

POLICY 6.12 – Non-Discrimination / Harassment Policy

Policy Category:	Personnel
Subject:	Non-Discrimination/Harassment
Approving Authority:	Board of Governors
Responsible Officer:	Vice-President, Operations and Finance
Responsible Office:	Equity and Human Rights Services
Related Procedures:	MAPP 1.35 Non-Discrimination/Harassment - Procedures
Related University Policies:	MAPP 1.46 Safe Campus Community Policy
Effective Date:	July 1, 2013
Supersedes:	October 1, 2006, November 24, 2011, June 20, 2013

I. PURPOSE

The purpose of this policy is to confirm the University's commitment to providing a learning and working environment free of harassment and discrimination for Professional and Managerial Eligible Staff.

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 *Occupational Health and Safety Act*. The [Safe Campus Community Policy \(MAPP 1.46\)](#) should be consulted whenever there are concerns about violence in the workplace or learning environment, including domestic.

II. DEFINITIONS

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.

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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.

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 above 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. Harassment includes sexual harassment, personal harassment, and workplace harassment. Harassment does not include:

- a) interpersonal conflict or disagreement; or
- b) the proper exercise of management's rights and/or performance evaluation.

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, sexual orientation or gender expression, and includes situations where:

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

This definition of sexual harassment is not intended to inhibit interactions or relationships based on mutual free consent or normal social conduct between Employees.

Personal Harassment - includes conduct and/or behaviours which create an intimidating, demeaning or hostile working or learning environment whether or not it is based on the prohibited grounds defined in the Ontario *Human Rights Code* and listed in the [Policy on Non-Discrimination and Harassment](#).

Workplace Harassment - is 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 to be known to be unwelcome.

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III. POLICY

1. Western and the Professional Managerial Association are committed to a working and learning environment that allows for full and free participation of all members of the institutional community. Discrimination against and 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. All members of the Western community share a responsibility provide and maintain an environment free of discrimination and harassment.
3. Discrimination against and/or harassment of individuals, whether as members of any recognizable group or otherwise, undermine the objectives of this Policy and violate the fundamental rights, personal dignity and integrity of individuals or groups of individuals.
4. Clause 3 (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 objective employment, 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. A staff member alleging a violation of this Policy may seek resolution through Western's [Policy on Non-Discrimination and Harassment](#).
8. Nothing in this Policy precludes Western from conducting an investigation into an allegation of Discrimination or Harassment. The university shall notify the PMA of any investigation into an allegation of Discrimination or Harassment made against a staff member. In all other such investigations involving PMA members, they shall be notified of their right to PMA Representation prior to any meeting with the university.
9. Harassment and discrimination constitute serious offences that may be cause for disciplinary sanctions by the University.