

POLICIES, GUIDELINES AND PROCEDURES

SUBJECT	N.E.P.N. CODE
INTERPERSONAL RELATIONS AND RESOLUTION OF CONCERNS ABOUT HARASSMENT/DISCRIMINATION	ACF/ACG

I. POLICY

The Louis Riel School Division believes in the right of all members of the school community to work and learn in environments that value and demonstrate respect for human rights and freedoms.

The Division recognizes the role of proactive education to support the values of tolerance for differing perspectives; acceptance and inclusion of all individuals into the community; and appreciation for human differences.

The Division believes it essential, therefore, that Louis Riel School Division programs, curricula, instructional strategies, and management practices support the values embodied in this policy.

The Division upholds its responsibility to provide learning environments and workplaces free of discrimination and harassment, as prescribed by the [Canadian Charter of Rights and Freedoms](#) and the [Manitoba Human Rights Code](#).

Accordingly, the Division affirms its belief that all members of the school community are responsible to maintain learning environments and workplaces that model acceptance of others and strive to avoid harassment and discrimination.

II. GUIDELINES

A. Duties and Responsibilities

I. The Louis Riel School Division shall strive to:

- maintain an environment of acceptance within the organization;
- take reasonable steps to ensure the removal of any barriers to acceptance in employment policies and practices and to access of programs, resources and facilities;
- provide positive role models;
- support individuals who are, or have been, targets of harassment and/or discrimination;
- review this policy every two years or as concerns are brought to its attention.

Adopted:	December 6, 2005	Legal References: Canadian Charter of Rights and Freedoms , The Human Rights Code of Manitoba
Revised:	February 5, 2019	
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2. **Supervisory and Managerial Personnel**
Supervisory and managerial personnel have a specific duty to implement the policy. This responsibility includes support of a culture of acceptance, response to harassment and/or discrimination whether or not a complaint is made, and the education of staff, students, and the school community.

3. **Teachers**
Teachers have a particular obligation to ensure that the learning environment promotes acceptance for all people. The following policies support a learning environment that nurtures a culture of acceptance:
 - [AC](#) – Respect for Human Diversity
 - [IJ](#) – Instructional Resources and Materials
 - [IJA](#) – Procedures for the Reconsideration of Learning Resources and Materials
 - [JK](#) – Supporting Student Behaviour

4. **All Members of the Learning Community**
The Division expects: all employees; all students; all individuals accessing its schools, workplaces, and other facilities; as well as all individuals accessing divisionally-sponsored events:
 - to contribute to safe and inclusive learning environments and workplaces;
 - to demonstrate respect for human diversity and human rights; and
 - to cooperate in the investigation of a harassment complaint and keep confidential details related to the complaint and the investigation.

B. Responses to Concerns about Harassment and/or Discrimination

1. The **PROCEDURES** and **APPENDIX** of this policy offer structures to address harassment and discrimination. Additional policy for reference includes:
 - [Louis Riel School Division Protocol for the Resolution of Concerns](#)
 - Guidelines for Collegial Resolution of Concerns in LRSD [Appendix A](#) of Policy *GBEB – Divisional Standards for Employee Conduct*
 - [JK](#) – Supporting Student Behaviour

2. The Procedures apply to any allegation of harassment/discrimination made by a student, teacher, administrator, other employee or member of the learning community about another individual, where “individual” includes students, parents, teachers, administrators, and any other employee (or agent of) the Louis Riel School Division.

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III. PROCEDURES

Procedures to Address Harassment and/or Discrimination

Any member of the school community has the right to take assertive action if they encounter harassment or discrimination in the learning environment or workplace. They have the right to expect confidentiality from the parties involved, and a reasonable degree of privacy as the matter is resolved. The safety of all parties involved is paramount when a complaint arises.

Any member of the school community who believes they are experiencing harassment or discrimination is encouraged to follow the procedures outlined below. The Division will not disclose the name of the complainant or the circumstances that accompanied the alleged harassment and/or discrimination unless investigation of the complaint compels such disclosure or taking corrective action with respect to the complaint is required by law.

1. The site-based administrator shall advise any person subjected to the alleged harassment and/or discrimination to communicate with the alleged offender and attempt to reach a mutually-acceptable agreement respecting future conduct and interaction. If the complainant does not wish to or is not able to confront the alleged offender directly, please refer to **Procedures 3, 4 and 5** (below).
2. If a site-based administrator is personally involved in the alleged harassment and/or discrimination, please refer to **Procedure 5** (below).
3. Both parties or either party may choose to be accompanied by a supportive adult at such a meeting (colleague, parent, teacher, counsellor, advocate, or representative, etc.) or to be represented by legal counsel.
4. If the person subjected to the alleged harassment/discrimination is a student, the student may choose assistance by an adult (as described in **Procedures 3 and 5**) in the preparation of such a complaint.
5. A complainant shall file a complaint with the site-based administrator or supervisor or the next higher authority (if the administrator is the alleged initiator of the harassment and/or discrimination), under the following circumstances:
 - a. no mutually-acceptable agreement is reached under **Procedure 1**;
 - b. the alleged harassment/discrimination recurs;
 - c. the person subjected to harassment/discrimination believes that no useful purpose would result from a meeting as suggested under **Procedure 1**.
6. Complaints should include, where possible:
 - a. the name and position of the alleged offender;
 - b. all possible details about the concerning comments or behaviour;
 - c. the frequency of the concerning comments or behaviour;
 - d. where the concerning comments or behaviour occurred;
 - e. the name of any witnesses to the concerning comments or behaviour;
 - f. how/if the complainant responded to the concerning comments or behaviour; and
 - g. whether the alleged offender presented and/or acted on any threats or promises in connection with the concerning comments or behaviour.

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Complaints may occur orally or in writing. If made orally, the site-based administrator will prepare a written summary of the complaint for signature by the complainant.

7. Within two (2) working days of the receipt of a complaint alleging harassment/discrimination, the site-based administrator (or next higher authority, if **Procedure 2** applies) shall meet independently and/or collectively with the person alleging harassment/discrimination and the alleged offender to obtain such clarification as may be necessary.

Subsequent to the investigation of the facts, the site-based administrator may:

- a. dismiss the complaint; or
 - b. endeavour to resolve the matter through a conflict resolution process; or
 - c. take disciplinary action as warranted; or
 - d. recommend further action.
8. In the event that the action taken by the site-based administrator is unacceptable to either party, the matter shall be referred to the Superintendent of Schools (or designate) in writing for consideration and action.
 9. Within five working days of the receipt of a written complaint alleging harassment/discrimination, the Superintendent of Schools (or designate) shall initiate an investigation of the facts and may:
 - a. dismiss the complaint; or
 - b. endeavour to resolve the matter through a conflict resolution process; or
 - c. take disciplinary action as warranted; or
 - d. recommend further action
 10. At any time during the process, the Superintendent of Schools (or designate) shall be empowered to take interim action as may be deemed necessary with respect to the person allegedly harassed and the alleged offender, pending the outcome of the alleged complaint.

Such action may include, but is not limited to, any arrangements required to ensure that the complainant and the alleged offender are not in contact pending final resolution of the complaint.
 11. If the action taken by the Superintendent of Schools (or designate) is unacceptable to either party, the matter shall be referred to the Board for its consideration and action. In the disposition of the matter, the Board shall be empowered to determine any appropriate disciplinary action in accordance with its findings.
 12. The Board has the final authority in the Division to determine whether an incident of harassment/discrimination warrants termination of an employee contract or suspension/expulsion of a student from school.
 13. **In addition to or instead of levying a complaint pursuant to the policy, a complainant has the right to pursue his/her complaint through the Human Rights Commission or, where appropriate, to lay information under the Criminal Code of Canada, or both.**

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The Louis Riel School Division acknowledges the Toronto District School Board as a source for the development of this policy.

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