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## RESPECTFUL CAMPUS POLICY

### PURPOSE

1. The Respectful Campus Policy (the “Policy”) outlines Ontario Tech University’s commitment to promote and sustain a respectful and inclusive campus in accordance with the Ontario Human Rights Code (the “Code”), the Accessibility for Ontarians with Disabilities Act, and the Occupational Health and Safety Act (OHSA). The purpose of the Policy is to ensure the campus community is familiar with their various rights, roles, responsibilities and obligations as they relate to preventing and responding to all forms of Harassment and Discrimination.

### DEFINITIONS

2. For the purposes of this Policy and associated procedures, the following definitions apply:
  - “**Barriers**” include attitudes (stereotypes or prejudices), policies, practices, rules and designs that prevent full participation of individuals or groups on the basis of a Protected Ground.
  - “**Complainant**” refers to an individual who has filed a Report regarding an alleged breach of this policy.
  - “**Discrimination**” is a distinction, without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an individual on the basis of a Protected Ground (defined below). Discrimination may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging one or more groups of people.
  - “**Discriminatory Harassment**” means engaging in a course of vexatious comment or conduct based on any Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, taunting or mocking someone’s race, ridiculing an individual’s disability or targeting others with sexual, gender-based or homophobic slurs.
  - “**Disrespect**” is behavior that falls short of Harassment, but nevertheless has harmful impacts on the campus environment, e.g. rude, inconsiderate and passive aggressive behavior. Disrespect, if left unaddressed, can escalate to Harassment or Discrimination.

**“Duty to Accommodate”** refers to the obligation to eliminate the disadvantage, to the point of undue hardship, caused by barriers that exclude individuals or groups protected under the Code from participating in all aspects of their employment, use of facilities or their receipt of services from the University. Failure to meet the Duty to Accommodate is a form of discrimination. For more on the Duty to Accommodate see the University’s Accommodation Policy.

**"Employee"** means job applicants and individuals performing services directly on the University’s behalf, including administrative staff members, Faculty, volunteers and contract employees. Students who are employed during the course of their studies, are “Employees” for the purposes of this Policy when they are engaged in employment activities, but not otherwise.

**“Faculty”** includes a Faculty Member at Ontario Tech University, and includes those with both limited term and indefinite term appointments, as well as those with paid, unpaid and honorific appointments. For greater certainty, “Faculty” also includes visiting scholars and emeritus professors.

**“Harassment”** is the term used in this policy instrument to represent all forms of harassment: Discriminatory Harassment, Workplace Harassment and Sexual Harassment.

Harassment is objectionable and unwanted behaviour that is verbally or physically abusive, vexatious or hostile, that is without reasonable justification, and that creates a hostile or intimidating environment for working, learning or living. Harassment may be intentional or unintentional. While harassment usually consists of repeated acts, a single serious incident that has a lasting harmful effect may also constitute harassment.

Harassing behaviour includes, but is not limited to cumulative demeaning or intimidating comments, gestures or conduct; verbal aggression or yelling; bullying; threats to a person’s employment or educational status, person or property; persistent comments or conduct, including ostracism or exclusion of a person, that undermines an individual’s self-esteem so as to compromise their ability to achieve work or study goals; abuse of power, authority or position; sabotage of a person’s work; humiliating initiation practices; hazing; calling someone derogatory names; spreading of malicious rumours or lies; or making malicious or vexatious complaints about a person.

Harassment does not include the exercise of appropriate managerial or supervisory direction, including performance management and the imposition of discipline; constructive criticism; respectful expression of differences of opinions; reasonable changes to assignments or duties; correction of inappropriate student behaviour; interpersonal conflict; instructional techniques such as irony, conjecture, and refutation, or assigning readings or other instructional materials that advocate controversial positions; and single incidents of thoughtless, petty or foolish words or acts that cause fleeting harm.

**"JHSC"** means the Joint Health & Safety Committee(s) at Ontario Tech University.

**“Mediation”** is a structured process in which parties in dispute are assisted by a third-party to engage in dialogue and attempt to arrive at a mutually agreeable resolution. Mediation is a voluntary process and can only proceed if all parties involved agree to participate.

**“Microaggression”** means a comment or action that negatively targets a group based on a Protected Ground (e.g. a racist, sexist or homophobic comment). Microaggressions

may be intentional or accidental, but are nonetheless harmful and stigmatizing to a certain group of people. If allowed to go unchallenged, Microaggressions may escalate to Harassment and/or Discrimination

**"Person(s) of Authority"** include, for the purposes of this policy and related procedures, any person who has charge of a workplace, authority over another Employee or authority in the administration of education, including supervisors, managers, senior management and Faculty leadership (e.g. Deans, Associates Deans, etc.).

**"Poisoned Environment"** is a form of indirect Discriminatory Harassment. It occurs when comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of a Person of Authority), ridicule or demean a person or group based upon a Protected Ground. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status.

**"Protected Ground(s)"** are the grounds contained in the Ontario Human Rights Code under which individuals are protected against discrimination and harassment. All University Members are protected under the following Grounds: "race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status and disability." Employees are additionally protected under the ground "record of offences."

**"Report"** refers to information about Harassment and/or Discrimination that is reported under the applicable procedures.

**"Reprisal"** includes retaliation, coercion, dismissal, threats or intimidation of anyone who in good faith: raises complaints or concerns, exercises their rights, or participates in a remedial process under this Policy.

**"Respect"** is a standard of interpersonal communication and behaviour characterized by self-restraint and consideration for others.

**"Respondent"** refers to anyone who is alleged to have engaged in behaviours of Harassment and/or Discrimination or who is the subject of a report regarding a breach of this policy.

**"Sexual Harassment"** means,

1. engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
2. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual Harassment includes but is not limited to, sexually suggestive or obscene remarks or gestures, negative stereotypical comments based on gender, sex or sexual orientation, gender identity and gender expression.

**"University Member"** means any individual who:

- is employed by the University or holds an appointment with the University, including paid, unpaid and/or honorific appointments ("**Employee**");

- is registered as a student, in accordance with the academic regulations of the University (“**Student**”); and/or
- Is otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

**"Workplace"** means any place where Employees engage in any facet of employment activity (e.g. recruitment, training, evaluation and development), including employment activities online, outside the normal place of work, and employment activities that occur outside of normal working hours.

**"Workplace Harassment"** means,

1. engaging in a course of vexatious comment or conduct against an Employee in a workplace that is known or ought reasonably to be known to be unwelcome, and/or
2. Workplace Sexual Harassment - defined as Sexual Harassment against an Employee in the workplace.

### **SCOPE AND AUTHORITY**

3. The University Secretary and General Counsel is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation and application of this Policy.
4. The Policy Owner will ensure the Policy is reviewed as often as is necessary, and in any event, at least annually, in consultation with all appropriate departments and the JHSC(s), and in accordance with the University’s Policy Framework and relevant Collective Agreements.
5. This Policy applies to all University Members in all aspects of their engagement with the University.
6. Ontario Tech University has a [Student Sexual Violence Policy](#), which sets out a framework for ensuring that students who experience sexual violence are directed to appropriate supports and services and that includes a set of procedures that are completely student-driven; meaning students decide if they want to file a formal report or to participate in informal or formal resolution options. Sexual Harassment, as defined under this policy is also defined as Student Sexual Violence when perpetrated by or against a student. In the event that a student alleges sexual violence against an Employee or an employee alleges sexual harassment by a student, all of the rights, roles, responsibilities and obligations established under the Student Sexual Violence Policy will apply to the Student and this Policy and its related procedures will be applied to Employees.
7. This Policy and its corresponding Procedures do not override or diminish the rights provided to Employees under applicable Collective Agreements, including the right to academic freedom afforded to Faculty. Collective Agreements will supersede this Policy to the extent there is a conflict.
8. This Policy does not preclude University Members from pursuing resolution through external resources and processes, including those offered by the Human Rights Legal Support Centre, the Human Rights Tribunal of Ontario and the Ontario Labour Relations Board.

## **POLICY**

- 9.** The University promotes a campus environment that is equitable, inclusive and accessible, and does not tolerate, ignore or condone Discrimination or Harassment by or against anyone. The University is committed to providing a campus environment in which all University Members are treated with dignity, and to fostering a climate of understanding and mutual respect for the value of each individual.
- 10.** In the context of an academic community, responsibility for maintaining a respectful campus falls on all University members. Excellence in learning, research and work in the university community is fostered by promoting the freest possible exchange of information, ideas, beliefs and opinions in diverse forms, and it necessarily includes dissemination and discussion of controversial topics and unpopular points of view. Respect for the value of freedom of expression and promotion of free inquiry are central to the University's mission.
- 11.** However, these freedoms cannot exist without an equally vigorous commitment to recognition of and respect for the freedoms of others, and concern for the well-being of every member of the university community. Excellence in scholarship, teaching and employment activities flow from active concern and respect for others, including their ability to participate meaningfully in the exchange of information, ideas, beliefs and opinions.
- 12.** Therefore, freedom of expression and freedom of inquiry must be exercised responsibly, in ways that recognize and respect the dignity of others, having careful regard to the dynamics of different relationships within the university environment, such as between professor and student, or supervisor and employee. A respectful campus is a climate in which the human dignity of each individual is valued, and the diverse perspectives, ideas and experiences of all members of the community are able to flourish. While misunderstandings and conflicts will occur in a complex, demanding and diverse campus environment where collaboration is essential to success, early and informal approaches to resolution should be sought whenever possible and appropriate.
- 13.** To promote a respectful campus environment:
  - 13.1.** The University will ensure that procedures are in place for the prevention of, and response to Harassment, Discrimination and other breaches of this policy.
  - 13.2.** The University will provide information, instruction and assistance to University Members with respect to Harassment and Discrimination.
  - 13.3.** The University will provide Persons of Authority with information and instruction that will enable them to recognize, assess and address Harassment and Discrimination, and to understand how to respond appropriately when such incidents are alleged. The University will also provide Persons of Authority with information and instruction that will enable them to address disrespectful behavior, Microaggressions and any other behaviours that negatively impact group cohesion in an effective and timely manner.
  - 13.4.** Any University Member who believes they have been harassed or discriminated against, or have witnessed Harassment or Discrimination, is

expected to make good faith efforts to resolve their concerns depending on the circumstances, and/or Report the situation in a timely manner.

- 13.5. The University will administer the processes set out in applicable procedures responding to Reports fairly and promptly, with adequate regard to the unique circumstances of each particular case, and in a manner that prioritizes the dignity and privacy of individuals involved.
- 13.6. Where applicable and appropriate, the University will make available informal dispute resolution processes such as Mediation in an attempt to resolve disputes and underlying conflict at the heart of a Report.
- 13.7. The University will inform and update Complainants, Respondents and relevant Persons of Authority (as appropriate) about the status of dispute resolution processes as they progress.
- 13.8. University Members are protected against Reprisal for submitting a Report in good faith, or for participating in a related dispute resolution process. A University Member who believes they have been penalized for submitting a Report in good faith, or for participating in a related investigation, may pursue the allegation of Reprisal by submitting a Report, and/or may pursue a Reprisal complaint through external processes.
- 13.9. Reprisal protection does not apply to a University Member who submits a Report that is determined to be frivolous or vexatious, or who exhibits bad faith and/or refuses to cooperate in the course of an investigation; all of which are considered breaches of this policy.
- 13.10. The University will respect the privacy of individuals involved in Reports and investigations, ensuring information about a Report is not disclosed, except to the extent necessary to investigate, take corrective action, implement measures to protect the health and safety of University Members and/or restore the learning/work environment, or as otherwise required by law.
- 13.11. Personal Information collected under this Policy will be used only for the purposes of administering this Policy, and will be disclosed only on a need-to-know basis, to the extent disclosure is required to fulfill the University's legal obligations under the *Human Rights Code*, the *Occupational Health & Safety Act*, and any other applicable law and/or legal obligations, including any applicable collective agreement. Subject to applicable law, Personal Information collected, used and disclosed under this Policy will otherwise be kept confidential, and will be stored and disposed of in accordance with Freedom of Information and Protection of Privacy Act and Ontario Tech University's *Records Management Policy*.
- 13.12. University Members who engage in Harassment and/or Discrimination, Reprisal or other breaches of this policy will be held accountable and may be subject to disciplinary measures, up to and including termination of employment or academic expulsion.

## **ROLES AND RESPONSIBILITIES**

### **14. All University Members**

- 14.1. Have a shared responsibility for creating and maintaining a respectful environment that is free from Harassment and Discrimination.

- 14.2. Are responsible for familiarizing themselves with this Policy and related procedures;
- 14.3. Will refrain from engaging in Harassment, Discrimination, acts of Reprisal or other breaches of this policy.
- 14.4. Will build and maintain positive and productive relationships and demonstrate Respect in their interactions.
- 14.5. Will work cooperatively and constructively to resolve conflicts they encounter and seek assistance from a Person of Authority, as appropriate, regarding any escalating conflict they are unable to resolve themselves.
- 14.6. Will complete all required Discrimination and Harassment instruction and training within established timelines
- 14.7. Will exercise rights under this Policy in good faith using prescribed channels. For more information on reporting Harassment and Discrimination, refer to the procedures for Employees [\[link\]](#) and Students [\[link\]](#).
- 14.8. Will participate in and cooperate with the Reporting Process and/or any related investigation, including respecting confidentiality obligations.
- 14.9. Will comply with the corrective measures imposed by the University under this Policy, subject to relevant collective agreements and other appeal rights.

**15. Persons of Authority**

Persons of Authority are responsible for supporting Ontario Tech University in its duty to create and maintain a respectful environment that is free from Harassment and Discrimination. Therefore, Persons of Authority have additional obligations in addition to the expectations for all University Members (above). Persons of Authority:

- 15.1. Will cultivate a respectful and inclusive environment where people feel safe to raise concerns;
- 15.2. Will ensure expected standards under this Policy are adhered to, including addressing and resolving Microaggressions and other disrespectful behavior should they occur;
- 15.3. Will lead by example, acting with Respect and modelling positive relationship building and constructive conflict resolution skills in dealings with all University Members, and in particular, those under their authority;
- 15.4. Are responsible for ensuring University Members under their authority are aware of this Policy and its associated procedures;
- 15.5. Will avoid the appearance of favoritism and unfairness by following and promoting adherence to evidence-based decision-making and the principles of non-Discrimination outlined in this Policy;
- 15.6. Will consider seriously each incident, concern or Report brought forward by taking immediate action to stop any Discrimination, Harassment or other inappropriate behavior, whether the subject of a formal complaint or not, by following policies and procedures to the extent necessary to ensure compliance (note: A Person of Authority cannot agree “to do nothing,” even when that is requested by a University Member);

- 15.7. Will inform the Human Rights Office about all activities related to Discrimination and Harassment or other concerns and Reports related to this Policy; and,
- 15.8. Will cooperate with the Human Rights Office to implement recommendations and restore areas under their authority that have been disrupted by alleged or actual Policy violations, or complaint resolution processes.

## 16. Human Rights Office

- 16.1. The Human Rights Office will take primary responsibility for updating related procedures applicable to Employees and Students, ensuring that all related procedures are reviewed as often as is necessary, and in any event, at least annually, in consultation with all appropriate departments and the JHSC(s), and in accordance with the University's Policy Framework and relevant collective agreements.
- 16.2. The Human Rights Office will oversee dispute resolution processes, determine needs and engage specialist support, as necessary, for investigation, fact finding, Mediation or other interventions required to restore the campus to a positive and productive environment, including:
  - a) receiving and responding to Reports from all University Members while ensuring Reports are responded to appropriately using informal and formal dispute resolution methods in a timely and equitable manner, as outlined in this Policy and in related procedures;
  - b) ensuring the appropriate departments and/or individuals are advised of a Report, where appropriate; and,
  - c) ensuring the outcome of an investigation under this Policy, is communicated in writing to Complainant(s), Respondent(s) and relevant Persons of Authority to support corrective and restorative measures.
- 16.3. The Human Rights Office is also responsible for:
  - a) ensuring that copies of this Policy and related procedures are posted on a University website; and,
  - b) Submitting an Annual Report to the Board of Directors about statistics and trends in human rights complaint activities and other program initiatives

## 17. Human Resources

- 17.1. Human Resources is responsible for the following compliance obligations under the *Occupational Health & Safety Act*.
  - a) providing Employees with appropriate information and instruction with respect to Workplace Harassment, including notifying them of this Policy and its related procedures;
  - b) ensuring all Persons of Authority are provided with information and instruction that will enable them to recognize, assess and address



Workplace Harassment in their respective workplaces, and will ensure Persons of Authority are aware of this Policy and related procedures;

- c) ensuring that copies of this Policy and employment-related procedures are posted on the established health and safety bulletin boards where it is likely to come to the attention of Employees; and,
- d) ensuring the corrective actions taken as a result of an investigation (if any), are communicated in writing to Complainant(s) and Respondent(s) who are Employees;

**17.2.** Human Resources is also responsible for:

- a) providing Employees and Persons of Authority with appropriate information and instruction with respect to Discrimination and Discriminatory Harassment, including notifying them of this Policy and its related procedures;
- b) Assisting Persons of Authority, in consultation with the Human Rights Office, to address Microaggressions and other disrespectful behaviors that occur in the employment context; and,
- c) Assisting Persons of Authority to implement corrective and restorative measures in areas under their authority that have been disrupted by alleged or actual Policy violations, or complaint resolution processes.

## **18. Student Life**

**18.1.** Student Life is responsible for:

- a) Providing Students with appropriate information with respect to Discriminatory Harassment and Discrimination, including notifying them of this Policy and its related procedures; and,
- b) Assisting Persons of Authority, in consultation with Human Resources and/or the Human Rights Office, to address Microaggressions and other disrespectful behaviors that occur in the academic context.

## **MONITORING AND REVIEW**

- 19.** This Policy will be reviewed as necessary and at least every year. The University Secretary and General Counsel, or successor thereof, is responsible to monitor and review this Policy.

## **RELEVANT LEGISLATION**

- 20.** Human Rights Code, R.S.O. 1990, c. H.19  
Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005  
Occupational Health and Safety Act, R.S.O. 1990, c O.1, as amended  
Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c F. 31

## RELATED POLICIES, PROCEDURES & DOCUMENTS

21. [NTD: Policy Superseded]Academic Accommodation for Students with Disabilities [\[Procedures\]](#)
- Access to Information and Protection of Privacy Policy
- Accessibility [\[Policy\]](#)
- Accessible Customer Service [\[Policy\]](#)
- Accommodation for Employees and Job Applicants with Disabilities [\[Procedures\]](#)
- Change of Gender [\[Policy\]](#)
- Exempt Academic Staff [\[Policy\]](#) [NTD: Employment policy]
- Exempt Academic Staff Employment (Deans, Associate Deans and Teaching Staff Governors [\[Procedures\]](#) [NTD: Employment policy]
- Freedom of Expression [\[Policy\]](#)
- Limited Term Academic Associates [\[Procedures\]](#) [NTD: Employment policy]
- Emergency Management Plan and Procedures
- Fair Processes Policy
- Non-Academic Staff Policies
- Student Sexual Violence Policy and Procedures
- Procedures to Prevent and Address Harassment and Discrimination in the Workplace [NTD: name tbc]
- Harassment and Discrimination Procedures for Students [NTD: name tbc]
- Records Management Policy
- Joint Health and Safety Committee Terms of Reference
- Occupational Health and Safety Management System
- Student Conduct Policy
- Medical Cannabis Use by Students [\[Procedures\]](#)
- Service Animals [\[Procedures\]](#)

Use of Memory Aids by Students with Disabilities [\[Directives\]](#) Use of Audio Recording of Lectures by Students with Disabilities [\[Directives\]](#)

Procedures for Accommodating Employees and Job Applicants with Disabilities

Procedures for Academic Accommodation for Students with Disabilities

Respectful Campus Policy