REPORT OF THE SENIOR OPERATIONS COMMITTEE

Contents	Consent Agenda
Special Resolution #6 – Presentations to Retiring Members of the Board – Amendment	Yes
MAPP 1.35 – Non-Discrimination/Harassment Policy – Amendment	Yes
University Discipline Appeals Committee – Membership	Yes
Appointment of Vice-Provost (Graduate & Postdoctoral Studies)	Yes

FOR APPROVAL

1. Special Resolution #6 – Presentation to Retiring Members of the Board - Amendments

Recommended: That *Special Resolution 6* be amended to read as follows:

> A member who retires following completion of at least one full membership year of service and who has attended at least 25 percent of the scheduled meetings of the Board shall receive a suitable memento of that service, to be determined by the Senior Operations Committee.

Background:

Special Resolution 6 was originally approved by the Board in 1975. It currently states the following:

> A suitably engraved silver tray will be presented to a member in good standing with the University who retires following completion of at least one full membership year of service and who has attended at least 25% of the scheduled meetings of the Board.

While an engraved silver tray might have been an appropriate, and probably common memento of service in 1975, it now seems a very dated gesture. It is suggested that the resolution be revised to allow more flexibility in determining what the parting gift might be. For example, it was noted by a member that the Museum of Ontario Archaeology (which the Board toured in September) sells soapstone carvings made by artists on the Six Nations Reserve. These might be appropriate gifts and purchasing them would put the Board's funds back into a unit supported by the university. Another possibility might be framed prints of campus scenes.

The second proposed change is the removal of the phrase "in good standing with the University." There is no clear understanding of what that means or how and by whom it might be measured beyond the sense of "good academic standing" for student members.

2. MAPP 1.35 – Non-Discrimination/Harassment Policy

Recommended: That the Board of Governors approve the proposed revisions to MAPP 1.35 – *Non-Discrimination/Harassment Policy*, shown in **Annex 1**.

Background:

Recently, gender expression and gender identity were added to the list of the prohibited grounds in the Ontario Human Rights Code. The proposed amendments do two things: add the new prohibited grounds to the policy and provide wording that will allow any further grounds added to the Code to be included in the university's policy without having to return to the Board for approval each time.

FOR INFORMATION

3. Appointments to the University Discipline Appeals Committee

On behalf of the Board of Governors, the Senior Operations Committee has approved the following additional appointments to the University Discipline Appeals Committee for terms to June 30, 2013

Graduate Students
Heath MacMillan, Biology

Undergraduate Students
Gordon Locke, Medicine & Dentistry
Nicole Pilo, Social Science

The University Discipline Appeals Committee is committee of the Board of Governors charged with hearing final appeals in cases involving non-academic misconduct. Its membership is prescribed by the Code of Student Conduct http://www.uwo.ca/univsec/board/code.pdf

4. Vice-Provost (Graduate & Postdoctoral Studies)

In accordance with paragraph 3 of Special Resolution 1-M (the terms of reference of the committee) and on behalf of the Board of Governors, the Senior Operations Committee approved the reappointment of Dr. Linda Miller as Vice-Provost (Graduate & Postdoctoral Studies) for the term June 1, 2014 to June 30, 2019.

WESTERN
MANUAL of ADMINISTRATIVE POLICIES and PROCEDURES

1.35 Non-Discrimination/Harassment Policy

Policy Category:	General
Subject:	Discrimination & Harassment
Approving Authority:	Board of Governors
Responsible Officer:	Vice-President (Resources & Operations)
Responsible Office:	Equity & Human Rights Services
Related Procedures:	Procedures - MAPP 1.35
Related University Policies:	Safe Campus Policy (MAPP 1.46)
Effective Date:	December 1, 2011
Revised:	April 27, 2005, November 24, 2011

I PURPOSE

1. The purpose of this Policy is to confirm the University's commitment to providing a learning and working environment free of harassment and discrimination.

2. This policy is in accordance with all applicable federal and provincial legislation related to harassment and discrimination such as the *Ontario Human Rights Code.* It also applies to those situations defined as Workplace Harassment under the *Ontario Health and Safety Act*. The Safe Campus Policy (MAPP 1.46) should be consulted whenever there are concerns about violence in the workplace or learning environment.

II DEFINITIONS

Discrimination

1. *Discrimination* means a distinction, intentional or not, based on a prohibited ground, which has the effect of imposing burdens, obligations, or disadvantages on an individual or group not imposed on others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society.

Prohibited ground means

- Any of the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
- Such additional grounds as may be designated as prohibited grounds in the Ontario Human Rights Code from time to time.

2. ~~*Prohibited grounds* means any of the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability.~~

Harassment

3. *Harassment* means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Harassment may be related to one or more of the prohibited grounds defined at section 2, and/or may include conduct and/or behaviours which create an intimidating, demeaning or hostile working or academic environment whether or not it is based on the prohibited grounds.

4. *Sexual Harassment* includes comment or conduct of a sexual nature such as, but not limited to, sexual assault, verbal abuse or threats, unwelcome sexual invitations or requests, demands for sexual favours or unwelcome innuendo or taunting about a person's body, physical appearance or sexual orientation and includes situations where:

   a. submission to such conduct is made either explicitly or implicitly a condition of an individual's employment, academic status or academic accreditation; or
   b. submission to such conduct by an individual is used as a basis for employment, or for academic performance, status or accreditation decisions affecting such individual; or
   c. such conduct interferes with an individual's work or academic performance; or
   d. such conduct creates an intimidating, hostile or offensive working or academic environment.

5. This definition of sexual harassment is not intended to inhibit bona fide academic discussion or interactions or relationships based on mutual free consent or normal social conduct between individuals.

6. *Personal Harassment* means conduct and/or behaviour which create an intimidating, demeaning or hostile working or academic environment whether or not it is based on the prohibited grounds defined in the *Human Rights Code*. For the purposes of this Policy, *Personal Harassment* includes *Workplace Harassment* as defined under the *Occupational Health and Safety Act* as engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably known to be unwelcome.

7. Harassment does not include:
   a. interpersonal conflict or disagreement;
   b. the proper exercise of performance evaluation, appropriate managerial direction, delegation, performance management or attendance management or
   c. the exercise of expression protected by the UWOFA Article *Academic Freedom*.

~~IV~~III. POLICY

1. Western is committed to providing a working and learning environment that allows for full and free participation of all members of the community. Discrimination against and/or harassment of individuals, whether as members of any recognizable group or otherwise, undermine these objectives and violate the fundamental rights, personal dignity and integrity of individuals or groups of individuals.

2. This policy applies to all members of the University community in their interaction with other members of the University community. The University community includes employees, students, volunteers and other individuals who work or study at the University.

3. All members of the University community share a responsibility to provide and maintain an environment free of discrimination and harassment.

4. Clause III.1 (above) does not apply to any action or decision based on a *bona fide* requirement or qualification.

5. For the purposes of determining what limitations may reasonably be imposed in good faith to meet the objective employment or academic requirements, every individual is entitled to individual consideration.

6. This Policy shall not infringe upon the implementation of special programs designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity.

7. Harassment and discrimination constitute serious offences that may be cause for disciplinary sanctions by the University.

8. Individuals may seek assistance from the Human Rights Tribunal of Ontario (HRTO) even when taking steps under this Policy. If the circumstances giving rise to a complaint under this policy independently give rise to proceedings before Human Rights Tribunal of Ontario or to proceedings in the courts or to the laying of a criminal charge, then any action under this policy may be suspended until such proceedings are concluded.

9. Any reprisals, retaliation or threats of reprisals or retaliation for pursuing rights under this policy, for having participated in its procedures, or for acting in any role under this policy and its procedures are prohibited.

10. The University may take disciplinary action against those who make allegations of harassment or discrimination which are reckless, malicious or not in good faith.

11. The University shall not be restricted in fulfilling its responsibilities under the *Human Rights Code*, *Occupational Health and Safety Act,* or other applicable legislation, or where the safety of individuals is threatened or compromised.

12. Equity & Human Rights Services shall make an annual report to the President with a copy to the University community and the Audit Committee of the Board.