

<b>Number:</b>	RHR-224-a
<b>Title:</b>	Prevention of Harassment and Discrimination in the Workplace and Learning Environment
<b>Person responsible for enforcement:</b>	Secretary General
<b>Entered into force:</b>	May 30, 2018
<b>Approved:</b>	May 30, 2018, by the Board of Governors
<b>Revision approved:</b>	March 27, 2024, by the Board of Governors <i>This document replaces all previous regulations on this subject.</i>
<b>Frequency of revision</b>	This policy is reviewed at least once a year by the Institutional Policy Review Committee (see Article 9 of this policy), in accordance with Ontario's <i>Occupational Health and Safety Act</i> .
<b>Exception:</b>	No exception to this regulation without prior written authorization from the Board of Governors

## 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.

Saint Paul University is working with an institutional committee to review this policy annually.

In the event of a change in the legal framework, this policy will be amended accordingly.

## 2. Objectives

- 2.1 Take reasonable measures 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, every 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 a person 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 Student: A person enrolled at the University, whether full-time, part-time or as a special student, in an undergraduate or postgraduate programme.
- 5.4 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.

- 5.5 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 behaviour 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.

- 5.6 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.

Among 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.

- 5.7 Members of the University community: All students, members of the teaching and administrative staff, whether unionized or not, and persons whose business relationship comes from sources other than the University's operating funds, such as scholarships, research grants and external contracts.

- 5.8 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.

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

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

- 5.11 Supervisor: Person in charge of a workplace or who has authority over a worker.

## **6. Responsibilities of members 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 procedure.
- 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.
- 6.7 Explain to the relevant authorities any exceptions granted under this policy.

## **7. Responsibilities of Saint Paul University**

- 7.1 Provide mandatory in-person or online training for all full-time and part-time University employees.
- 7.2 Inform the University community of the present policy and accompanying procedure.
- 7.3 Promote the objectives of the present policy and accompanying procedure 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 Investigate any complaint or incident of harassment in the workplace promptly, fairly and respectfully and take appropriate action.
- 7.6 Provide appropriate support to anyone directly or indirectly involved in an incident of harassment or discrimination in the workplace or learning environment.
- 7.7 Ensure that information obtained about an incident or complaint remains confidential, except where disclosure is necessary to protect employees, investigate the complaint or incident or take corrective action, or where required by law.

## **8. Report or complaint 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 process for resolving a complaint of harassment or discrimination, whether informal or formal, is defined in the procedure attached to this policy.
- 8.3 To enable a fair and equitable investigation based on facts, 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 the pursuit of 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. If necessary, the University's Protection Services will call on other internal resources to support it in this process.
- 8.6 Members of the university community must not be punished or disciplined for reporting or participating in the investigation of an incident of harassment in the workplace.
- 8.7 Anyone requiring further assistance may consult the union, the Joint Health and Safety Committee, the Employee Assistance Program, the Dean or the Human Resources Services. The necessary measures are in place to ensure confidentiality.
- 8.8 Where the University ultimately finds that the complaint is frivolous, vexatious or made in bad faith, it will take appropriate preventive and corrective action and may, if circumstances warrant, hold individuals accountable under the provisions of collective agreements, terms and conditions of employment or other applicable internal regulations or policies.

## **9. Institutional Policy Review Committee RHR-224-a and RHR-224-b**

- 9.1 To ensure that the present policy is enforced and that complaints are handled impartially, the University has put in place an Institutional Policy Review Committee RHR-224-a and RHR-224-b.
- 9.2 In general terms, 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, deter and if necessary, stop harassment and discrimination;
  - report annually to the Administration Committee and, if necessary, propose amendments to this policy and make any recommendations it deems appropriate. The Administration Committee will inform the Board of Governors of its decision.
  - receive the annual report from Human Resources Services who receive or compiles data on complaints from the University community;

It should be noted that Ontario's *Occupational Health and Safety Act* deals specifically with harassment against an employee and gives the Joint Health and Safety Committee responsibility for reviewing the prevention programme for employees.

- 9.3 The Committee is composed of:
- two jointly responsible persons appointed by the Administration Committee, i.e., the Secretary General and the Director of the Human Resources Services;
  - one person appointed by the Saint Paul University Professors' Association;
  - one person appointed by the local union of part-time professors;
  - one person appointed by the Saint Paul University Support Staff Bargaining Unit;
  - one person representing middle managers, appointed by his peers;
  - one person appointed by the Saint Paul University Student Association.
- 9.4 The members of the committee are appointed by the respective bodies but, as soon as they are appointed to the committee, they sit as individuals with a view of representing the interests of the University community.
- 9.5 The Chair is elected by the Committee members from among themselves.
- 9.6 The Secretary General serves as Secretary to the Committee.

Rector's signature:

Date:

Note: To obtain a signed copy of this document, please send a request to the General Secretariat at [sec\\_gen@ustpaul.ca](mailto:sec_gen@ustpaul.ca).