

UNIVERSITY
of GUELPH

CHANGING LIVES
IMPROVING LIFE

HUMAN RIGHTS AND EQUITY OFFICE

DISCRIMINATION AWARENESS:

creating a university free from
discrimination and harassment



other
booklets
in this
series

Recognizing Heterosexism, Homophobia and Transphobia:
Creating a Queer Positive University

Understanding Disability: Creating an Accessible
University

Discrimination Racialization: Creating a Racially Equitable
University

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Photo on left by Martin Schlwalbe; photo on right courtesy of
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Maintaining and promoting human dignity is a core value of the University of Guelph. The University is therefore committed to a campus free from discrimination. This pamphlet details the University's position on discrimination and harassment.

what is discrimination?

Discrimination occurs when individuals or groups are treated unfairly because of an actual or perceived personal characteristic such as race, religion or sexual orientation. This unfair treatment may result in the denial of benefits granted to others or the imposition of additional burdens not enforced on others. It does not matter whether the discrimination is intentional as its impact on affected individuals is the same.

Everyone at the University of Guelph is protected from discrimination in education, housing, educational and employment services based on the following grounds under the University's human rights policy, *Human Rights at the University of Guelph*: disability, gender (described as "sex" in the *Ontario Human Rights Code* and including pregnancy and gender identity), sexual orientation, race, colour, ancestry, place of origin, ethnic origin, citizenship, creed (religion), age, marital status, family status, receipt of public assistance (in accommodation only) and record of offences.

direct discrimination

Direct discrimination occurs when an individual or organization treats another person unequally or differently based on one or more human rights grounds.

Examples:

- An employee is fired for taking time off to undergo sex-reassignment surgery.
- An Aboriginal man is denied service in a campus bar because the bartender assumes, without observing any telltale signs, that he was already intoxicated.
- A person with a disability is refused athletic services because of their disability.
- Sexual harassment (unwanted sexual attention or activity which may also constitute assault).

adverse effects discrimination

Adverse effects discrimination arises when seemingly neutral rules, which apply to everyone, have an adverse effect on individuals or groups because of their membership in a group identified by one or more of the human rights grounds.

Examples:

- An employment policy or practice which requires all employees to work full time discriminates against employees who, as a result of a disability, cannot work full time hours any longer.
- A policy or practice requiring all students to use their legal name in the University may have the effect of outing a transgendered person currently in transition.
- A form requiring students to fill in the names of their mother and father may have an adverse effect on children of lesbian and gay parents.
- At a University event, there is no kosher/halal/vegetarian food option, which includes refreshments, for those with religious dietary restrictions.

systemic discrimination

Systemic discrimination occurs when policies, practices, procedures and attitudes which are viewed as neutral or the usual way of doing things, result in discrimination.

Examples:

- team-building activities in which a person with a mobility disability cannot participate;
- job postings which state that a candidate must be able to lift 100 lbs., when in fact the job only requires that a person be able to lift 20 lbs., may have the effect of excluding women;
- academic departments which only seek expertise in areas of study not traditionally explored by women or racialized persons.

discrimination by association

Discrimination by association occurs when an individual is discriminated against because of his or her association with someone who is or is perceived to be a member of a protected group.

Examples:

- A female student in residence is harassed because her roommate is a cross-dresser.
- Students who wear a pin in support of an organization for parents and friends who are lesbian, gay, bisexual, transgender, transsexual, two-spirited, intersexed, queer and/or questioning (LGBTTTTIQQ) are called homophobic names.
- Inappropriate sexual comments based on stereotypes are directed at a woman who is dating a racialized man.

poisoned environment

Discriminatory comments or conduct can lead to a poisoned environment. A series of discriminatory statements or incidents or an extreme single statement or incident can create a poisoned environment for individuals. Such conduct can affect everyone's environment. A poisoned environment is characterized by condonation of, or participation in, such matters as: pinups, language or graffiti that demeans groups on the basis of prohibited grounds identified either by the Ontario Human Rights Code or by the University's policy; failure to implement special programs; and the failure to review and change policies, practices and procedures that discriminate on any ground prohibited by the University's policy.

Examples:

- homophobic, transphobic, racist or sexist graffiti, cartoons, posters, e-mails, screensavers, calendars or listserv messages;
- a co-worker who mimics the speech of a racialized employee who has a different accent.

harassment

Harassment is conduct or a pattern of behaviour resulting in the isolation, humiliation, intimidation or exclusion of individuals based on one or more of the designated human rights grounds. Harassment can be a single, serious incident or a series of related repeated incidents. Harassment is determined by the impact of the behaviour on the person being harassed, rather than the intent of the harasser and by whether a reasonable person could conclude that the behaviour is harassment. A person who is being harassed may not object because they are afraid of the consequences.

Examples:

- derogatory comments, jokes or gestures about race, gender, place of origin, age, creed (religion), etc.;
- sexualized touching.

impact & consequences

The impact of harassment on harassed persons, harassers and the community can be severe. It can cause them physical, emotional, economic and social harm. Harassment can also affect careers and academic performance, as well as preventing people from enjoying education, employment, benefits, residence and other opportunities.

if you're being discriminated against

DON'T PRETEND THAT IT ISN'T HAPPENING

Discrimination is unlikely to stop if you ignore it. In fact, harassing behaviour may escalate when harassers feel they can get away with it.

SEEK ADVICE

Talk to people with supervisory authority who will listen carefully and offer support. Speak with your supervisor, administrative head or call the Human Rights and Equity Office (HREO) for information and advice. If you believe you or others are in physical danger, contact Campus Police immediately (see resources on page 12).

TAKE ACTION

At times, the most effective way to stop discrimination or harassment is to confront it immediately and directly. If it is safe and you are comfortable doing so, clearly and firmly tell the person to stop. Describe the impact of the discrimination and the way you expect to be treated. If speaking to the person does not stop the behaviour or if you do not want to communicate directly with the person, approach someone with supervisory authority or contact the HREO for assistance.

KEEP RECORDS

Do not rely on your memory. Carefully record the details of the discrimination as soon as it occurs. Record any attempts to tell the person that the behaviour is unwelcome and keep all letters, gifts, emails, voicemail messages, etc. that you receive.

if you're alleged to have discriminated

TAKE THE ALLEGATION SERIOUSLY

If someone complains to you that your actions or comments are unwanted, offensive or harassing, listen closely. People with different values or backgrounds may feel your behaviour is humiliating, threatening or insulting, while you may have intended to be funny or harmless. Keep in mind that body language and tone of voice significantly contribute to the impact of your words and actions. If you believe the complaint is fair, you may want to apologize for the discomfort or offence you caused.

AVOID RETALIATION

Don't act in ways that could be seen as getting back at the complainant. Avoid any behaviour that could embarrass or intimidate the person you have allegedly harassed.

REVIEW YOUR RIGHTS AND SEEK ADVICE

Contact the HREO for information and advice. You may also wish to seek support and assistance from your manager, dean, union representative or employee association representative. Read the University's human rights policy to learn about the rights and responsibilities of complainants and respondents, as well as the informal and formal procedures for complaint resolution.

human rights at the university of guelph

The University's human rights policy, deriving its authority from the *Ontario Human Rights Code*, outlines the right of all faculty, staff and students to be free from discrimination based on the prohibited grounds. The policy offers both informal and formal procedures for handling complaints. Wherever possible, complaints are managed using informal procedures.

human rights at the university of guelph

HREO staff members are advocates for the policy, not for the complainant or respondent.

Harassing, unfair or threatening behaviours that do not involve any of the designated human rights grounds of discrimination are not covered by the University's human rights policy. Such behaviours, including personal harassment and bullying, should be addressed with a manager, dean, union representative, staff person, employee association representative, faculty member, student housing representative or human resources professional.

what is the human rights & equity office?

The University established the HREO in 1996 to coordinate its initiatives in the areas of discrimination, harassment and employment equity. The Office also supports the Office of the Provost in the area of educational equity. Employment equity is a special program designed to remove systemic barriers to equality in employment. Such programs involve identifying and eliminating discriminatory policies and practices, remedying the effects of past discrimination, and ensuring appropriate representation of designated groups. Employment equity programs require goals and timetables to be set to achieve fairness in the representation of designated groups in the workplace.

If you are a student, staff or faculty member who is experiencing discrimination on campus or who is accused of engaging in it, you can turn to HREO staff for assistance. They are available to listen, help you assess your situation and explore options to remedy the situation. The HREO can be reached at ext. 53000.

ways to help prevent discrimination

Everyone can contribute positively to the study, work and living environment at the University of Guelph by showing respect for other people.

How you can help:

- Choose not to share jokes or make comments of a discriminatory nature;
- Refuse to go along with harassment masked as humour/academic debate;
- Accept that NO means NO. Persistent and unwelcome romantic or sexual advances can constitute sexual harassment.
- Object to harassment when you see or experience it. Don't ignore or condone harassing behaviour by others.
- Ensure your behaviour is welcome. Ask for clarification if it appears that your actions are not wanted.
- Encourage pluralism and inclusivity in work and study environments.

glossary

AGE means an age that is 18 years or more for the purposes of employment.

ANCESTRY means family descent determined through the lineage of one's parents through their parents, and so on.

CITIZENSHIP means the political status that accrues to all persons born in Canada or all persons who have been granted Canadian citizenship according to the *Citizenship Act*, R.S.C. 1985, c. C-29.

glossary

CONDONATION occurs when breaches of the *Ontario Human Rights Code*, this Policy or its Procedures are tacitly accepted: for example, ignoring racist jokes or failing to respond to complaints. The *Code* states that corporate liability can result when those with supervisory responsibilities condone (implicitly or explicitly) any discriminatory or harassing behaviour of others.

CREED means a professed system and confession of faith, including both beliefs and observances or worship. A belief in a god or gods or a single supreme being or deity is not a requisite.

DISABILITY means any previous or existing mental or physical disability including disfigurement and previous or existing dependence on alcohol or a drug. Disability includes situations where a person has or has had, or is believed to have or have had:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, including diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheelchair or other remedial appliance or device;
- a condition of mental or psychological impairment;
- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act*, 1997, SO 1997, c 16, Sch.A.

glossary

DISCRIMINATION means “a distinction, whether intentional or not, but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individuals or groups not imposed on others, or which withholds or limits access to opportunities, benefits and advantages, available to other members of society”, *Andrews v. Law Society (British Columbia)* (1989), s6 D.L.R. (4th) at 18 (S.C.C).
Discrimination may also result from hate group activity.

ETHNIC ORIGIN means a group of people having a heritage and a common ancestry or shared historical past, as well as identifiable physical, cultural, linguistic and religious characteristics.

FAMILY STATUS means the status of being in a parent-child relationship.

GENDER means the cultural definition of behaviour defined as appropriate to the sexes in a given society at a given time.

HARASSMENT is a form of discrimination based on one or more of the prohibited grounds identified by the *Ontario Human Rights Code* or by this policy. It is defined as “engaging in a course of vexatious comment or conduct that is known to be unwelcome.”

MARITAL STATUS means the status of being married, single, widowed, divorced, separated and includes the status of living with a person in a conjugal relationship outside marriage.

glossary

PLACE OF ORIGIN means characteristics that are strongly associated with a particular place, including a country, state, province, group of countries or city.

RECORD OF OFFENCES means a conviction for:

- a) an offence in respect of which a pardon has been granted under The *Criminal Records Act* (Canada) and has not been revoked; or,
- b) an offence in respect of any provincial enactment.

SEX means a continuum of biological distinctiveness.

SEXUAL HARASSMENT occurs when a person receives unwelcome sexual or sexualized attention from another person whose comments or conduct are known, or should reasonably be known, to be offensive, inappropriate, intimidating, hostile or unwelcome. Sexual harassment includes situations in which a person in a position of authority (a supervisor or teacher, for example) shows unwelcome sexual attention to an employee or student, and in which reprisal occurs, or is threatened, if the sexual attention is rejected. It also includes an environment in which sexist jokes and materials are allowed. It may occur between persons of different or the same sex.

SPECIAL PROGRAMS are designed to remove systemic barriers to equality in employment. Such programs involve identifying and eliminating discriminatory policies and practices, remedying the effects of past discrimination, and ensuring appropriate representation of designated groups. Employment equity programs require goals and timetables to be set to achieve fairness in the representation of designated groups in the workplace.

resources

GETTING HELP WHEN YOU NEED IT

If you feel that you are experiencing or have witnessed discrimination or harassment at the University of Guelph, call the Human Rights and Equity Office at ext. 53000.

ON CAMPUS RESOURCES

Human Rights and Equity Office	Ext. 53000
Campus Police	Ext. 52000
Counseling Services	Ext. 53244
Occupational Health Services	Ext. 52133
Aboriginal Resource Centre	Ext. 58074
Centre for Students with Disabilities	Ext. 56208
Campus Safe Walk	Ext. 53200
Student Health Services	Ext. 52131
Central Students' Association Human Rights Office	Ext. 52629
OUTline	Ext. 56358

GUELPH AREA RESOURCES

City Police	519-824-1212
Guelph-Wellington Women in Crisis 24-hour line	519-836-5710
	1-800-265-7233 (Wellington)

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