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Guidelines For The Investigation Of Haras



*FREEDOM FROM HARASSMENT STEERING COMMITTEE (Original)*

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1. Wayne Kroetsch - Facilitator
2. Nancy Flintoft Meronek - Manitoba Human Rights Commission
3. Colin Jamieson - Superintendent
4. Margie Toews - Trustee
5. Kathy Harness - Administration
6. Mireille Bouvier - Western Teachers' Association
7. Roger Worms - Custodian
8. Ruth Hiebert - Bus Driver
9. Ashley Zylstra - Student (Morden Elementary School)
10. Trevor Robertson Nelson - Student (Morden Elementary School)
11. Dell Friesen - Secretary
12. Grace Fehr - Learning Assistant
13. Joanne Hildebrand - Parent Advisory Council
14. Tammy Petkau - Librarian
15. Rob Rentz - Student (Morden Collegiate Institute)
16. Kristin Backhouse - Student (Morden Collegiate Institute)
17. Ruth Kopp - Guidance

**Western School**



## STATEMENT OF POLICY

The Western School Division is committed to maintaining a learning and working environment free from harassment. The Division requires employees, students, parents, volunteers and visitors to conduct themselves in a manner that promotes and protects the best interests and well-being of students, staff and others. The principle of fair treatment is a fundamental one and the Division will not condone any improper behaviour that jeopardizes dignity, undermines learning, working relationships or productivity.

Harassment, as defined in the administrative procedure, is unacceptable. Such behaviour toward an individual attacks the dignity and self respect of that person and constitutes a serious infraction. When a student or employee exhibits harassing behaviour, disciplinary action, up to and including dismissal or expulsion, may result.

The Western School Division will take reasonable steps to ensure that employees, students, parents, volunteers, and visitors are informed and aware of the issue of harassment and the procedures to follow should they experience harassment.

## DEFINITIONS AND SCOPE

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 any person affiliated with the Western School Division shall follow the procedures herein set forth.

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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 and unwelcome 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 sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
  7. gender identity;
  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 service animal, a wheelchair, or any other remedial appliance or device;
  - 13.







- . a part of taking corrective action
- . required by law

The harassment prevention policy at Western School Division does not discourage or prevent anyone from exercising their legal rights. Western School Division, its Administrators and supervisors are responsible for keeping a safe work environment, free of harassment. If you are a Supervisor and you become aware of harassment you must do everything in your power to stop it



- e) at an employment or school-related conference or training session;
- f) during employment or school-related travel; and
- g) communication medium (Internet, telephone, mail).

#### ADMINISTRATIVE PROCEDURE



- VII. Respondents will be advised that retaliation against the complainant or interference in the process of investigation will not be tolerated and, if such occurs, will result in immediate disciplinary or legal action for staff and suspension or expulsion for students.
- VIII. Complaints made in a malicious or vindictive manner or which have no substantiation in fact may result in disciplinary or legal action for staff and suspension or expulsion for students.
- IX. The complaint procedure of the Division Anti-Harassment Policy does not affect an individual's right to file a complaint or respond to a complaint with the Human Rights Commission, Collective Bargaining Association, or other agency, or to seek other redress as provided under the law.
- X. In the interests of all parties involved in a harassment situation, individuals are encouraged to identify their concerns in a timely manner. However, individuals may lodge a complaint at any t(H)-5-H5 Td(a)626le





- iii. If the harassment continues or if the complainant chooses, the complainant should report the incident to a trusted responsible individual in a position of authority. (Example: Principal, Union Representative, Superintendent)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the individual they contact.

The individual in authority who is contacted shall notify the Superintendent to determine if there have been any previous incidents of harassment involving the respondent. If no past incidents are evident the individual in authority may proceed with an informal resolution process. The individual in authority contacted should notify the respondent of the complaint and attempt to achieve a resolution to the problem through counselling and mediation. Involvement and consultation from the Superintendent may be requested at this point.

If informal resolution is achieved a summary report outlining the issue and resolution will be maintained in a sealed envelope with the Superintendent.

- i. If:
  - a) past incidents of harassment are evident, or
  - b) if the situation is not resolved through informal procedures, or
  - c) at the request of the complainant,the complaint shall be addressed through a formal complaint process. The trusted individual in authority who has been contacted or the complainant shall forward a written complaint to the Superintendent.
- ii. The Superintendent will coordinate the formation of an investigative committee. The committee shall be composed of at least three (3) members with consideration in representation being given to gender, race, and ethnicity where such factors may be a potential issue within the complaint. Members might include:
  - 1)



- h) make a decision on the allegation, allow the complainant the opportunity to have input into the resolution or disciplinary action, and provide recommendations or resolution or action where deemed appropriate to the Superintendent.

The committee may provide guidance and advice, and may recommend assistance available to the complainant or respondent to deal with the incident of harassment.

- iii. The Superintendent will be privy to all documents from the investigation, may undertake any subsequent investigation he/she believes is relevant, and may conduct a hearing with the individuals involved at his/her discretion. In the event a hearing is not called by the Superintendent, either the complainant or the respondent has the right to request a hearing

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The Harassment Resource Team will be designated by the Superintendent and will act as a resource to individuals investigating harassment complaints. The Division will undertake to provide appropriate training for the Team.

- ii. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.
- iii. The complainant should document any or all incidents of harassment and identify:
  - . the respondent's name,
  - . date, time and location of the incident,
  - . a brief description of the incident,
  - . names of witnesses to the incident,
  - . any action taken by the complainant in response to the incident.
- iv. If the harassment continues and/or if the complainant chooses, the complainant should report the incident to a trusted, responsible adult in the school or Division Office. (Example: Principal, Teacher, Counsellor, Learning Assistant, Secretary, Superintendent)

Documentation of incidents should be available. The complainant must be prepared to share the nature and details of the complaint with the adult they contact.

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When the complaint involves students, the Principal shall review the student's cumulative file and contact the Superintendent to check on past incidents of harassment involving the respondent. If no past incidents are evident the Principal may proceed with an informal resolution process. The Principal should notify the respondent of the complaint and attempt to achieve a resolution to the problem through mediation and counselling. Involvement from Guidance Counsellors, the Harassment Resource Team and/or the Superintendent can be requested as appropriate by the Principal.

i. If:

- a) past allegations of harassment are evident in a student's history, or
- b) at the75949Td(7q(t)w 0 -3o.867 0.Tw (22n4te)9(nt)36707 Tw -34.626 )3670767 0.Tw ( 0.Tw (227(s)1(s)





individuals involved at his/her discretion. In the event a hearing is not called by the Superintendent, either the complainant or the respondent has the right to request a hearing with the Superintendent. Such request for a hearing must be requested in writing within ten (10) working days of receipt of a decision on the complaint. The Superintendent will conduct said hearing within fifteen (15) working days of receipt of the request. The Superintendent shall respond to the appellant on the findings of the hearing within (10) working days of conducting the hearing.

- v. The Superintendent shall respond in writing to the complainant and respondent indicating the investigative committee's recommendation and stating the decision of the Superintendent on any disciplinary action to be taken and/or any action to be taken by the complainant or respondent.

If the complaint is found to be valid, a record of the decision and action taken shall be placed in the harasser's personnel file. If the complaint is unfounded, then all written documentation of the complaint shall be maintained in confidence by the Superintendent.

- vi. The complainant or the respondent has the right to appeal the decision on action to be taken through written request to the Board of Trustees. The Board of Trustees will be privy to all documents from the complaint and the investigation; may hold a hearing with those involved at its discretion; and shall reach a final decision. The Board of Trustees may undertake any investigation it believes is relevant and shall respond to the appellant in writing within thirty (30) working days of receipt of the appeal.

When a harassment complaint is initiated by a Visitor, Volunteer, or Parent, the procedures as they apply to staff and students shall be followed as outlined in Section 2 and Section 3.

- i. Whenever possible the complainant should inform the respondent that his/her behaviour or action is not welcome and request the unwanted behaviour be stopped. While it is preferable that objections to harassment be voiced to the offender, it is not a prerequisite to filing a complaint.
- ii. The complainant should document any or all incidents of harassment and identify:
  - the respondent's name,
  -

