

## AP 580.1: Discrimination and Harassment

### 1. Definitions

1.1. Harassment: For the purpose of this policy, harassment shall be defined as including:

- 1.1.1. any improper behaviour that is directed at or is offensive to any person and is unwelcome and which the person knows or ought reasonably to know would be unwelcome.
- 1.1.2. objectionable conduct, comment, materials or displays made on either a one (1)-time or continuous basis that demeans, belittles, intimidates or humiliates another person.
- 1.1.3. the exercise of power or authority in a manner which serves no legitimate work purpose and which a person ought reasonably to know is inappropriate.
- 1.1.4. such misuses of power or authority as intimidation, threats, coercion and/or blackmail.

1.2. Discrimination: Unfair treatment of a person or group on the basis of prejudice.

1.3. Sexual Harassment:

- 1.3.1. any comment, look, suggestions, physical contact or real or implied action of a sexual nature which creates an uncomfortable working environment for the recipient, made by a person who knows or ought reasonably to know such behaviour is unwelcome.
- 1.3.2. any circulation or display of written or visual material of a sexual nature that has the effect of creating an uncomfortable learning or working environment.
- 1.3.3. an implied promise of reward for complying with a request of a sexual nature.
- 1.3.4. a sexual advance made by a person that includes or implies a threat or an expressed or implied denial of an opportunity which would otherwise be granted or available and may include reprisal or a threat of reprisal made after a sexual advance is rejected.

1.4. Bullying:

- 1.4.1. Bullying is verbal or physical behaviour by one (1) or more people who appear to be more powerful in some way than their victim. Bullying makes the victim feel uncomfortable, embarrassed and unsafe and can interfere with the victim's success at school or work.

### 2. Examples of Discrimination and Harassment

**Specific examples of harassment, sexual harassment, bullying:** Sexual or personal harassment may include, but is not limited to behaviours, whether intentional or unintentional, which are perceived by the recipient as unwelcome. Examples of such behaviours:

- 2.1 remarks or correspondence with sexual overtones
- 2.2 jokes that cause awkwardness or embarrassment

- 2.3 innuendoes, taunting or intimidation, based on one's real or perceived identity
  - 2.4 gender-based, gender identity or sexual orientation-based remarks of a derogatory or sexual nature, or general insulting remarks
  - 2.5 proposal of intimacy of a sexual nature
  - 2.6 repeated unwelcome invitations, request for dates or sexual favours
  - 2.7 leering, patting, pinching, touching, hugging, brushing against
  - 2.8 displays of materials, pictures, cartoons or sayings of a derogatory, sexist, homophobic or transphobic, racist, pornographic or otherwise demeaning nature
  - 2.9 calling someone names
  - 2.10 spreading rumors
  - 2.11 stealing or extorting someone's lunch or other property
  - 2.12 exclusion from groups
3. What does not constitute discrimination or harassment?
- 3.1. an occasional compliment
  - 3.2. flirtation or banter when it is mutually acceptable between/among peers or friends
  - 3.3. normal exercise of supervisory responsibilities, including disciplining, when warranted.
4. Procedure for informal resolution of a complaint

Complainants are encouraged, but not required, to immediately tell the other person when his/her behaviour is considered inappropriate and unwanted and ask that the unwanted conduct stop. Persons should comply immediately with the request without retaliation. If the complaint is not resolved the following procedures should be followed:

- 4.1 Procedures for teachers -  
Complaints involving teachers will be subject to the provisions of the Collective Agreement with the employer.
- 4.2 Procedures for C.U.P.E. Employees -  
Complaints involving C.U.P.E. members will be subject to the provisions of the Collective Agreement with the employer.
- 4.3 Procedures for Students -  
A student may choose to speak to a teacher or another adult that they are comfortable in approaching with a complaint. When the complaint is reported to a teacher or another adult, the

information will be brought to the attention of the Principal or Vice-Principal who is required to investigate the matter and strive to bring about a resolution. Alleged harasser(s) will be informed, after consideration of the safety of the complainant, that a complaint has been filed against them. The student will be informed of the progress made toward resolving the complaint. Staff will strive to prevent acts of retaliation and any such acts will receive consequences.

4.4 Procedures for Parents/Volunteers/Others -

A parent or volunteer should report the incident to the Principal, Vice-Principal or a Supervisor who is required to investigate the matter. Alleged harasser(s) will be informed, after consideration of the safety of the complainant, that a complaint has been filed against them. The appropriate person will report back in writing to the complainant.

5. Independent Investigation Report

Employees, students, parents and volunteers may choose to present the complaint to the police or Human Rights commissioner under the terms of the Human Rights Act.