

Respectful Schools

The Board of Education is committed to providing a learning environment free from discrimination and harassment and in which the individual differences of all students are valued and respected. The Board of Education believes that discrimination and harassment can be prevented through respectful communication. All staff and students share responsibility in maintaining this type of learning environment.

The Board of Education will not condone or tolerate any discrimination or harassment that undermines dignity, self-esteem and respect of any student.

The Board of Education will ensure that Mission Public Schools has a fair and safe process for addressing harassment/discrimination in a timely and confidential manner.

Scope

This policy applies to all students of Mission Public Schools. A student may file a complaint alleging harassment by:

- another student
- an employee

Personal harassment that is *not* the basis of a prohibited ground as listed in the definitions below, such as bullying and intimidation, is *not* covered under this policy. Such conduct is considered just as serious and will not be tolerated. However, it is addressed through the Board of Education's [Student Conduct Standards and Behaviour Management Administrative Procedure #114](#).

Harassment from individuals who are not employees or students such as contractors, parents etc. is treated just as seriously as harassment within Mission Public Schools. However, it is recognized that the Board of Education must deal with it differently. A student feeling harassed by an "outside" person is to report the situation to his/her Principal, Vice-Principal or the Director of Human Resources. If the student making the complaint is in the same physical area of the alleged harasser, then he/she is to, if possible, leave the area immediately and notify a staff member. It is expected that the student will not deal directly with the alleged harasser. The Board of Education will take appropriate action to ensure that the harassment is stopped.

Legislation

The BC *Human Rights Code* is an important law that exists to protect people from discrimination and harassment. In BC it is illegal to discriminate against or harass a person on the basis of any of the prohibited grounds in the *BC Human Rights Code*. The *Human Rights Code* applies to all businesses, agencies, and services regulated by the province. It protects people from discrimination and harassment in public situations, which include schools and other public places. It also protects people against discrimination in printed publications and in areas such as employment and tenancy.

Definitions

In BC, **DISCRIMINATION** occurs when someone is treated differently and poorly because of their **race, place of origin, colour, ancestry, religion, marital status, family status, physical or mental disability, sexual**

orientation, sex (includes pregnancy, breastfeeding, and sexual harassment), **age** (of 19 years or more), **conviction of criminal or summary offence** (in employment only and if unrelated to employment) and **political belief** (in employment only and if unrelated to employment).

HARASSMENT is a form of discrimination. Harassment occurs when a person is subject (often repeatedly but can be an isolated incident) to unwelcome comments or behavior that is insulting or demeaning, or is otherwise offensive, because of any of the grounds listed above, such race, religion or sexual orientation.

HARASSMENT Within the Human Rights Code – any comment or conduct that is known or ought reasonably to be known to be unwelcome, that denies individual dignity and/or respect on any of the discriminatory grounds contained in the BC Human Rights Code.

HARASSMENT Outside of the Human Rights Code – any comment or conduct that is known or ought reasonably to be known to be unwelcome, which serves no legitimate school related purpose and has the effect of creating an intimidating, humiliating, hostile or offense school environment.

Intention

Discrimination and or harassment do not have to be intentional to be against the law. This means that even if the person responsible for the action or comment did not “mean it”, it is still discrimination according to the law.

Types of Harassment

Harassment may be verbal, physical, deliberate, unintentional, unsolicited or unwelcome. It may consist of repeated or persistent behavior or may be a single incident of a serious nature.

Harassment of a person or group/class of persons based on a prohibited ground as listed above can include but is not limited to:

- Verbal abuse or threats, bullying, coercion, taunting.
- Unwanted physical contact such as touching, patting, pinching, punching, massaging.
- Sexual advances and or requests for sexual favors.
- Suggestive or offensive comments or gestures emphasizing sexuality, sexual identity or sexual orientation (including lesbian, gay, bisexual, transgender, questioning).
- Unwelcome, derogatory or demeaning comments, innuendoes, jokes, name-calling or slurs.
- Derogatory or demeaning posters, pictures, cartoons, graffiti, emails, text messages or drawings.
- Practical jokes which cause awkwardness or embarrassment.
- Exclusion.
- Malicious gestures or actions such as leering, staring, tripping.

What is not Discrimination/Harassment

- Consensual Banter or Relationships - Two or more individuals bantering back and forth is not harassment if everyone involved was in agreement. But if any student feels uncomfortable with this behavior and the behavior continues even after that person has expressed their discomfort, or if the others involved should have known the person was uncomfortable, then it can be considered harassment.
- Students flirting with each other, or becoming involved in a relationship, are not harassing each other, as long as the relationship is consensual. If one of the individuals changes her or his mind, and the other

persists in trying to continue the relationship, it can be considered harassment.

- Legitimate School Administration Interventions – Appropriate conflict/dispute resolution, counseling, coaching, discipline and other legitimate school administration interventions are not harassment.

Resolving a Complaint

If you feel you are the subject of harassment, it is important to keep a record noting dates, times, locations, witnesses and number of incidents.

A student having difficulty understanding this process or requiring assistance may seek confidential advice from the Principal, Vice-Principal at his/her school or from the Director of Human Resources.

Note that the following process for resolving a complaint must not interfere with reporting obligations under the School Act and/or other relevant legislation. It must also not interfere with a collective agreement where the complaint involves an employee of the School District.

- A. A student who feels that he/she is being harassed is encouraged to advise the alleged harasser that such conduct is unwelcome, is a breach of this policy and must stop.
- B. If the behavior does not stop, or if the student chooses not to deal directly with the person, the student may seek to engage in a mediation process or file a formal complaint. Either request is made, in writing to the Director of Human Resources. A signed complaint should include the following information:
 - Requested process for dealing with the complaint - Mediation or Formal Investigation.
 - Name(s) of the complainant(s) and the respondent(s).
 - A description of the action(s), conduct, events, or circumstances.
 - Date, time and place of incident(s).
 - Prior attempts to resolve the situation.
 - Remedy sought.

As the Board of Education is committed to ensuring a harassment free learning environment, a suspected case of harassment may be investigated even if the complainant does not want to proceed with a complaint.

C. Mediation

The intent of mediation is to provide an alternative to the investigation procedure and to promote early intervention. A mediator attempts to resolve the complaint to the satisfaction of both parties and results in a settlement agreement signed by all parties to the complaint. Where mediation occurs, it will be conducted without prejudice to any further action by either party. Further, either party may withdraw from the mediation process at any time. A complaint may be withdrawn or may proceed to a formal investigation.

D. Formal Investigation

- The Director of Human Resources will investigate the complaint or appoint an investigator.
- The Investigator will advise the individual accused of engaging in harassment that there has been a complaint, that the matter is being investigated, and that no threats or reprisal against the complainant will be tolerated.
- The Investigator will commence the investigation within seven (7) days (or reasonable time

frame) of receiving the complaint in writing, by interviewing the complainant, the alleged harasser and any potential witnesses or other interested parties. During the investigation, every effort will be made to treat the matter with the utmost confidentiality.

- Pending determination of the complaint, the Investigator may take interim measures to separate the parties involved if deemed necessary. Such action will not be seen as presumption of guilt or innocence.
- If the complaint is substantiated, appropriate action will follow. If the harasser is a student, action will follow in accordance with the policy on Student Conduct. If the harasser is an employee, action will follow in accordance with the appropriate governing labour legislation and documents such as a collective agreement.
- If the complaint is not substantiated and it is determined that the complainant deliberately made a false accusation or acted in a vexatious manner, disciplinary action may be taken against the complainant.
- The parties will be notified in writing of the investigation conclusions which will include whether or not harassment was found and may include other details such as recommendations for resolution. However, specific action (disciplinary or non-disciplinary), if taken, may not be disclosed due to confidentiality.

Appropriate action may include:

- Education
- Counseling
- Verbal discussions
- Letter of Expectations
- Disciplinary Action
- Transfer to another school/worksite

Documents related to the complaint will not be kept in the students file with the exception of any formal action taken. All documents will be kept in a separate confidential file at the Board office.

Date Adopted: January 2008

Date Amended: April 2011

Notations:

- *Nothing in these procedures shall restrict a student's legal or civil rights to file a complaint with the BC Human Rights Tribunal or any other legislative body.*
- *Nothing in these procedures will override a collective agreement or legislation such as but not limited to the School Act.*

*Cross Reference: [Respectful Workplace Administrative Procedure #405](#)
[Student Conduct Standards and Behaviour Management Administrative Procedure #114](#)*

*Resources: BC Human Rights Coalition
BC Human Rights Code
BC Human Rights Tribunal*