

POLICY CONSULTATION REPORT

TO: The University Community

DATE: November 26, 2024

FROM: Niall O'Halloran, Manager, Policy & Privacy

SUBJECT: Written Consultation Opportunity: Guidelines – Anti-Hate/Anti-Racism

BACKGROUND:

Anti-Hate/Anti-Racism Guidelines

Following the Strengthening Accountability and Student Supports Act, 2024 and the recently issued Minister's Anti-Racism/ Anti-Hate Directive, the University is required to have a robust policy in place relating to anti-hate and anti-racism.

The Minister's Directive emphasizes a human rights approach to addressing hate and racism in promotion of a safe, inclusive and respectful campus free from harassment and discrimination. The guidelines are designed to define and clarify behaviors that are inconsistent with the University's commitment to maintaining a campus free of Racism and Hate and are unacceptable under the Respectful Campus Policy.

The Guidelines include high-level descriptions of Racism and Hate Activities and how they intersect with and/or contribute to Discrimination and Discriminatory Harassment.

OPPORTUNITY TO COMMENT:

- The General Counsel is seeking community comments on the proposed policy instrument. Comments submitted will be considered by the Policy Owner.
- You may submit your feedback and recommendations for this draft policy instrument using the [Policy Instrument Feedback Form](#).

NEXT STEPS:

The consultation and approval path for the Guidelines will be as follows:

- Policy Advisory Committee (complete)
 - Academic Council (written consultation)
 - Online Consultation (November 27 to December 13)
 - Senior Leadership Team (deliberation)
 - President (approval)
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SUPPORTING MATERIALS:

- Guidelines Anti-Hate/Anti-Racism (draft)

Classification Number	<i>To be assigned by Policy Office</i>
Parent Policy	Respectful Campus Policy
Framework Category	<i>To be assigned by Policy Office</i>
Approving Authority	<i>To be assigned by Policy Office</i>
Policy Owner	General Counsel
Approval Date	
Review Date	
Supersedes	

GUIDELINES – Anti-Hate/Anti-Racism

PURPOSE

1. The purpose of these Guidelines is to define and clarify behaviors that are inconsistent with the University’s commitment to maintaining a campus free of Racism and Hate, and are unacceptable under the [Respectful Campus Policy](#). These Guidelines also clarify the University’s commitment and obligation to support an inclusive campus environment free from Discrimination and Discriminatory Harassment.

DEFINITIONS

2. For the purposes of these Guidelines the following definitions apply:

“Antisemitism” means a certain perception of Jews, which may be expressed as hatred toward Jews as further described in the Government of Canada’s [Handbook on the IHRA Working Definition of Antisemitism](#). Rhetorical and physical manifestations of Antisemitism are directed toward Jewish or non-Jewish individuals or their property, toward Jewish community institutions and religious facilities.

"Discrimination" means a distinction without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an individual based on a Protected Ground. 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. Discrimination includes Discriminatory Harassment, Hate Crimes and a Poisoned Environment.

"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; making, distributing, or posting hateful content; ridiculing an individual’s disability; or, targeting others with sexual, gender-based or homophobic slurs.

“Employee” means an individual that is employed by the University either directly or indirectly or holds an appointment with the University, including paid, unpaid and honorific appointments

“Hate Crime” means a criminal offense committed against a person or property that is motivated in any part by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor.

“Homophobia” means the fear, hatred, discomfort with, or mistrust of people who are lesbian, gay, or bisexual.

“Implicit Bias” means a negative attitude, of which an individual is not consciously aware, towards a specific social group. Implicit bias is thought to be shaped by experience and based on learned associations between particular qualities and any Protected Ground. Individuals’ perceptions and behaviors can be influenced by the implicit biases they hold, even if they are unaware they hold such biases.

“Islamophobia” means racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level.

“Microaggression” means a comment or action that negatively targets an individual or group based on a Protected Ground (e.g. a single racist, sexist or homophobic comment that causes fleeting harm). Microaggressions may be intentional or accidental but are nonetheless harmful and stigmatizing to individuals based on their group identification.

“Misogyny” means the dislike of, contempt for, or ingrained prejudice against women.

“Person(s) of Authority” means 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” means a pattern of comments or conduct including comments or conduct that are condoned or allowed to continue when brought to the attention of a manager, leader or other 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” mean a ground set out in the Ontario Human Rights Code under which individuals are protected against Discrimination and Harassment. All University Members are protected under the following Protected 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 Protected Ground record of offences.

“Race” is a socially constructed way of judging, categorizing and creating difference among people on the basis of geographic, historical, political, economic, social and cultural factors.

“Racialized” means the process by which societies construct races as real, different, and unequal and make these differences relevant to economic, political, and social life.

“Racism” means an abuse of power and privilege based on an ideology of superiority/inferiority between a dominant race over a non-dominant or marginalized population. It marks one set of people as ‘other’ and ‘different’ and another set of people as ‘normal’ or ‘better’.

“Student” means an individual who is registered either as a part- or full-time student at the University.

“Stereotype” means when a group of people are categorized by attributing characteristics, whether positive or negative, to all members of that group.

“Transphobia” means the fear, hatred, discomfort with, or mistrust of people who are two-spirited, transgender, nonbinary, and gender nonconforming.

“University” means Ontario Tech University.

“University Member” means any Employee, Student, or individual who is otherwise subject to University policies by virtue of the requirements of a specific policy or the terms of an agreement or contract, including visitors and guest speakers.

SCOPE AND AUTHORITY

3. These Guidelines apply to all University Members.
4. The General Counsel, or successor thereof, is responsible for overseeing the implementation, administration and interpretation of these Guidelines.

GUIDELINES

5. Commitment

- 5.1. The University is committed to providing a campus environment where all University Members are treated with dignity, and to fostering a climate of understanding and mutual respect. The University commits to taking swift and deliberate steps to address all forms of Racism, hatred and Discrimination, including but not limited to anti-Indigenous Racism, anti-Black Racism, Antisemitism, Islamophobia, Homophobia and Transphobia, through the consistent application of its human rights policies.
- 5.2. The University has an obligation to pay attention to historical and ongoing injustice and Racism, to address it, and to play an active part in creating a more just and equitable society. To this end, the University commits to:
 - a) Proactively assess and address signs of systemic Discrimination.
 - b) Respond to acts of Discrimination, including a Poisoned Environment, in a timely, effective and proportionate manner, pursuant to the [Procedures to Prevent and Address Discrimination and Harassment by or Against Employees](#) and the [Procedures to Prevent and Address Discrimination and Harassment by or Against Students](#).

- c) Implement proactive measures to support an inclusive campus environment free from Discrimination, including measures such as practices to support dialogue, early intervention and de-escalation.
 - d) Continuously review and improve the University's efforts to prevent and respond to incidents of Discrimination, Racism and hate by analyzing dispute resolution data for trends and patterns in response to specific acts identified through the dispute prevention and resolution program.
- 5.3. The University shall publicly report annually to the Board of Governors on: (i) the number and type of complaints of Discrimination related to Racism and hate, reported by University Members; (ii) the general categorization of the complaints; (iii) the associated Protected Ground and applicable sub-category for the complaints; and (iv) outcomes of the complaints including whether a complaint was substantiated, whether remedial measures were implemented, adherence to associated timelines, and any involvement of law enforcement.

6. Race and Racism

- 6.1. The University recognizes the dignity and worth of every person and acknowledges that Racism can have a significant and lasting impact on our classrooms, workplaces and the broader community. The University recognizes the importance of continuing to act against Racism and Discrimination in the University Community and to identify and address systemic barriers to full and equal participation.
- 6.2. Race is a concept. It is a socially constructed way of judging, categorizing and creating difference among people. It is related to geographic, historical, political, economic, social and cultural factors. Although there are no biological "races" the social construction of race is so strong that it creates real consequences for individuals. Specific traits and attributes can be Racialized by connecting them with Racialized people and deeming these traits as abnormal or of less worth (such as skin colour). Historically, Racialized traits include physical features, accents, manner of speaking, names, clothing, grooming, diet, beliefs, practices, etc.
- 6.3. Not every manifestation of Racism can be dealt with through the formal human rights complaint mechanism and process of the University. Nevertheless, Racism plays a major role in the social processes that give rise to and entrench racial Discrimination. As such, acknowledging and understanding Racism as a historical and current reality in Canadian society is critical to achieving human rights goals.
- 6.4. When generalizations are applied to groups they can lead to assumptions that have no basis in reality and ignore the diversity within the group. Historical context can play a role in the creation of Stereotypes, for example, the Stereotype of Jewish persons being greedy originated in Europe around the 11th century when the Church forbade Christians from lending money. At the time, Jewish people were restricted from other occupations but were permitted to lend money as it was considered 'dirty' for Christians to do. This led to associating Jewish people with greed since the European Middle Ages and crops up in the writings of Shakespeare

and Dickens. This negative stereotyping has led to Discrimination and Harassment to this day. Even positive stereotypes, (such as believing that all Asians are excellent at math, or all Black people excel at sports) act as a limiting characteristic for members of the group. These Stereotypes carry with them assumptions of lack of creativity and do not reflect the diversity of talents or experiences that exist within Asian and Black communities. Stereotypes based on Race can lead to subtle or overt Microaggressions and contribute to Discriminatory Harassment, Discrimination and even acts of hate.

- 6.5. Discrimination based on race is particularly egregious as employment opportunities are integral to socio-economic well-being which in turn impacts health, generational access to education, and services more broadly. Racial Discrimination has significant impacts on victims as it attacks the core of basic human respect and dignity. Racial Discrimination tells its victims that they are 'less than', that they are 'abnormal' or 'different' and the perpetrator is 'normal' and 'better'. In this way, Racism can result in excluding individuals from their society, their community, or their workplace, which can cause extreme psychological, emotional, and physical harm. These harms can have lasting effects that carry on through generations and can create a continual cycle of marginalization.
- 6.6. Deep-rooted stereotypes and racist attitudes often persist due to these long-standing historical contexts. Although racism can be experienced by any race and ethnicity, the following examples are used to highlight the interplay between historic events and attitudes, and Racism experienced today by Indigenous and Black communities:
 - A) **Anti-Indigenous Racism:** Historically, policies and practices towards Indigenous persons (First Nations, Inuit and Metis peoples) have been based on ill-conceived assumptions that they are inferior and incapable of governing themselves. Other patterns of interaction were characterized by a desire to assimilate, displace or segregate Indigenous persons, and to suppress Indigenous cultures – all of which formed official government policy actively pursued over generations. While recent decades have seen progress in addressing Indigenous rights in Canada, much remains to be done on the path to reconciliation, healing and to level the playing field for Indigenous peoples. The legacy of colonialism and racist government policy continues to negatively impact indigenous individuals and communities to this day and contribute to the perpetuation of racist attitudes towards Indigenous people.
 - B) **Anti-black racism:** The enslavement of Africans, racial segregation and Discrimination are also part of Canada's history. Black slavery was actively practiced in Canada between 1628 and the early 1800s. Although Ontario passed the first Act to limit slavery in the British Empire, after the abolition of slavery, prejudice and Discrimination continued to constrict the opportunities of most Canadians of African ancestry. African Canadians were excluded from schools, churches, restaurants, hospitals and public transportation. They were often restricted to menial, low-paying and exhausting labour.

7. Hate

- 7.1.** Hate Crimes are committed to intimidate, harm or terrify victims and the identifiable groups to which they belong. Victims of hate are targeted on the basis of who they are and/or the groups to which they belong (e.g., being Jewish, Muslim, Transgendered, Black, Indigenous, Asian, Women). Hate Crimes can have a significant psychological and emotional effect on individuals, creating fear and distrust.
- 7.2.** Hate incidents may involve intimidation, Harassment, physical force or threat of physical force against a person, a group or a property and can take the form of:
 - a)** acts of violence, intimidation and/or Harassment
 - b)** verbal slurs accompanied by a threat
 - c)** vandalism of ethnic, religious, or 2SLGBTQ+ sites, institutions or businesses
 - d)** sexual assaults
 - e)** bomb threats or [swatting](#)
 - f)** Public messages that imply that members of an identifiable group are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of group affiliation.
- 7.3.** Hate can be motivated by membership in any identifiable group including, but not limited to, motivations of one or more of the following: Antisemitism, Homophobia, Islamophobia, Misogyny, Racism and Transphobia.
- 7.4.** Hateful activities, including Hate Crimes, are a serious breach of the Respectful Campus Policy, may constitute a criminal offense, and will not be tolerated by the University. The University will not hesitate to engage and cooperate with local law enforcement to appropriately address and respond to allegations of Hate Crimes on campus.

8. Freedom of Expression and Academic Freedom

- 8.1.** Excellence in the University community is fostered by promoting the freest possible exchange of information, ideas, beliefs and opinions in diverse forms. It can include dissemination and discussion of controversial topics and unpopular points of view. However, freedom of expression and freedom of inquiry must be exercised responsibly, in ways that demonstrate active concern and respect for others, including their ability to participate meaningfully in the exchange of information, ideas, beliefs and opinions.
- 8.2.** Differing opinions, beliefs, ideas and controversial topics can be presented and expressed in a manner that benefits academic and intellectual pursuits while maintaining a safe space for all. These same sentiments may also be expressed in a manner that runs afoul of the University's attempts to create and maintain a campus environment that is equitable, inclusive and accessible. It is the responsibility of all University Members to know the difference and to act accordingly.

- 8.3.** Expression that extends to Discriminatory Harassment or any form of hate is never acceptable on the University campus. The University will not tolerate, ignore or condone Discrimination or Discriminatory Harassment of any kind, and will not hesitate to take action to address behaviour contrary to the values of the institution.

9. Responsibilities

- 9.1.** All University Members are expected to:
- a)** Familiarize themselves with the contents of the University's Human Rights Policy instruments, including these Guidelines;
 - b)** Refrain from Discrimination and Discriminatory Harassment, including Hate Crimes;
 - c)** Treat others with respect and in a manner that does not perpetuate discriminatory beliefs or outcomes, including but not limited to, refraining from subtle or overt acts of Antisemitism, Homophobia, Islamophobia, Misogyny, Racism, and Transphobia; and,
 - d)** Reflect upon one's potential Implicit Bias and how it may contribute to ingrained attitudes and treatment of others based on their membership in a protected group, including acts that amount to Microaggressions.
- 9.2.** University Members are further encouraged to:
- a)** Call out and confront behaviours and acts that perpetuate discriminatory beliefs or outcomes, such as Antisemitism, Homophobia, Islamophobia, Misogyny, Racism, and Transphobia when it is safe to do so; and,
 - b)** Report incidents of Discrimination and Discriminatory Harassment to the University's [Human Rights office](#).

MONITORING AND REVIEW

- 10.** These Guidelines will be reviewed as necessary and at least every five years (unless another timeframe is required for compliance purposes). The General Counsel, or successor thereof, is responsible to monitor and review these Guidelines.

RELEVANT LEGISLATION

- 11.** [Criminal Code of Canada](#)
[Ministry of Training, Colleges and Universities Act](#)
[Ontario Human Rights Code](#)

RELATED POLICIES, PROCEDURES & DOCUMENTS

- 12.** [Respectful Campus Policy](#)
[Procedures to Prevent and Address Discrimination and Harassment by or Against Employees](#)

[Procedures to Prevent and Address Discrimination and Harassment by or Against Students](#)