



## 6.1 Prevention of Harassment and Discrimination

WILFRID LAURIER UNIVERSITY

Waterloo | Brantford | Kitchener | Toronto

<b>Approving Authority:</b>	Board of Governors
<b>Original Approval Date:</b>	February 12, 1991
<b>Date of Most Recent Review/Revision:</b>	June 19, 2014
<b>Office of Accountability:</b>	<a href="#">Office of the President</a>
<b>Administrative Responsibility:</b>	<a href="#">Office of Dispute Resolution</a>

### PURPOSE

- 1.01 Wilfrid Laurier University ("Laurier") is devoted to learning, research, scholarship, creativity, in a student centered environment. The university is committed to fostering a study and workplace culture that is supportive of professional and personal development and free from discrimination and harassment.
- 1.02 Each member of the campus community is responsible for helping to create an environment that promotes mutual respect and understanding for the dignity and rights of others. It is in this environment that work and learning can best be accomplished and the purpose for this policy.

### DEFINITIONS

- 2.01 **Direct Discrimination**  
Direct Discrimination describes an act, behavior or practice of treating a person unequally on the basis of a Prohibited Ground.
- 2.02 **Prohibited Grounds**  
The Prohibited Grounds are the protected categories listed under the Ontario Human Rights Code, which are: 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, and disability.  
  
\*The Prohibited ground identified as record of offenses is limited only to discrimination of employment.
- 2.03 **Systemic Discrimination**  
Systemic Discrimination, referred to as "constructive discrimination" in the Human Rights Code, is most commonly known as systemic discrimination because it is discrimination inherent in, or the result of, the organization's informal or formal policies, practices or procedures.  
  
Systemic Discrimination occurs when a requirement, qualification, or factor results in the exclusion, restriction or preference of a group identified by a prohibited ground.
- 2.04 **Harassment**  
Harassment is generally a course of vexatious conduct related to one or more of the Prohibited Grounds. The person responsible knows or ought reasonably to know that the remarks or behaviours are unwanted, unwelcome, offensive, intimidating, hostile or inappropriate.  
  
One remark or gesture would not be considered a "course of conduct." However, persistent and frequent comments are not necessary for there to be a violation of this policy.  
  
Harassment does not include:
  - i) interpersonal conflict or disagreement;
  - ii) the proper exercise of performance evaluation, managerial direction, or performance or attendance management
- 2.05 **Sexual Harassment**  
Sexual harassment is a course of unwanted remarks, behaviours, or communications of a sexually oriented nature and/or a course of unwanted remarks, behaviours or communications based on gender. The person responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwelcome. Sexual harassment may also include unwanted attention or remarks of a sexually oriented nature or unwelcome remarks based on gender which are not of a sexual nature, but which are demeaning or degrading.



## 6.1 Prevention of Harassment and Discrimination

WILFRID LAURIER UNIVERSITY

Waterloo | Brantford | Kitchener | Toronto

### 2.06 Sexual Solicitation and Reprisal

Every member of Laurier has a right to freedom from sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement, where that person knows, or ought reasonably to know, that such a solicitation or advance is unwelcome. Sexual solicitation or sexual advance includes an implied or expressed promise of reward for complying with a sexually oriented request made by a person in a position to confer, grant or deny a benefit or advancement.

Every member of the Laurier community has a right to be free from reprisal or threat of reprisal for rejecting a sexual solicitation or advance, where the reprisal is made, or threatened by, a person in a position to confer, grant or deny a benefit or advancement.

When an individual has power over another, decision making can be impacted and mutual consent may be called into question should a complaint of harassment and/or discrimination arise either during or after a relationship has ended.

### 2.07 Workplace Harassment

Workplace Harassment is engaging in course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome. The conduct need not be based on the Prohibited Grounds.

### 2.08 Poisoned Environment

Where harassing or discriminatory behaviour are severe and/or pervasive and cause unreasonable interference to a person's study or work environment, they may be deemed to create a poisoned environment. A poisoned work or learning environment is one that is intimidating, hostile and/or offensive.

Although a person may not be the target of the behaviours, a person may feel the effects of certain harassing or discriminatory behaviours at their place of work or study.

Depending on the nature of the comments or conduct, one instance may be sufficient to create a "poisoned environment" for a specific employee or student, or group of employees or students.

## JURISDICTION/SCOPE

3.01 This policy will apply to all members of the university community in their interactions with other members of the university community. This includes all faculty, staff and students, student groups (Wilfrid Laurier University Graduate Student Association, Wilfrid Laurier University Students' Union), as well as volunteers and contractors retained by the university.

3.02 Contracts may be subject to cancellation should a breach of this policy occur.

3.03 Behaviour which involves interactions of members of the Laurier community will be considered and addressed whether or not it occurs during normal working/school hours or on campus (e.g. work or academic related travel, research in the field, academic placements).

## POLICY

4.01 Every member of the Laurier community has a right to equal treatment to and freedom from discrimination and harassment based on the Prohibited Grounds with respect to employment and the receipt of education and related services and facilities.

4.02 This policy also addresses the requirements of the Occupational Health and Safety Act as it relates to Workplace Harassment.

4.03 All persons involved in allegations of discrimination and/or harassment are to be treated fairly and impartially and maintain the rights, privileges and protections afforded to them under legislation, University policies and applicable collective agreements. Every person has the right to seek remedy through the Ontario Human Rights Commission or Tribunal, or through the assistance of the police.



## 6.1 Prevention of Harassment and Discrimination

WILFRID LAURIER UNIVERSITY

Waterloo | Brantford | Kitchener | Toronto

University proceedings may be suspended pending the outcome of those interventions. This policy does not limit or supersede collective agreements, the Human Rights Code or the Occupational Health and Safety Act, as it relates to Workplace Harassment.

- 4.04 The University will take appropriate steps to fairly investigate and respond to allegations of discrimination and/or harassment in accordance with the procedures relating to the Harassment/Discrimination Policy [INSERT LINK].
- 4.05 This policy does not impact bona fide special programs designed and implemented to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve equal opportunity.

### RELEVANT LEGISLATION

*Human Rights Code*, R.S.O. 1990, c. H.19

*Occupational Health and Safety Act*, R.S.O 1990, Chapter O.1

### RELATED POLICIES, PROCEDURES, & DOCUMENTS

[Procedures relating to Prevention of Harassment/Discrimination Policy](#)

[Workplace Violence Prevention Policy \(7.18\)](#)

[Accessible Service Policy for Persons with Disabilities \(8.10\)](#)

[Conflict of Interest Policy \(8.1\)](#)

[Safe Disclosure Policy \(5.14\)](#)

[Information Availability and Privacy Protection \(10.1\)](#)

[Gendered & Sexual Violence Policies & Procedures \(12.4\)](#)

Employee Handbook or Collective Agreement (see applicable handbook(s) or collective agreement(s))