

Number:	RHR-224-a
Title:	Prevention of Harassment and Discrimination in the Workplace and Learning Environment
Person responsible for enforcement:	Secretary General
Entered into force:	May 30, 2018
Approved:	May 30, 2018 by the Board of Governors <i>This document replaces all previous regulations on this subject.</i>
Exception:	No exception to this regulation without prior written authorization from the Board of Governors

In this document, the masculine form is used without prejudice and for conciseness purposes only.

1. Policy statement

Saint Paul University endorses a workplace and learning environment where all members of the University community are treated with respect and dignity, and one that is free from harassment and discrimination. Saint Paul University is therefore committed to taking the necessary steps to ensure that the University's workplace and learning environments promote mutual respect and are free from all forms of harassment or discrimination.

This policy complies with the *Ontario Human Rights Code* and Ontario's *Occupational Health and Safety Act (OHSA)*, which recognize the inherent rights and freedoms of every person, including the right to equality, the right to dignity, and the right to a fair, reasonable and safe workplace and learning environment.

2. Objectives

- 2.1 Take appropriate action to prevent all forms of harassment and discrimination.
- 2.2 Train, inform and sensitize the members of the University community on issues of harassment and discrimination.
- 2.3 Collectively denounce all forms of harassment and discrimination to ensure that members of the University community enjoy an environment that is favourable to study and work.
- 2.4 Ensure the immediate protection of persons involved in situations of harassment or discrimination, and implement effective corrective measures when appropriate.

3. Areas of application

- 3.1 This policy applies throughout the organization and all aspects of the workplace environment and work relations.
- 3.2 This policy applies to all members of the University community, including all persons who study, work, sit on committees, use University services or take part at some level in the activities of the University, including visitors and guests.
- 3.3 This policy applies to all activities occurring during the course of work, study or any other activity in relation to the University, including events taking place outside the regular workplace including business trips or social activities of the University.

4. Principles

- 4.1 The University repudiates all forms of harassment and discrimination, particularly since these constitute an infringement on the rights, dignity and integrity of a person.

- 4.2 The University recognizes that in matters of harassment and discrimination, each member of the University community has the right to be protected, helped and supported fairly and confidentially by appropriate mechanisms and remedies for harassment and discrimination.
- 4.3 The University recognizes that any one person who has made a complaint of harassment or discrimination may at any time, terminate the complaint, subject to the legislative provisions in force.
- 4.4 The present policy does not prevent anyone from disclosing and informing any responsible internal authority of any violation of a law or policy, procedure or regulation of the University, nor prevent the University from notifying the competent authorities of any violation governed by the Act.

5. Definitions

- 5.1 Discrimination: Discrimination is any form of unequal treatment, whether the imposition of a burden or refusal to provide benefits based on a prohibited ground of discrimination. Discrimination may be intentional or unintentional. These may be direct measures which are in themselves discriminatory or regulations, practices or procedures which appear neutral but have the effect of disadvantaging persons belonging to a protected group.
- 5.2 Discrimination – Prohibited grounds: Discrimination based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed or religion, gender, gender expression, gender identity, sexual orientation, age, record of offences, marital status, family status, disability, or any other characteristic protected under the *Ontario Human Rights Code*.
- 5.3 Discriminatory harassment: Vexatious comments or actions when the author of these comments or actions knows or should reasonably know to be unwelcome. These include comments or actions based on any of the prohibited grounds specified in article 5.2, and when the author of these words or gestures knows or should reasonably know that they are offensive, embarrassing, humiliating, degrading or unwelcome.

Examples of discriminatory harassment include but are not limited to the following:

- comments, jokes or references to race, disability, religion or age of a person or any other prohibited grounds of discrimination;
- posting or distributing offensive images, graffiti or content related to any prohibited ground of discrimination, whether in print, by email or other electronic means;
- making a person a scapegoat to humiliate or demean by teasing or joking because they belong to a protected group;
- mocking a person because of their clothing, language or other characteristics related to a prohibited ground of discrimination.

- 5.4 Psychological harassment: Psychological harassment occurs either through repeated hostile or unwanted behaviours, words, actions or gestures which undermine the dignity or psychological or physical integrity of a member of the University community and which create, for that person, a harmful work or study environment.

Among behaviours that could be considered psychological harassment are:

- comments or actions meant to scorn, cheapen, mock or intimidate;
- threats, bashing, humiliation, repeated innuendo, unfounded accusations, exclusion;
- remarks or actions meant to degrade human potential or physical and intellectual abilities;
- abusive monitoring of a person's comings and goings, to the point of following or waiting for a person;
- inappropriate behavior on social media.

Psychological harassment does not include:

- legitimate and proper exercise of management's rights and responsibilities;
- providing regular performance feedback and taking fair and appropriate measures to adjust performance or solve absenteeism issues;

- assigning extra work;
- taking fair and appropriate disciplinary measures in response to wrongdoing by a member of the University community;
- showing frustration or impatience when such behaviour is justified and expressed respectfully, without threat of violence, intimidation or reprisal, on an occasional basis;
- differences of opinions.

5.5 Sexual harassment: Sexual harassment is manifested through words, actions or gestures with unwanted sexual overtones which are likely to undermine a person's dignity, physical or psychological integrity or create a harmful work or study environment.

A single serious behaviour can also constitute sexual harassment if it involves such an infringement and has a lasting harmful effect for a member of the University community.

Amongst behaviours that may be considered sexual harassment are:

- remarks, comments, innuendo, jokes or insults of a sexual nature;
- repeated and unwanted physical or verbal sexual advances or propositions;
- implied or expressed promise of reward for complying with a sexually oriented request;
- threats, reprisals, refusal of promotion, dismissal, academic failure or other discriminatory practices associated with a refusal to consent to sexual favours;
- acts of voyeurism or exhibitionism;
- display of physical violence of a sexual nature or imposing sexual intimacy;
- any other unwanted sexual display.

5.6 Poisoned workplace or learning environment: A workplace or learning environment is poisoned when a person's conduct, actions or comments (verbal or written) are based on any of the prohibited grounds of discrimination, or constitute harassment and have a detrimental effect on someone's performance or create an intimidating, hostile and offensive environment.

5.7 Complainant: A person who believes himself to be a victim of harassment or discrimination and who files a complaint under this policy and related *Directive on Filing Complaints of Harassment and Discrimination by Members of the University Community* ("directive").

5.8 Respondent: The person or organization against whom a complaint has been filed.

6. Responsibilities of the University community

- 6.1 Treat others with respect in the workplace or learning environment and when participating in all activities organized by the University.
- 6.2 Report any incident of harassment or discrimination of which you are aware.
- 6.3 Understand and act in accordance with this policy and accompanying directive.
- 6.4 Cooperate with any investigative effort or incident resolution arising from the present policy.
- 6.5 Attend training sessions required under the Act or provided by the University or other organizations.
- 6.6 Respond appropriately to any incident of harassment or discrimination.

7. Responsibilities of Saint Paul University

- 7.1 Provide mandatory personal or online training for all full-time and part-time employees.
- 7.2 Inform the University community of the present policy and accompanying directive.

- 7.3 Promote the objectives of the present policy and accompanying directive and discourage all forms of intimidation, bullying, harassment of all forms and discrimination.
- 7.4 Review all reported complaints in a timely, impartial and sensitive manner.
- 7.5 Provide appropriate support to anyone directly or indirectly involved in an incident of harassment or discrimination in the workplace or learning environment.

8. Complaints of harassment and discrimination and resolution process

- 8.1 The University advocates as a first step, the resolution of a complaint of harassment or discrimination through an informal process. However, any complainant acting in good faith may file a formal complaint without going through an informal process beforehand.
- 8.2 The procedure for resolving a complaint of harassment or discrimination, whether informal or formal, is defined in the directive.
- 8.3 To be admissible, a formal complaint must be made in writing within 12 months of the last incident of harassment or discrimination, except in extraordinary circumstances which might justify a delay.
- 8.4 Filing a formal complaint under the present policy does not prevent a complainant from using any external process available to him, including but not limited to law enforcement, the Ontario Human Rights Commission, recourse under the Ontario *Occupational Health and Safety Act* or pursuing other legal options.
- 8.5 If an immediate intervention is required, the University's Protection Services will offer assistance to the member of the University community who is in distress and will take the necessary steps to ensure the person's safety.

9. Institutional Committee Against Harassment and Discrimination

- 9.1 To ensure that the present policy is enforced and that complaints are handled impartially, the University has put in place an Institutional Committee Against Harassment and Discrimination.
- 9.2 The Committee's mandate is to:
 - propose appropriate ways of training, informing and educating the University community against harassment and discrimination, as well as concrete measures to put in place to prevent and deter and when necessary, stop harassment and discrimination;
 - approve the procedure for handling complaints and review it periodically;
 - receive and evaluate the annual report from Human Resources Services who receive complaints;
 - report to the Board of Governors on an annual basis and, if appropriate, suggest revisions to the current policy and make recommendations it considers relevant.
- 9.3 The Committee is composed of:
 - two jointly responsible persons appointed by the Executive Committee;
 - one person appointed by the Saint Paul University Professors' Association;
 - one person appointed by the Public Service Alliance of Canada's local union of part-time professors;
 - one person appointed by the Saint Paul University Support Staff Bargaining Unit, District 35, Ontario Secondary School Teachers' Federation;
 - one person representing middle managers appointed by his peers;
 - one person appointed by the Saint Paul University Student Association.

Committee members choose a chair.

The Director of Human Resources Services serves as secretary to the Committee.

10. Responsibility

The Institutional Committee Against Harassment and Discrimination is responsible for the annual review of the present policy and making recommendations to the Board of Governors.