



## **AP 312 – Harassment, Intimidation, Bullying, and Discrimination**

### **Purpose**

The Board of Education of Nanaimo Ladysmith Public Schools recognizes its responsibility to provide safe, caring and inclusive learning environments in our schools.

Harassment, intimidation, bullying, and discrimination are behaviours that can disrupt a student's ability to learn and interfere with the school's ability to maintain an appropriate learning environment. These behaviours can be in the form of intentional written, verbal or physical acts which can harm a student or damage the students' property; and/or are so severe, persistent, or pervasive that they create an intimidating educational environment.

Therefore, harassment, intimidation, bullying, and discrimination constitute serious misconduct that warrants appropriate intervention should it occur and the implementation of educational programs and administrative measures that are designed to prevent it from occurring.

School personnel and communities need to be especially sensitive to situations facing students whose racial or cultural background, sexual orientation, gender identity, appearance, religion, socio-economic status, or ability might make them targets of harassment, intimidation, bullying, and discrimination.

This administrative procedure is explicitly directed toward the conduct of students in their interaction with other students. Also included in this administrative procedure is the harassment, intimidation, bullying, prejudice and discrimination directed at adults by students.

Harassment, intimidation, bullying, and discrimination by adults toward students or of adults by other adults are similarly prohibited but are governed by procedural guidelines in other school district administrative procedures (*AP 344 – Code of Conduct*), Collective Agreements, Human Rights and Workers Compensation Legislation and in the *Criminal Code of Canada*.

### **Definitions**

- 1. Harassment:** any unwelcome or unwanted act or comment that is harmful, degrading, humiliating, or offensive to another person. A particular concern is such behaviour that persists after the aggressor has been asked to stop. Any of the following behaviours can be considered harassment:
  - Condescending treatment that undermines another's self-respect, name-calling, teasing, disrespectful comments;
  - Gossiping, spreading malicious rumours, "dirty" looks, social ridicule, public embarrassment;
  - Social isolation, exclusion from a group, threatening to withdraw friendship

- Repeated unwanted communication;
- Unwelcome jokes, innuendoes, insults, or put downs; taunts about a person’s body, disability, religion, attire, age, economic status, ethnic or national origin; and
- Insulting graffiti directed at an individual or group.

### 2. Sexual Harassment:

- Unwelcome and/or uninvited sexual or gender-directed conduct or communication interferes with an individual’s performance or creates an intimidating, hostile or offensive environment; or
- submission to or rejection of the harasser’s sexual demands interferes with the right of the student to obtain an education or the ability of an individual to perform work; or
- submission to or rejection of sexual demands is a factor in academic performance or evaluation or other school-related decisions affecting an individual.

This serious student misconduct can take many forms including making unwelcome, offensive or inappropriate sexually suggestive comments, gestures or jokes; standing too close, inappropriate touching, cornering or stalking a person; or displaying offensive or inappropriate sexual illustrations on school property. Sexual harassment can occur in any gender combination.

For the purposes of this administrative procedure, the term “harassment”, whenever used, shall include sexual harassment.

### 3. Intimidation: the act of instilling fear in someone as a means of controlling that person. Any of the following behaviours could be considered intimidation:

- Verbal threats: threatening phone calls, threats of violence against a person or property;
- Physical threats: showing a weapon, jostling, threatening to punch, stalking or following;
- Defacing or stealing victim’s property;
- Daring or coercing victim to do something dangerous or illegal;
- Extortion (demanding payment or goods for victim’s safety);
- Inciting hatred toward victim;
- Setting up a victim to take blame for an offence.

From *Focus on Harassment and Intimidation – MOE 2001* [http://www.bced.gov.bc.ca/specialed/docs/fob\\_sec.pdf](http://www.bced.gov.bc.ca/specialed/docs/fob_sec.pdf)

### 4. Bullying: can be physical or verbal, or can involve social alienation. It can be direct or indirect.

**Direct bullying** can include:

- Open assault such as: hitting, punching, kicking, throwing things, jostling, and poking;
- Verbal taunts or open and overt threats to harm the other individual.

**Indirect bullying** can include:

- Teasing, criticism, gossiping, spreading malicious rumours, threatening to withdraw friendship, social isolation or exclusion from the group.

When determining whether a specific behaviour is bullying, consider if it is:

- repeated over time;
- intended to hurt;
- involves a power imbalance.

From *Focus on Bullying – MOE 1999* <http://www.bced.gov.bc.ca/specialed/bullying.pdf>

### 5. Discrimination: manifests most commonly in passive, socially exclusionary behaviours, which can contribute to feelings of alienation on the part of those excluded. These feelings, in combination with other factors, can contribute to violent and antisocial behaviour, including self-harm.

6. **Prejudice:** an unfair feeling of dislike for a person or group because of race, culture or ethnicity; sexual orientation or gender identity; religion; ability or socio-economic status.

Where individual differences are not respected, people may experience prejudice in the forms of harassment, intimidation, bullying or discrimination. Prejudice can be based on any perceived difference, and should therefore be considered seriously by schools planning to reduce levels of harassment, intimidation, bullying and discrimination.

***Types of prejudice that are most commonly at the root of harassment, intimidation, bullying, and discrimination.***

***Racism*** – targeting members of all other racial or ethnic groups. Racism is a belief or a set of assumptions about the superiority of one race or ethnic group.

***Sexism*** – discrimination, typically against women, on the basis of their biological sex and a belief in the associated gender stereotypes. Sexism is a major factor in violence against women.

***Gender Discrimination*** – The unfair treatment of any individual or group that does not fit a prevailing gender stereotype. Stereotypical views of what it means to be male or female continue to permeate society and those who do not fit the stereotypes often experience social distress. In school, this can lead to academic and behavioural problems and work against the development of positive social and interpersonal skills. (Warner, Weist, and Krulak, 1999)

***Homophobia*** – the irrational fear or hatred of, aversion to, and discrimination against homosexuals or homosexual behaviour. Homophobia is a specific kind of discrimination based on sexual orientation. LGBTQ+ youth are the potential victims of homophobia. Lesbian, gay, bisexual, transgender and youth questioning their sexual orientation can be directly affected by discrimination.

Prejudicial views about LGBTQ + youth can be held by anyone, including the youth themselves. This kind of inward hatred or fear can lead to a student's denial of their own sexual orientation, distrust and sometimes harassment of other LGBTQ+ people, increased fear and anxiety, withdrawal from friends and other potential support people, and, in some instances, can contribute to suicidal or self-harm behaviours. (Blumenfeld, 1992; GALE, 2000)

Homophobia can also victimize students who are not gay and who are thought to be gay. When a student is taunted using homophobic terms, whether or not he or she is gay or perceived to be gay, the taunting is no less harmful. The intent is the same: to intimidate and harass. In school cultures that are generally homophobic, the act of calling someone gay, regardless of that person's actual sexual orientation, is an extremely exclusionary act.

The casual use of the word "gay" to imply that something or someone is bad contributes to a culture in which one who is referred to as homosexual, accurately or not, will generally feel harassed or intimidated.

Because schools have a tremendous influence on social norms, going beyond anti-discrimination policies on paper and attempting to create a truly inclusive, welcoming learning environment for all youth can make a real difference. This can be achieved by

considering the impact of programs, teaching, modelling, ceremonies, and day-to-day procedures and making necessary changes or enhancements.

***Discrimination based on ability*** – Students of all ability levels have been integrated in classroom settings for over 20 years. Historical segregation of students with disabilities was a reflection of social attitudes that assumed children with physical disabilities were also unable to learn, and that equated intellectual disability with mental illness. Despite the lack of formal segregation, students with disabilities can be excluded from mainstream culture in school communities where differences are not highly valued, or where stereotypes left over from historical misperceptions are still prevalent. Successful integration of students of all ability levels relies on the efforts of schools, communities, and families to increase avenues to and options for success.

From *Focus on Harassment and Intimidation* – MOE 2001 [http://www.bced.gov.bc.ca/specialed/docs/fob\\_sec.pdf](http://www.bced.gov.bc.ca/specialed/docs/fob_sec.pdf)

### Procedures

#### 1. Complaints

An allegation of harassment, intimidation, bullying or discrimination may be made informally through a verbal report to a staff member or school principal/vice-principal. A more formal report may be presented in writing to the principal/vice-principal of the school or a district administrator. A trusted adult may accompany students making complaints.

Students can report incidents of harassment, intimidation, bullying, and discrimination through the ***Erase Bullying Website***. Access to this site is on each school's website and information is available through school administration.

Complaints may be made anonymously but those making such complaints should understand that an anonymous complaint might not be resolved satisfactorily due to the limitations placed on an investigation by anonymity.

Persons lodging complaints may request that their identity be kept confidential for fear of reprisal. Staff should endeavour to honour such requests. Any person lodging a complaint must be informed that due process may, at some stage of the investigation and intervention process or of a subsequent legal process, require the District to release all information regarding the complaint.

All staff are responsible for receiving complaints of harassment, intimidation, bullying, and discrimination and for ensuring that the most appropriate staff person is informed of the complaint.

#### 2. Investigation

All complaints of harassment, intimidation, bullying, and discrimination will be taken seriously and will be followed up in a timely manner.

In cases where an incident potentially contravenes the Criminal Code of Canada (hate propaganda, public incitement of hatred, wilful promotion of hatred, etc.) the RCMP will be contacted by the school principal or district administration to consult regarding appropriate action.

In all cases where child abuse is suspected, a report will be made to the appropriate ministry.

An investigation of harassment, intimidation, bullying, and discrimination shall include obtaining input from the person(s) alleged to have been harmed by the behaviour, from the alleged perpetrator and from one witness, (if one exists) to the alleged behaviour. More intensive interviewing of those involved and/or of witnesses may be required at the discretion of the investigator, depending on the nature of the behaviour or incident and especially when evidence of prejudice and or discrimination is present.

### 3. Intervention

When there is a finding that harassment, intimidation, bullying, prejudice or discrimination has occurred intervention will be:

- appropriate to the degree of misconduct,
- educative, preventive and/or restorative, and
- implemented in a timely manner.

Appropriate intervention may include, for example, one or more of the following actions:

- allowing an opportunity for those harmed by the behaviour to explain to the perpetrator that his/her conduct is unwelcome, offensive, inappropriate, prejudicial, or and/or discriminatory either in writing or face-to-face,
- a statement from the principal/designate to an individual conveying that any form of harassment, intimidation, bullying or discrimination does not align with the NLPS Inclusion Policy; is prohibited under the B.C. Human Rights Code; and is unacceptable in our educational community. A student should then have the opportunity to make amends or disciplinary steps could be taken.
- a general public statement from the principal/designate to the school as a whole which outlines this Administrative Procedure without identifying those involved or revealing details of previous behaviour or incidents,
- arranging measures which are designed to provide those harmed with restitution of status or sense of self-worth,
- counselling or educative measures designed to support any students involved with harassment, intimidation, bullying or discrimination– including both those who may have been harmed and those who are responsible,
- disciplinary measures up to and including suspension or expulsion from a regular educational program,
- notification of other agencies as deemed by the principal/designate to be appropriate or legally required. .

Persons found to have been subjected to harassment, intimidation, bullying, prejudice or discrimination will have NLPS services made reasonably available to them.

### 4. Process of Appeal

The Board of Education recognizes and respects the fact that students and /or parents or guardians may sometimes disagree with decisions made by employees. The *School Act* of British Columbia gives parents or guardians and students (with parental consent) the right to express concerns or appeal certain decisions. This right of appeal applies to decisions that significantly affect the health, education or welfare of students. Information regarding the Board's appeal procedure and a copy of the formal appeal bylaw can be accessed at [sd68.bc.ca](http://sd68.bc.ca) / Board Policies / 1000 Board Governance / 4.0 Bylaws. Prior to an appeal it is expected that school administration, students and parents or guardians will work to try to resolve concerns at the school level.

**4. Education for Prevention of Harassment, Intimidation, Bullying, Prejudice and Discrimination**

The Board expects that each school in NLPS will ensure:

- a. that communication with parents, at least annually, includes emphasis of the
  - seriousness with which the district regards harassment, intimidation, bullying, prejudice, and discrimination and the provisions of this administrative procedure;
- b. that students are informed on an annual basis, in language appropriate to their age level about the following:
  - the definition of harassment, intimidation, bullying, prejudice and discrimination;
  - the expectations of the district for student conduct with regard to harassment, intimidation, bullying, and discrimination - including the obligation of students to report to adults incidents of harassment, intimidation, bullying, and discrimination;
  - the interventions listed in this administrative procedure.

**5. Retaliation**

No student, school employee, parent or volunteer may engage in reprisal or retaliation against a victim, witness, or other person who brings forward information about an act of harassment, intimidation, bullying, prejudice or discrimination. Reprisal or retaliation is prohibited and will result, where appropriate, in discipline and/or in the filing of a complaint with other appropriate authorities.

**6. Falsely Reporting Harassment, Intimidation, Bullying, Prejudice or Discrimination**

It is a violation of this district administrative procedure to knowingly report false allegations of harassment, intimidation, bullying, prejudice or discrimination. Persons found knowingly to have filed a false report will be subject to appropriate discipline and/or the filing of a complaint with other appropriate authorities.

**7. Other Laws**

Nothing in this administrative procedure precludes any person harmed by alleged harassment, intimidation or bullying from exercising his/her rights under procedures outlined in other laws; for example, the *Criminal Code of Canada* or civil action.

**8. Other District Policies and Procedures**

Nothing in this administrative procedure is intended to prohibit discipline or remedial action for inappropriate student conduct that falls outside of the definition of harassment, intimidation, bullying or discrimination as defined in this administrative procedure, but which is or may be prohibited by other district policies or by school rules.

Adopted: 2007.02.28

Amended: 2016.09.07

References: The *School Act*

*AP 325 – Appeals*

*AP 344 – Code of Conduct*

Collective Agreements

Human Rights and Workers Compensation Legislation and in the *Criminal Code of Canada*