

Item	6.5
Approved by	UOIT Board of Governors
Date approved	November 2004

HARASSMENT AND DISCRIMINATION POLICY

I. POLICY

UOIT recognizes the dignity and worth of every member of the university community and provides for equal rights and opportunities, free of discrimination and harassment, in the understanding that academic excellence can only be achieved when all members of the community are free to work, teach, and learn in an environment which does not exclude or discriminate against them. Accordingly, this Policy establishes that harassment and discrimination are never acceptable and will not be tolerated.

This Policy applies to academic staff, non-academic staff, students, members of the Board of Governors, members of standing and ad hoc committees established by the university, members of societies and associations which have a direct relationship, or are under the authority of, the university, whether they are on campus, off campus, at university-related social functions, on employment or academic assignments or placements, during work- or study-related travel, or in electronic or telephone communication. It also applies to contractors providing services to the university or undertaking research on campus, and to visitors and guests who have no ongoing connection to the institution, but are on the university campus. However, where a student brings a complaint against another student that involves harassment or discrimination, the Policy on Student Conduct and Disciplinary Procedures in Non-Academic Matters shall apply.

Each member of the university community should be aware of, and shares the responsibility for, creating and maintaining an environment free from discrimination, as defined by the Human Rights Code of Ontario, which states that every person has a right to freedom from discrimination on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, religion, sex, sexual orientation, handicap (physical or mental disability), age, marital status, family status, the receipt of public assistance, or record of offences.

Implicit in the duty not to harass or discriminate is a positive duty to accommodate. That duty includes a specific responsibility on the part of all supervisors, both academic and non-academic, to strive to create an environment free of harassment and discrimination in their areas of responsibility. Included within the ambit of that responsibility is an awareness of what constitutes harassment and discrimination based on human rights, knowledge of the procedure in place for dealing with allegations of harassment and discrimination, and cooperation in the processing of complaints made under this Policy. It also means that supervisors will not condone or ignore activities within their areas of responsibility that violate the rights of any member of the university community, and that they will ensure that all those for whom they have responsibility are aware that any form of harassment or discrimination is prohibited and that any complaints will be addressed immediately and effectively.

The Ontario Human Rights Commission generally follows a Policy of not pursuing an investigation until internal remedies have been undertaken. However, notwithstanding that the university has procedures in place to protect the rights of all parties, this Policy does not preclude the right of any person to seek assistance from more appropriate external agencies, such as the police if assault is alleged to be involved, or the Human Rights Commission.

II. DEFINITIONS

Harassment: A series of, vexatious comment(s) or a course of conduct related to one or more of the provisions of the Ontario Human Rights Code that is known, or might reasonably be known, to be unwelcome, unwanted, offensive, intimidating, hostile, or inappropriate. Examples include, but are not limited to, gestures, remarks, jokes, taunting, innuendo, display of offensive materials or offensive graffiti, threats, verbal or physical assault, imposition of academic penalties, hazing, stalking, shunning or exclusion related to the provisions of the Code.

Sexual Harassment: A series of, comment(s) or a course of conduct of a gender-related or sexual nature that is known, or might reasonably be known, to be unwelcome, unwanted, offensive, intimidating, hostile, or inappropriate. In order to constitute sexual harassment, the conduct complained of must detrimentally affect the complainant's work/study environment by creating a hostile atmosphere in which the victim is made to feel inferior, inadequate, or offended. Examples include, but are not limited to, gestures, remarks, jokes, slurs, taunting, innuendo, threats, physical, verbal or sexual assault, unwanted physical contact, invitations, leering, solicitation, demands, penalties related to sexual orientation, marital, or family status, unwanted attention, implied or express promise of reward or benefit in return for sexual favours, implied or expressed threat or act of reprisal if sexual favours are not given, or sexual assault.

Discrimination: The negative valuing, stereotyping, or discriminatory treatment of individuals and/or groups as defined by the provisions of the Ontario Human Rights Code. Discrimination directed at any individual or group is unacceptable. Discrimination can be detected by its effects, and can be manifested in both personal attacks and insults, and in the structure of social institutions. It may be intentional or unintentional, the result of activity or arrangements that set out to discriminate or harm, or of ignorance or inadvertence. Discrimination may include, but is not limited to, behaviour such as the dissemination of hate literature, graffiti, racial slurs and jokes, derogatory remarks and gestures, and physical attacks; bias in administrative decisions, employment and workplace practices, tenure, promotion, appointment, leave, and salary increases; bias in academic decisions such as marks, in the choice of scheduling of academic activities, and decisions related to the content of courses and course materials; behaviour which could reasonably be interpreted as offensive and patronizing, and as undermining self respect or adversely affecting performance or working conditions; discrimination in the provision of goods and services or access to premises, accommodation, and other facilities.

Systemic Harassment/Discrimination: Policies, practices, procedures, actions, or inactions that appear neutral, but have an adverse impact associated with one of the provisions of the Ontario Human Rights Code. An example would be, but is not limited to, examination schedules that conflict with important religious events.

Negative Environment: One or a series of, offensive, hostile, or intimidating comment(s) or conduct violating provisions in the Ontario Human Rights Code that creates a "poisoned" environment for individuals or groups. A complainant does not have to be a direct target to be adversely affected by a negative environment. Examples include, but are not limited to, exposure to graffiti, signs, or cartoons, remarks, exclusion, or adverse treatment related to one or more of the provisions in the Code.

See also 7.7.1 Harassment and Discrimination Procedures