



**Appendix A**

**Definitions Related to Interpersonal Relationship Concerns**

**I. Harassment**

Harassment can occur in the context of any of these relationships, the more common being employee-of-employee, employee-of-student, student-of-employee, student-of-student, employer-of-employee.

The policy applies to, but is not limited to, harassment that occurs:

- at a school;
- in the Division office;
- in another Divisional facility;
- outside of a divisional school or office, and which causes a concern to occur in a divisional school or office;
- at a school- or Division-sponsored function;
- in the course of an employment or school assignment outside of a divisional school or office;
- at an employment- or school-related conference or training session;
- during employment- or school-related travel; and
- via communication medium (social media, e-mail, text, telephone, mail).

For the purpose of this set of procedures, “harassment” means engaging in a course of derogatory or vexatious comments or behaviour known, or reasonably recognizable as unwelcome. “Vexatious” means irritating, provoking, disturbing, tormenting, troublesome, and serving only to cause annoyance to the victim.

These definitions of harassment do not include casual compliments or comments, or behaviour with any mutually-voluntary relationship.

**A. Elements of Harassment**

Harassment has four basic elements:

1. it is a type of discrimination;
2. it is unwanted;
3. it affects the individual’s ability to learn and/or work;
4. it is an expression of power, authority or control, and is coercive in nature.

**B. Harassment Defined**

The [Manitoba Human Rights Code](#) defines “harassment” as any one or more of:

1. A course of abusive and unwelcome conduct or comment undertaken or made on the basis of the following:



- a. ancestry, including colour and perceived race;
  - b. nationality or national origin;
  - c. ethnic background or origin;
  - d. religion or creed, or religious belief, religious association or religious activity;
  - e. age;
  - f. sex, including sex-determined characteristics, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
  - g. gender identity;
  - h. gender expression;
  - i. sexual orientation;
  - j. marital or family status;
  - k. source of income;
  - l. political belief, political association, or activity;
  - m. physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;
  - n. social disadvantage.
2. A series of objectionable and unwelcome sexual solicitations or advances; or
  3. A sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows, or ought reasonably to know, that it is unwelcome; or
  4. A reprisal, or threat of reprisal, for rejecting a sexual solicitation or advance.
  5. Retaliation against an individual who:
    - a. invokes these guidelines; or
    - b. participates or cooperates in an investigation under these guidelines; or
    - c. associates with a person who invokes these guidelines or participates in the complaint procedure under these guidelines

Reasonable and respectful actions by supervisory personnel to manage, guide or direct employees or the workplace are not harassment. Appropriate employee performance reviews, counselling or discipline by supervisory personnel is not harassment.

### C. Sexual Harassment Defined

Sexual harassment is any repeated and unwelcome sexual comment, look, suggestion, or physical contact that creates an uncomfortable working or learning environment for the recipient, by a person who knows, or ought reasonably to know, that such attention is unwelcome. Sexual harassment may also be a single sexual advance, particularly one by a person in authority, that includes or implies a threat and/or a reprisal after a sexual advance is rejected.



Some examples of sexual harassment are:

- unwanted, persistent or abusive sexual attention;
- sexually-oriented behaviour or remarks which create an intimidating, hostile, or offensive learning or working environment;
- demeaning remarks based on gender;
- suggestive jokes about sex;
- sexually-oriented verbal “kidding” or verbal abuse;
- inappropriate comments about clothing, physical characteristics, or activities;
- leering, ogling, and suggestive or insulting sounds;
- unwanted questions or comments about one’s private life;
- unwanted physical contact, such as brushing up against one’s body, patting, grabbing or pinching;
- sexual assault (an offence under the Criminal Code);
- subtle pressures for sexual activity;
- suggestions or demands for sexual favours;
- expressed or implied promise of reward for complying with a sexually-oriented request;
- the display of pornographic and/or exploitative pictures, cartoons, and graffiti, including pictures and/or messages on clothing.

#### D. Racial Harassment Defined

Words used or actions taken in an abusive or persistent manner by anyone, such that another person is disparaged or caused to feel humiliation because of her or his race, colour, creed, ancestry, place of origin, or ethnic origin. Racial harassment may be overt or subtle, explicit, or in a disguised form such as humour or joking.

Some examples of racial harassment are:

- slurs, gestures, name-calling, innuendoes or taunts about another’s racial or ethnic backgrounds;
- similar remarks about other racial groups made in the presence of another employee or student;
- unwelcome banter, “teasing” or jokes that are racially-derogatory or that present stereotypical portrayals of racial or ethnic groups;
- displaying racist, derogatory or offensive pictures, materials, or graffiti;
- refusing to study with, work with, or have contact with, an employee, volunteer, student or community member because of her or his racial or ethnic background.

The study of other cultures does not constitute racial harassment.



**E. Other Forms of Harassment Defined**

Other forms of harassment include discrimination, (overt, subtle, and covert) based on gender, sexual orientation, disability, or economic/social status.

Some examples of other forms of harassment are:

- negative comments about the general unsuitability of an individual's or a group's educational or career goals to which they aspire; for example, generalizations about women's "proper place" or lack of ability in particular areas;
- derogatory comments about an individual's or a group's moral, intellectual, economic, or social inferiority;
- taunting, teasing, criticizing, or demeaning remarks about individuals or group members as a category;
- individual or group behaviour that is intimidating or threatening;
- behaviour and/or comments that occur(s) repeatedly to injure another person physically or emotionally (bullying);
- unwanted or persistent invasion of personal space;
- hazing

**II. Grounds and Forms of Discrimination**

**I. Grounds of Discrimination**

Under these guidelines, the Louis Riel School Division upholds and supports the right to equal treatment without discrimination based on the following prohibited grounds:

- |                 |                         |
|-----------------|-------------------------|
| • Age           | • Gender                |
| • Ancestry      | • Gender identity       |
| • Citizenship   | • Gender Expression     |
| • Colour        | • Marital status        |
| • Creed (faith) | • Place of origin       |
| • Disability    | • Race                  |
| • Ethnicity     | • Sexual orientation    |
| • Family status | • Socio-economic status |



2. Forms of Discrimination

“Discrimination” is defined as unfair treatment of a person or group based on the grounds listed above. Discrimination can occur in many ways including the following:

- Direct discrimination: Any action from individuals, groups or organizations, whether intended or unintended, which differentiates between persons based on their membership in a protected group as set out in these guidelines other than special programs designed to address the conditions of individuals or groups.
- Indirect discrimination or condoning of such behavior: Occurring when discrimination and harassing behaviour are either overlooked or accepted, particularly by supervisory or managerial personnel.
- Systemic discrimination: Arising from administrative guidelines, procedures, practices and conduct which may not be discriminatory in their intent but adversely impact individuals or groups protected by these guidelines where the adverse impact arises from one of the prohibited grounds of discrimination.
- Failure to accommodate, with reasonable effort, a person on any of the grounds covered by these guidelines.
- Discrimination against individuals based on a prohibited ground of discrimination specified by these guidelines, because of their relationship(s) or association(s) with a person or persons.
- Reprisals which may include threats, intimidation, denial of opportunity or undue negative focus on the rights of individuals or groups who claim and enforce their rights under these guidelines.
- Negative or “poisoned” environments created and fostered by acts or omissions that maintain offensive or intimidating learning or working environments. Such environments may include:
  - discriminatory comments made by teachers, administrators, other employees, students, parents or other members of the learning community
  - managerial or supervisory support of discriminatory or harassing behaviour
  - inappropriate or non-inclusive curriculum and pedagogy, bias or discriminatory practices
  - barriers in existing policies, administrative guidelines, programs, or assessment procedures
  - violations of fair and equitable recruitment and employment guidelines, practices and procedures.
- Hate group activities: Hate group activities represent some of the most destructive forms of human rights-based discrimination by promoting hatred against identifiable groups of people.