PREVENTION OF HARASSMENT AND DISCRIMINATION

Purpose

1. This Policy establishes the University’s policy on the prevention of harassment and discrimination.

Application

2. Subject to clause 4, this Policy applies to all complaint of harassment and/or discrimination involving University of Ottawa employees, students, contractors, visitors and volunteers.

a) “Student” means an individual registered at the University, whether full time or part time and including special students, at the undergraduate, graduate or postdoctoral level and including medical residents and fellows;

b) “Employee” includes all unionized and non-unionized academic and administrative staff as well as those whose salary is paid through sources other than the University’s operating funds, such as grants, research grants and external contracts.

3. See also the University’s Violence Prevention Policy, Policy 66.

Interpretation

4. Various provisions on harassment and discrimination already exist in collective agreements covering various University employee groups. This Policy does not replace or supersede existing collective agreement provisions relevant to harassment and discrimination. It also does not replace or supersede applicable legislation.

5. Terms such as “harassment,” “sexual harassment,” “workplace harassment,” “discrimination” and “systemic discrimination” have a legal meaning. In addition, these terms may already be defined in collective agreement provisions. If the terms are
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not already defined in a collective agreement see the Glossary of Terms, which is incorporated into this Policy as a schedule and as a guide. The Glossary of Terms does not replace or supersede existing definitions contained in collective agreement provisions relevant to harassment and discrimination.

Policy statement

6. The University recognizes its obligations under and the legal framework set out in the Ontario Human Rights Code with respect to harassment and discrimination and under the Occupational Health and Safety Act with respect to workplace harassment.

7. The University is committed to maintaining a learning and work environment that promotes the understanding and respect for dignity of the person as part of the University community and one that is free from harassment and discrimination.

8. The University will provide and maintain a fair and timely process for reporting, investigating complaints of harassment and/or discrimination and determining consequences through collective agreement provisions or University procedures developed under this Policy.

9. The University will take appropriate preventative and corrective action where harassment or discrimination occurs and will, where warranted, hold individuals responsible in accordance with applicable collective agreement provisions, terms of employment or other University policies or regulations. 1

0. A person may file or withdraw a complaint of harassment or discrimination pursuant to this Policy and its procedures without fear of reprisal or threat, except where paragraph 11 of this Policy applies.

11. Where the University has finally determined the complaint to be frivolous, vexatious or made in bad faith, the University will take appropriate preventative and corrective action and will, where warranted, hold individuals responsible in accordance with applicable collective agreement provisions, terms of employment or other University policies or regulations.

Where to report harassment or discrimination

12. To obtain information on the prevention of harassment or discrimination or to find out about the process for filing a complaint, contact one of the resource centres on campus:

• For students: Office for the Prevention of Discrimination and Harassment of the Student Academic Success Service (SASS), 100 Marie-Curie (4th Floor).

• For employees: Health, Wellness and Leave Sector of Human Resources Service, room 017, 550 Cumberland Street, Tabaret Hall.

• For contractors: Contact the person responsible for contracting the services.
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• For visitors or volunteers: Contact either the Office for the Prevention of Discrimination and Harassment of the Student Academic Success Service (SASS), 100 Marie-Curie (4th Floor) or the Health, Wellness and Leave Sector of Human Resources Service, room 017, 550 Cumberland Street, Tabaret Hall.

Confidentiality

13. Complaints of harassment or discrimination will be treated in a confidential manner and in accordance with the Freedom of Information and Protection of Privacy Act and in accordance with the provisions of an applicable collective agreement.

14. All individuals involved in a report or an investigation of harassment or discrimination must keep the matter confidential in order to safeguard individuals against unsubstantiated allegations, to protect the rights of those involved in the allegation and to preserve the integrity of the investigation.

Policy review

15. This Policy is reviewed annually by the Office of the Vice-President, Resources and the Office of the Vice-President Academic and Provost who will send a copy of the revisions contemplated to the unions, student associations and other stakeholders and will provide them with an opportunity to comment.

POLICY 67a ON THE PREVENTION OF HARASSMENT AND DISCRIMINATION

SCHEDULE – GLOSSARY OF TERMS

This Glossary of Terms is a guide and is based generally on definitions contained in the Ontario Human Rights Code, the Occupational Health and Safety Act as it relates to “workplace harassment” as well as the University’s definition of “sexual harassment.” The Glossary of Terms does not replace or supersede existing definitions contained in collective agreement provisions relevant to harassment and discrimination.

Discrimination means:

a) a distinction—intentional or unintentional, direct or indirect—because of a person’s race, ancestry, ethnic origin, creed, place of origin, colour, citizenship, sex, sexual orientation, gender identity and expression, age, pregnancy, marital status, family status, record of offences, political affiliation, religious belief, disability or means to accommodate the disability and

b) that has the effect of erecting barriers, or creating obligations, disadvantages or situations of unequal treatment that withhold or limit access to privileges, advantages or political, social or economic rights available to other members of society.

Systemic discrimination means a situation that unintentionally singles out particular people and results in unequal treatment. It exists in a situation where a requirement,
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qualification or factor exists that is not overt discrimination but results in the exclusion of, restriction of or preference for a group of persons who are identified by one of the personal characteristics as listed in paragraph (a) of the above definition of discrimination. Systemic discrimination does not occur when the requirement, qualification or factor is in good faith and legitimate in the circumstances or is permitted by law.

**Harassment** means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. A single unwelcome incident, if serious enough, can be sufficient to support an instance of harassment. Harassment includes comments or conduct that intimidates, humiliates, undermines or dominates the other person by belittling, embarrassing or demeaning them or involves the use of abusive or threatening language.

**“Poisoned environment”** means a comment or conduct that constitutes harassment or discrimination and that creates a negative psychological and emotional environment for work or study.

**Sexual harassment** is a form of harassment and consists of:

a) sexual solicitation or unwanted sexual attention from a person who knows or ought reasonably to know that such attention is unwanted;

b) implied or expressed promise of reward for complying with a sexually oriented request;

c) implied or expressed threat of reprisal or actual reprisal for refusing to comply with a sexually oriented request;

d) a sexual relationship that constitutes an abuse of power in a relationship of authority; or

e) a sexually oriented comment or behaviour that may reasonably be perceived to create a negative psychological and emotional environment for work or study (“poisoned environment”).

**Workplace harassment** means engaging in a course of vexatious comment or conduct against a worker in a workplace, conduct that is known or ought reasonably to be known to be unwelcome. Workplace harassment does not include legitimate performance management of an employee.

NOTE: Procedures 36-1 and 36-2 on complaints of harassment and discrimination are available at the following link: Administrative procedures.

Approved Board of Governors 2012.3

Revised: February 21, 2012