



Discrimination and Harassment Policy

Category: Human Resources

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Part I. Discrimination & Harassment Policy

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1. The Ontario Human Rights Code (“The Code”)

Under the Code, every person has the right to freedom from discrimination and harassment based on specified protected grounds. Trent University prohibits any form of discrimination and harassment that constitutes a violation of a person’s rights under the terms of this

Policy on Discrimination and Harassment (“the Policy”) and the Code. This Policy affirms Trent University’s commitment to compliance with the Code.

2. Trent’s Commitment

Trent University is firmly committed to ensuring awareness of rights and responsibilities under this Policy and to the goal of eliminating discriminatory barriers. Indispensable to an institution that values, supports and upholds the central role of equality, access and respect for its faculty, students and staff, is an environment that is free of discrimination and harassment. Trent University is fundamentally committed to the promotion of free inquiry and expression, and strives to provide a working, learning and an on-campus residential environment that is supportive of study, scholarship, teaching and research.

3. Protected Grounds

Consistent with the Code, this Policy prohibits discrimination and harassment on the basis of the following grounds as defined by the Code and precedents established through jurisprudence:

- Age
- Ancestry
- Citizenship
- Place of Origin
- Race
- Colour
- Creed (religion)
- Disability
- Ethnic origin
- Family status
- Gender Identity/Expression
- Marital Status (married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including sexual harassment, pregnancy and breastfeeding)
- Sexual orientation

Discrimination is often multi-dimensional with cumulative impacts. A complaint of discrimination or harassment may be based on multiple grounds (e.g., age and disability), and/or overlapping grounds (e.g., race and ethnic origin). Members of the Trent University community are also protected against discrimination and harassment due to association or relationship with a person identified by one of the protected grounds, as well as due to the perception that a protected ground applies (for example, perception that a person has a mental disability).

4. Coverage

This Policy applies to all members of the Trent University community including:

- Employees (full-time, part-time, sessional, contract, temporary, casual and otherwise);
- Students (full-time and part-time);
- Members of the Board of Governors, and its advisory and ad hoc committees;
- Volunteers, coaches, interns and contractors who provide products, services or research, while on campus;
- Individuals who are located on campus while employed by another organization (e.g., employees of faculty/employee/student unions).

This Policy and its complaint procedures will apply to members of the Trent community in situations with a substantial connection to the University including those occurring:

- on University property;
- with the use of Trent's computer and telecommunications network, and in Trent or private vehicles being used for University business or for travelling between work and study locations;
- at a University sponsored event including but not limited to off-site delivery and field trips.

Incidents occurring off campus or through electronic means outside the University network which have no or little likelihood of impact on the University work, study or on-campus residential environment generally are outside the jurisdiction of this Policy and normally would be pursued through the Human Rights Tribunal of Ontario, police services, private legal action or other processes.

Students on placement are covered by this Policy and the Code. Employees of institutions that provide placements for Trent students (e.g. schools, hospitals) are not covered by this Policy. If an incident occurs on placement (including those outside Ontario and Canada), University representatives will engage in discussions with the student(s) and placement agency to take reasonable steps to address complaints of discrimination and harassment.

All contractual relationships entered into by the University will be governed by a standard clause stating the contractors must comply with the Code and relevant University policies.

5. Academic Freedom

Academic freedom is a fundamental tenet of University life and is a condition of employment expressly extended to academic employee groups pursuant to the terms of their respective collective agreements. Academic freedom includes the right to question and challenge traditional norms, and the freedom to define research questions, to pursue answers to those questions by way of unrestricted but proper investigative techniques and to disseminate the knowledge gained to students, academic colleagues and society as a whole. Academic freedom does not require neutrality on the part of the individual. Rather, academic freedom makes commitment possible. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research

and teaching on an honest search for knowledge. The exercise of academic freedom may challenge and/or offend the ideas, sensibilities and beliefs of others. However, academic freedom does not confer immunity from the terms of this Policy.

6. No Limitation on Collective Agreement

Nothing in this Policy shall limit or amend the provisions of collective agreements between Trent University and collective bargaining units including provisions related to academic freedom.

7. Definitions

7.1 Discrimination (General)

Any form of unequal treatment based on one or more prohibited grounds, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. Discrimination may take obvious forms or it may occur in very subtle ways. Where there are many factors affecting a decision or action, if discrimination is one factor, it is a violation of the Code and, therefore, this Policy. It is not discrimination or a contravention of this Policy to plan, advertise, adopt or implement a program that has as its objective the amelioration of conditions of disadvantaged individuals or groups identified by the protected grounds.

7.2 Constructive Discrimination

Where a requirement, qualification or factor exists that is not discrimination on a prohibited ground but that results in the exclusion, restriction or preference of a group of persons who are identified by a prohibited ground of discrimination except where the requirement, qualification or factor is reasonable and bona fide in the circumstances.

7.3 Systemic Discrimination

Where patterns of behaviour, policies or practices which are part of an organization's structure unintentionally create or perpetuate disadvantage for a group of persons who are identified by a prohibited ground of discrimination.

7.4 Harassment (General)

A course of vexatious comment or conduct that is based on a protected ground and that is known, or ought to be known, to be unwelcome. A single egregious incident may constitute harassment.

7.5 Sexual Harassment

A form of harassment involving comment or conduct of a sexual nature that is known, or ought to be known, to be unwelcome where:

- submission to such comment / conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic status, or academic accreditation; or
- submission to or rejection of such conduct by an individual is used as the basis for employment, or for academic performance, status or accreditation decisions affecting such individual; or
- such conduct interferes with an individual's work or academic performance; or

- such conduct creates an intimidating, hostile or offensive working or academic environment.

Sexual harassment can include but is not limited to: sexual assault or threats of a sexual nature; unwelcome sexual advances, invitations or requests; demands for sexual favours; innuendos, taunting or degrading words about a person's body, appearance or gender/sexual orientation; leering; sexually derogatory or offensive remarks about an individual; inquiries or comments about a person's sex life; and displays of degrading or offensive sexual material including sexual jokes.

8. Reprisal

Every individual has the right to raise an issue or complaint of discrimination or harassment, and to participate or cooperate in any role under the Policy and/or procedures, without fear of retaliation or reprisal. Retaliation or reprisals will be treated as harassment and/or discrimination.

9. Frivolous or Vexatious Complaints

The University retains the right not to proceed where there is sufficient evidence that a complaint is frivolous or vexatious, and, in such cases, may impose sanctions and remedies that it deems appropriate.

10. Prevention, Education and Awareness

Trent University is committed to an education and training strategy to promote widespread understanding about what constitutes harassment and discrimination and why in their many forms they can be harmful to individuals and the Trent community. This Policy provides the conceptual framework for related educational initiatives in areas such as:

- employment equity;
- disability accommodation;
- community engagement;
- diversity management; and
- other areas that could assist in building a culture of respect.

Trent University will promote awareness of this Policy by:

- making the policy available to existing and new members of the University;
- offering training to persons with management, supervision, leadership and collegial decision-making responsibilities; and
- conducting on-going awareness campaigns.

11. Resolution Procedures

Trent University shall provide both informal and formal mechanisms to address issues that fall within the jurisdiction of this Policy. These mechanisms are outlined in the Resolution Procedures ("Procedures") to this Policy.

12. Roles and Responsibilities

All members of the Trent University community are expected to refrain from any form of harassment and discrimination, and co-operate in any resolution procedure if necessary.

Exception: Students have the right not to participate in any investigation into sexual violence. Persons in positions of authority have the additional responsibility to respond to allegations of discrimination or harassment in an appropriate and timely manner, consistent with this Policy.

13. Review of Policy

This Policy may be reviewed periodically. Any changes to the Policy must be consistent with prevailing collective agreements and with the Code (which prevails over all university policies and collective agreements)