaviour known to the respondent immediately. This should be done in a courteous, professional manner. The complainant should make clear that they want this action to stop immediately.

Kelsey School Division Box 4700 The Pas, MB R9A 1R4 Phone: 623-6421	Code: GBEA
--	-------------------

Step 2: If the actions by the respondent do not cease as a result of Step 1, the complainant should lay a formal complaint to appropriate administration. A written record of the date, time, and nature of the incident(s) and the names of any witnesses should be kept. If a written complaint is made, the investigative officer shall determine whether the incident(s) on which a complaint is based would fall within the definition of harassment as set out in the policy on harassment. If, in the opinion of the investigative officer, the incident(s) would not constitute harassment as set out in the policy, the complainant will be so advised and no further investigation shall take place. If in the opinion of the investigative officer, the incident(s) constitutes harassment as set out in the policy, the following procedures shall apply:

- the investigative officer shall advise the respondent of the complaint that has been received.
- the investigative officer shall investigate the complaint and interview the complainant and the respondent. The complainant or respondent may be accompanied during the interview by a union representative (in the case of unionized staff) or by parents or guardian in the case of students.
- the investigative officer shall decide on and initiate an appropriate course of action and communicate their resolution in writing to the complainant and the respondent. Where no mutually agreeable resolution has been reached, the complainant or the respondent shall immediately appeal the decision to the Superintendent.

Step 3: The Superintendent shall review all the information available from Step 2 and shall involve all personnel previously in Step 2. The Superintendent must offer a resolution; which shall be communicated to both the respondent and the complainant.

Step 4: In cases where the action taken by the Superintendent is considered to be inappropriate, the matter shall be referred immediately to the Board of Trustees for review.

Step 5: Failing satisfactory resolution from the Board of Trustees, either the complainant or the respondent may apply for an arbitration board ruling.

E. Reprisals

No person shall be subject to reprisal or threat of reprisal as a result of filing a complaint under this clause. It is recognized that false or malicious complaints may damage the reputation or be unjust to others. Disciplinary action may apply in cases where false or malicious complaints are lodged.

F. Appeals

Any decision of an investigative officer, Superintendent, or school Board may be appealed by the complainant or respondent through normally accepted procedures set out by the school Division. The time launching the appeal shall not exceed 14 days after a decision has been rendered.

<p>Kelsey School Division Box 4700 The Pas, MB R9A 1R4</p> <p>Phone: 623-6421</p>	<p>Code: GBEA</p>
---	--------------------------

G. Discipline

The nature and type of discipline will depend on the severity of the incident. Disciplinary measures may range from reprimands and warnings for less serious offences to suspensions without pay or discharge for more serious offence. If an employer decides that a transfer may be necessary, it should be the harasser who is transferred, not the victim. Before deciding upon the appropriate disciplinary action, factors such as the nature of the behaviour, the persistence of the behaviour, whether or not the harasser displays cooperation and willingness to change, may be taken into consideration.

In a case where a victim of harassment has suffered a loss, such as a demotion or denial of a promotion, it is appropriate to restore such a person to their proper employment position. Depending on the circumstances, the employer may want to consider providing some outside psychological counselling or a leave of absence to the victim should it be necessary.

Other remedies may include a written or oral apology from the harasser.

