The UNIVERSITY *of* WESTERN ONTARIO
POLICIES *and* PROCEDURES

1.35 NON-DISCRIMINATION / HARASSMENT POLICY

Classification: General Effective Date: 27APR05 Supersedes: 27NOV03

GENERAL

1.00 Every member of the University community has the right to study, work and conduct his or her activities in an environment free of discrimination and harassment. The University is committed to providing and maintaining such an environment through its policies and regulations and through education programs sponsored by its Equity Services Office.

2.00 This policy applies to all members of the University community in their interaction with other members of the University community and supersedes the Sexual Harassment Policy & Procedures, the Human Relations Tribunal Policy, and the Race Relations Policy except where those policies are incorporated by specific reference in an agreement with an employee group. The University community includes employees, students, volunteers and other individuals who work or study at the University.

3.00 Where there is a conflict between this policy and the provisions of a collective agreement or other employment agreement within the University, the provisions of the collective agreement or other employment agreement shall take precedence.

POLICY

4.00 There shall be no discrimination exercised by or against an individual by reason of race, color, ancestry, place of birth, national origin, citizenship, creed, religious or political affiliation or belief, sex, sexual orientation, physical attributes, family relationship, age, (except for mandatory retirement, consistent with provincial law), physical or mental illness or disability, place of residence or record of offences.

5.00 This policy shall not preclude any equity measures implemented by the University or required by law.

6.00 There shall be no harassment or sexual harassment exercised by or against an individual.

6.01 Harassment means engaging in a course of vexatious comment or conduct related to one or more of the prohibited grounds of discrimination under section 4.00 of this policy.

6.02 Sexual harassment means engaging in a course of vexatious comment or conduct of a sexual nature including sexual assault, verbal abuse or threats, unwelcome sexual invitations or requests, demands for sexual favors or unwelcome innuendo or taunting about a person's body, physical appearance or sexual orientation.

6.03 Conduct and/or behavior also constitutes harassment, whether or not it is based on the prohibited grounds of section 4.00, when it creates an intimidating, demeaning or hostile working or academic environment.

7.00 There shall be no reprisal or retaliation nor any threat of reprisal or retaliation against anyone for pursuing rights under this policy. Any such alleged reprisal or retaliation or threat thereof shall be equivalent grounds for laying a complaint under this policy.

8.00 The informal resolution procedure set out in this policy offers a means to resolve complaints in appropriate cases. However, non-compliance with this policy may lead to discipline by the University. Any questions regarding the appropriate individual with whom to file a complaint should be directed to the University Legal Counsel.

Human Rights Officer

9.00 The University shall appoint at least one Human Rights Officer (HRO) to the University's Equity Services Office. The HRO shall be responsible for giving advice and receiving complaints in accordance with the procedures set out herein.

10.00 By June 1 each year, the HRO shall make an annual report to the President with a copy to the University Community. This report shall provide a statistical record of complaints, informal resolutions and determinations, and may include any observations and recommendations the HRO may have with respect to the implementation of this policy.

INFORMAL RESOLUTION PROCEDURE

11.00 Any individual may seek the advice of the HRO to discuss situations which may be encompassed by this policy. All such discussions shall be held in accordance with the policies and procedures of the Equity Services Office. The HRO shall explain these policies to every individual seeking advice from this Office. Breach of these Policies by either party may lead to termination of the informal resolution procedure by the HRO.

12.00 Individuals who wish to file a complaint of discrimination or harassment with the Equity Services Office should seek advice from the HRO regarding the procedures that will govern such a complaint.

13.00 A complaint may be filed by (an) individual(s) with the HRO up to six (6) months from the incident, or most recent related episode in a series of incidents, of the alleged discrimination or harassment occurring.

14.00 In any meeting the complainant(s) and respondent(s) may be accompanied by a colleague of his or her choosing.

15.00 Complainants may seek assistance from the Ontario Human Rights Commission even when taking steps under this policy.

16.00 If the circumstances giving rise to a complaint under this policy independently give rise to proceedings before a Board of Inquiry under the Ontario Human Rights Code or to proceedings in the courts or to the laying of a criminal charge, or to proceedings under The University of Western Ontario Code of Student Conduct, then the complaint and resolution procedures set out herein shall be suspended until such proceedings are concluded.

Initiating the Complaint

17.00 Following consultation with the HRO, the complainant(s) may elect to file a complaint which shall be in writing, signed and dated, setting out the circumstances of the alleged discrimination or harassment, naming the respondent(s) and authorizing the HRO to attempt informal resolution.

Informal Resolution

18.00 Within five (5) working days of receiving the written complaint, the HRO shall provide the respondent(s) with a copy and invite the respondent(s) to reply in writing.

19.00 The respondent(s) shall have fifteen (15) working days after receiving the HRO's request to respond in writing to the HRO.

20.00 The HRO shall provide a copy of the response to the complainant and attempt to discuss the complaint with both parties and may conduct informal mediation in an effort to resolve the complaint in a manner acceptable to both parties.

21.00 If the terms of resolution entail action by the University, the University shall agree to undertake such action by signing the written resolution document. If the University refuses to undertake such action, it shall state in writing to the parties why it refuses to so do.

22.00 If resolution is achieved, both parties shall sign a statement of the terms of the resolution which shall be filed with the HRO.

23.00 If a resolution is not reached withing thirty (30) working days of providing the respondent with a copy of the complaint, the HRO will so inform the parties in writing and terminate the proceedings.

24.00 If the informal resolution procedure is not successful, either because one or both parties failed to comply with the terms of resolution, or because the parties were unable to reach a settlement, a party may file a complaint with the appropriate University official (see section 8.00 above).

25.00 Complaint files maintained by the HRO pursuant to this policy shall be confidential and may not be introduced in subsequent investigations or proceedings except as provided in section 26.00 below, or unless compelled by law. The HRO may not appear as a witness in any dispute resolution process arising from the application of this policy or in any subsequent investigations or proceedings unless compelled by law.

Retention of Files

26.00 All documents related to a complaint will be retained in confidence for ten (10) years in the Equity Services Office and then will be shredded. Such files in the Equity Services Office can be accessed only when the HRO has reason to believe that there is a pattern of harassment.