



<b>Policy Number:</b>	20.105.10
<b>Name:</b>	Respectful Work and Learning Environment Policy <i>A Policy for the Prevention of Harassment and Discrimination</i>
<b>Origin:</b>	Associate Vice-President (Human Resources); Associate Vice-President (Academic)
<b>Approved:</b>	December 19, 2006
<b>Approval Process:</b>	Board of Governors
<b>Revision Date(s):</b>	Every 3 years and whenever there is a change of circumstances that may affect the health and safety of employees.

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## 1. Policy Statement

The University of Regina is committed to creating and maintaining an environment, in which members of the University community can live, work and learn in a collegial climate of mutual respect, free of harassment and discrimination.

Harassment and discrimination are, fundamentally, a selective denial of the basic human right to be treated with dignity and respect. The University of Regina will not tolerate or condone harassment or discrimination, and will take all reasonably practicable steps to ensure employees or students are not subjected to harassment and discrimination. As defined in this section, this Policy protects employees and students from:

- Discrimination;
- Discriminatory harassment; and
- Personal harassment.

This policy is the framework for detailed procedures (See Respectful Work and Learning Environment Procedures) designed to provide University of Regina employees or students with multiple options for resolving concerns or complaints of harassment and discrimination, including a complaint and investigation process, as well as an array of alternate resolution options.

## 2. Scope and Application

Employees or students: This policy and the related procedures apply to anyone who is an employee or student of the University of Regina engaged in duties or activities having a substantial connection to the University, on or off campus.

Third parties, including but not limited to contractors, volunteers and visitors to the University (collectively "Third Parties"), are expected to conduct themselves in a manner consistent with this policy. Compliance with this policy shall be deemed to be an implied term of all contracts and agreements with the University and is a condition of access to the University.



Discriminatory treatment or harassment of University employees or students by Third parties (or their representatives, employees or agents) will constitute a breach of contract, and may result in the suspension of University privileges, such as access to the campus. Employees or students who have been harassed by a Third Party should report the incident to an appropriate University official. The University cannot control the conduct of Third Parties; therefore, the provisions of this policy may not apply or be available to resolve complaints regarding acts by Third Parties. However, when such incidents are brought to the attention of the University, the University will look into the complaint, and where appropriate, and to the extent that it is able, take steps with the Third Party to reduce the risk to employees or students of being harassed or discriminated against by the Third Party.

Harassment of third parties: Third parties do not have the ability to lodge complaints and seek redress pursuant to this Policy. However, if a Third Party has been subjected to harassment, discrimination or other inappropriate behaviour on the part of a University employee or student engaged in University-related duties or activities, this should be reported to an appropriate University official. In such cases, the University will take appropriate action to investigate and address behaviour inconsistent with this or other applicable University policies. This may include the University initiating an action under this policy.

Allegations of harassment or discrimination arising during co-op placements, internships, or practica, shall be dealt with cooperatively between the University and the on-site authorities according to University policy and procedures governing such placements.

### 3. Definitions: Discrimination and Harassment

**Discrimination:** Whether intentional or unintentional, discrimination is unfair, differential treatment of individuals or groups for which there is no *bona fide occupational requirement* or *bona fide reasonable justification*; it is often based on prejudice, ignorance, fear or stereotypes. Discrimination imposes burdens on, or denies opportunities to individuals or groups and is unfair because it is not treatment based on actual academic or job performance or any other form of competence. Instead, it is based on the erroneous assumption that a particular person shares attributes, stereotypically associated with a group to which he or she belongs or is perceived to belong.

*The Saskatchewan Human Rights Code* identifies the grounds of prohibited discrimination: religion, creed, marital status, family status, sex, sexual orientation, mental or physical disability, age, colour, ancestry, nationality, place of origin, race or perceived race and receipt of public assistance. *The Occupational Health and Safety Act, 1993* prohibits harassment of employees on substantially similar grounds, as well as on the basis of physical size or weight.

- Direct discrimination is harmful differential treatment based on one's membership in a group protected by human rights legislation. It occurs, for example, when an employer or academic institution implements a rule, standard, policy, or practice which *prima facie* (on its face), discriminates on the basis of a prohibited ground.



- Indirect or “adverse impact discrimination” occurs when the application of an apparently neutral rule, standard, policy or practice results in an adverse impact or disproportionate disadvantage for an individual or a group protected under human rights legislation. It is not important whether the rule, standard, policy or practice was intended to be discriminatory; rather, it is the adverse impact that matters in determining whether discrimination occurred.
- Systemic discrimination may be direct and/or indirect; it also has an adverse impact, but typically describes discrimination that is broader in scope. It generally refers to situations where the combined effect of behaviour and attitudes, rules, standards, policies and procedures that are part of the structure of an organization result in a “system” of discrimination creating or perpetuating disadvantages which excludes or affects whole groups of people because of race, gender, sexual orientation etc.

Note 1: A discriminatory practice may not fall neatly into a single category, nor is there any requirement to do so.

Note 2: Under some circumstances, discrimination may give rise to a duty to accommodate.

**Harassment:** The University has a general legal duty to ensure the health, safety and welfare of employees and is specifically required, pursuant to *The Occupational Health and Safety Regulations, 1996*, to implement a policy to prevent harassment which includes the definition of harassment in s. 2 (l) of *The Occupational Health and Safety Act, 1993*:

“**Harassment**” means any objectionable conduct, comment or display by a person that:

- (i) is directed at a worker;
- (ii) is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; and,
- (iii) constitutes a threat to the health or safety of the worker.

Note: Occupational Health and Safety legislation applies to employees; however, in addition to the legal obligation to implement a policy to prevent harassment directed at employees, the University acknowledges an ethical responsibility to ensure the scope of the policy extends to both employees and students.

For purposes of the University’s policy and the related procedures, **discriminatory harassment** and **personal harassment** are further defined as follows:

**Discriminatory harassment** is objectionable or offensive conduct, comment, display, communication in any form, behaviour, or practice that is made to one or more individuals by a person who knows, or ought reasonably to know, that the behaviour is unwanted and/or unwelcome, based on a prohibited ground (e.g., racial, sexual, age etc.), and

- a) would reasonably be perceived to demean, humiliate or cause offence; or
- b) on reasonable grounds, would be perceived as an express or implied promise of reward or threat of reprisal, such as an express or implied term or condition of employment or academic status or accreditation; or that submission to or rejection of such conduct will be used as the basis for decisions affecting an individual’s employment or academic performance, status or accreditation; or
- c) would reasonably be perceived to constitute a hostile, intimidating, or humiliating environment for working or learning, and/or,
- d) constitutes a threat to the health or safety of the individual.

**Personal harassment** refers to objectionable and unwanted behaviour with no legitimate purpose that is not based on a prohibited ground, but which constitutes a clear pattern of mistreatment by a person who knows, or ought reasonably to know that the behaviour is unwanted and/or unwelcome, and

- a) would reasonably be perceived to be severe enough to create a hostile, intimidating, or humiliating environment for working or learning; and/or
- b) constitutes the abuse of an unequal institutional power relationship; or misuses authority.

Personal harassment is not a prohibited ground of discrimination under *The Saskatchewan Human Rights Code*, nor is it covered in occupational health and safety legislation. Personal harassment is not against the law; however, it *is* inconsistent with the University's commitment to a creating a respectful work and learning environment and personal harassment and is contrary to this policy.

#### 4. Resolution Options

Harassment and discrimination can be, or become, behaviour toward the extreme end of the continuum of conflict. Prompt action and early resolution efforts initiated by the impacted employee or student, can be very effective to stop inappropriate, disrespectful behaviour at the low end of the conflict continuum, reducing the risk of objectionable behaviour being repeated, or escalating to a more serious level. Initially, employees or students may choose to handle the matter on their own, or with the support of a friend or co-worker. Or, at the local level, employees or students may choose to seek the assistance of a manager, professor, coach or other person in authority. Employees or students, as well as those who may assist them, can also seek guidance (coaching) from the Respectful Workplace Consultant.

Procedures related to this Policy provide employees and students with multiple options for the resolution of concerns/complaints of harassment and discrimination, including the formal complaint/investigation process and an array of alternative self-managed and assisted resolution options.

Any member of the University community who believes he or she has experienced discrimination or harassment may bring it to the attention of the University by contacting the Respectful Workplace Consultant or their Vice-President, Associate Vice-President, Dean, Director or Manager or another senior out-of-scope person in their unit who can assist the employee or student to choose the most appropriate course of action.

Note: Any person receiving a concern or complaint or potential complaint of harassment or discrimination should consult the Respectful Workplace Consultant before advising an employee or student about their rights and/or options.

The Respectful Workplace Consultant is designated to receive formal complaints of discrimination and harassment. Formal action is initiated by submitting a written complaint and request for an investigation or a request for alternative resolution to the Respectful Workplace Consultant. When a complaint has been initiated and an investigation is appropriate, the University will act promptly to investigate the allegation(s) in accordance with the principles of natural justice and procedural fairness. Following the investigation, the complainant and the respondent will be informed in writing of the results of the investigation and provided with an opportunity to respond. When a complaint has been substantiated, appropriate corrective action will be taken. Corrective action may include a wide range of preventative, remedial and/or disciplinary measures, up to and including dismissal or expulsion.



## 5. Using the Policy and Procedures

Members of the University community are strongly encouraged to use this policy and the related procedures to address concerns and complaints of harassment and discrimination; it is important to note, however, that the resolution options described in the procedures are in addition to, and not in substitution for, other internal or external options or other legal rights. Nothing in this policy is intended to discourage, prevent or preclude an individual from filing a grievance through the applicable Collective Agreement, initiating legal action (civil or criminal) or exercising any other legal rights, including:

- filing a complaint with the Saskatchewan Human Rights Commission. See sections 10, 16, 17, 18, 27 and 31 of the *Saskatchewan Human Rights Code* regarding discriminatory practices.
- referring a complaint to the Occupational Health and Safety Division of Saskatchewan Labour for resolution by an Occupational Health Officer. See sections 3 and 4 of *The Occupational Health and Safety Act, 1993*, and section 36 of *The Occupational Health and Safety Regulations, 1996*.

The University is committed to upholding fundamental human rights including freedom of association, freedom of conscience, opinion and belief and freedom of thought, inquiry, and expression. Nothing in this policy is to be interpreted, administered or applied in a way that infringes upon academic freedom, or conduct between individuals that is based on mutual consent.

This policy shall not be interpreted, administered, or applied in such a way as to detract from the rights and obligations of the President, Vice-Presidents, Associate Vice-Presidents, Deans, Directors or Managers or others with the authority to make personnel decisions, to make day-to-day management decisions or to take other supervisory actions affecting employees or students, including discipline, provided that the purpose of management and supervisory decisions is not to discriminate against the employee or student on the basis of a prohibited ground or does not constitute an abuse of unequal institutional power or authority.

## 6. Confidentiality

The University will not disclose the name of a complainant or an alleged harasser or any other details tending to identify the parties, except where:

- required for the investigation and resolution of a complaint and taking corrective action (preventative, remedial and/or disciplinary); or,
- required by law; or,
- an employee or student is at risk.

## 7. Rights and Responsibilities

Employees and students have the right to live, work and learn in an environment free from harassment and discrimination, and a corresponding responsibility not to cause or participate in harassment or discriminatory practices. A student or employee who believes that he or she has been subjected to harassment or discrimination has the right bring the matter to the attention of the University and to take action to redress harassment or discrimination, without fear of retaliation, provided the complaint is made in good faith. He or she has the right to have concerns addressed promptly, fairly and in confidence. The party against whom a complaint is made (the Respondent) has the right to know the allegations in sufficient



detail to be able to respond effectively and to be allowed a reasonable time within which to respond. Both Complainants and Respondents are entitled to fair treatment and due process. Both parties are entitled to be accompanied by a support person of their choice during the process. Additional procedural rights and responsibilities applicable to both parties are identified throughout the Respectful Work and Learning Environment Procedures.

### **The University will**

- ensure compliance with human rights and occupational health and safety laws to prevent harassment and provide a safe and healthy work environment in which members of the University community are not subjected to discrimination or harassment;
- ensure the management support and leadership necessary to provide a safe and healthy work and learning environment free of discrimination and harassment;
- ensure that adequate resources are available to support the implementation of this policy;
- commit to, promote and support the implementation of Harassment & Discrimination Prevention Program(s), educational/awareness and training opportunities for faculty, staff and students; and,
- review the Policy every three (3) years in consultation with the Occupational Health Committee.

### **Members of the University Community will**

- conduct themselves in an appropriate and responsible manner, treating others fairly, and with dignity and respect;
- ensure that their comments, conduct or displays are not disrespectful or offensive by being attuned to the reactions of others.

Both working and learning can best be accomplished in a climate of understanding and mutual respect, and each member of the University community is responsible for helping to create a respectful environment free of harassment and discrimination.

- Harassment and discrimination can occur even where there is no intention to harass or offend another. Every member of the University community must take care to ensure that his or her comments, conduct or displays are not offensive to others;
- No member of the University community shall cause or participate in discriminatory practices or harassment;
- Every member of the University community contributes to a respectful environment by demonstrating respect and humanity by not engaging in, allowing, condoning or ignoring behaviours inconsistent with the law or this policy.

### **The President, Vice-Presidents, Associate Vice-Presidents, Deans, Directors and Managers will:**

- demonstrate the leadership necessary to promote, establish and maintain a safe and healthy work environment free of discrimination and/or harassment;
- be positive role models. Set a good example by treating others fairly, and with dignity and respect;
- be well informed about this policy and the related procedures;



- support and promote this policy and procedures by including education and learning opportunities about harassment and discrimination as part of regular meeting agendas;
- ensure that employees within the scope of their responsibility are informed about this policy and the procedures, with the assurance that
  - they have the right to bring harassment concerns forward without fear of reprisal;
  - their concerns will be addressed in a confidential and professional manner; and
  - prompt and appropriate action will be taken to address their concerns.
- be on the alert for warning signs of discrimination or harassment and take timely, appropriate action;
- be responsive and supportive to those who come forward with concerns or complaints of discrimination or harassment, taking all complaints seriously and ensuring complaints are handled promptly and effectively;
- act promptly to notify and consult the Respectful Workplace Consultant, even when an issue is to be resolved locally;
- ensure the person making the complaint is protected from reprisal or retaliation;
- maintain confidentiality and ensure those involved in the concern or complaint are made aware of their responsibility for maintaining confidentiality;
- constructively participate in processes aimed at resolving complaints of discrimination and harassment and implementing appropriate remedial, preventative and/or corrective action to prevent discrimination and harassment from occurring, continuing or reoccurring, whether or not a complaint has been lodged; and
- implement all necessary measures to maintain and/or restore the health of the administrative unit.

Note: For purposes of this section, reference to “The President, Vice-Presidents, Associate Vice-Presidents, Deans, Directors and Managers” shall include senior, out-of-scope employees in a faculty, administrative, department or unit with the authority to address personnel matters.

**The Occupational Health Committee will:**

- support and promote implementation of the policy, procedures and related education, awareness and training programs for the prevention of harassment and discrimination;
- monitor the adequacy and effectiveness of policy, procedures and harassment prevention programs and initiatives;
- act as a resource to ensure legislative compliance, and as a conduit for information, ideas, and feedback from the constituencies represented on the Occupational Health Committee;
- report annually to Human Resources.

**The Respectful Workplace Consultant will:**

- provide an annual report to the Occupational Health Committee;
- publish the annual report;
- provide expertise and advice to all levels of management and staff on matters pertaining to discrimination, harassment and a respectful work and learning environment;
- coordinate and administer all aspects of the Respectful Work and Learning Environment Policy, including the maintenance of appropriate records;
- provide consultation regarding complaints and facilitate appropriate resolutions through assistance, facilitation and complaint resolution;
- investigate complaints of discrimination and/or harassment, preparing written reports and appropriate recommendations to management;



- develop and deliver strategies for creating and sustaining a respectful environment in which to live, work and learn, including educational strategies, projects, seminars and other means of promoting and awareness and understanding of discrimination and harassment and a respectful environment.

## **8. Related Documents**

- Respectful Work and Learning Environment Procedures
- Violence Prevention Policy and Procedures
- Conflict of Interest and Conflict of Commitment Policy
- Guidelines Regarding Personal Relationships Between Instructors and Students
- Regulations Governing Discipline for Academic and Non-Academic Misconduct
- Collective Bargaining Agreements: CUPE 1975, CUPE 2419, URFA/APT, URFA/Academic