POLICY

Harassment and Discrimination Prevention and Response Policy

Category: Leave this blank; a category will be assigned
Approval: Board of Trustees - pending
Responsibility: University Secretary
Date: Date initially approved: Date of last revision:

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Capitalized terms used in this policy are defined in the Glossary of Terms.

1. PURPOSE / REASON FOR POLICY

1.1. This Policy supports the prevention of Harassment and Discrimination at the University and the effective response to Reports and Complaints of Harassment, Discrimination, and Reprisal.

1.2. The processes supporting this Policy include:

a) A Complaint Procedure: An individual (“Complainant”) who feels they have experienced Discrimination, Harassment or Reprisal can file a Complaint under the Harassment and Discrimination Complaint Procedure. Individuals who do not want to file a Complaint can also pursue an alternative resolution (see Section 6); and,

b) A Reporting Procedure: An individual who witnesses or becomes aware of Harassment, Discrimination, Reprisal or Systemic Discrimination (“Reporter”) is encouraged to submit a Report under the Harassment and Discrimination Reporting Procedure. A Person of Authority who witness or become aware of Workplace Harassment, Discrimination, Reprisal or Systemic Discrimination must submit a Report.

1.3. The University also has a Policy on Sexual Violence Involving Queen’s University Students, that describes how Complaints of sexual violence (which includes Sexual Harassment) involving students will be handled. Students who have experienced sexual violence should refer to the Sexual Violence Policy and can contact the Sexual Violence Prevention and Response Coordinator for support and advice about the supports and processes available to them.
2. **POLICY STATEMENT**

2.1. Queen's strives to maintain an environment free of Harassment and Discrimination for members of its Community and will not tolerate Harassment, Discrimination, or Reprisals.

2.2. Every member of the University Community needs to understand that behaviours influenced by or that demonstrate evidence of conscious or unconscious bias, prejudice, negative stereotypes, etc., are often the root cause of Harassment and Discriminatory conduct.

Behaviours that fall short of the definitions of Discrimination or Harassment in this Policy can nevertheless impact participation by member(s) of the University Community in the University’s living, learning, or working environment(s). Further information is set out in the Commentary in **Appendix 2**.

The University's approach to combatting such conduct will often be remedial and will include education and initiatives to advance equity, diversity, inclusion, anti-racism, and Indigenization on campus. Queen’s will foster a respectful and inclusive living, learning, and working environment for all University Community members.

2.3. Queen's will provide information and instruction to University Community members about Harassment and Discrimination, and about this Policy and its Procedures.

2.4. Queen’s will act promptly to resolve concerns about Harassment, Discrimination, and Reprisals and will be proactive in the removal of identified systemic barriers.

2.5. Queen’s will respect the privacy of individuals involved in Complaints and Reports and will collect, use, and disclose their personal information only for legitimate, stated purposes, as defined in this Policy and its Procedures.

2.6. Queen’s will respond to Complaints and Reports fairly and promptly.

2.7. Queen’s will keep Complainants and Respondents reasonably apprised of the status of investigations.

2.8. Complaints or Reports made in bad faith or taking action to undermine the purpose of this Policy is prohibited.

3. **SCOPE OF THIS POLICY**

3.1. This Policy covers Discrimination, Harassment and Reprisal where:

- The conduct adversely affects the reasonable participation by member(s) of the University Community in the University’s living, learning, or working environment(s); or,

- University has reasonable grounds to believe the conduct creates a risk to the safety of a member(s) of the University Community in the University’s living, learning, or working environment(s).

3.2. This Policy and its Procedures do not override or diminish the rights provided to employees under collective agreements. Where there is a conflict between this Policy or its Procedures and a collective agreement, the terms of the collective agreement shall govern.

3.3. This Policy does not preclude individuals from pursuing resolution through external processes, including those offered by the Human Rights Legal Support Centre, the police, the Ontario Labour Relations Board, and the Human Rights Tribunal of Ontario.
4. **RESOURCES AND INFORMATION**

4.1. Faculty, staff, and students can seek out advice and information about Harassment and/or Discrimination from a variety of University resources, including:

- **Campus Security & Emergency Services** ("Campus Security")
- **Environmental Health and Safety** ("EH&S")
- **Faculty Relations**
- **Four Directions Indigenous Student Center**
- **Human Resources**
- **Human Rights and Equity Office**
  - Human Rights Advisory Services
  - Equity Services
  - Sexual Violence Prevention and Response Coordinator
- **Indigenous Initiatives**
- **University Ombudsperson** ("Ombudsperson")
- **Student Affairs** (*e.g.*, Student Conduct Office, Residence Life, Athletics & Recreation)
- **Workplace Managers**

4.2. The office or individual whose advice is sought will advise the person about:

- this Policy and the definitions of Harassment and/or Discrimination;
- the options available to address their inquiry or concern, including the Complaint or Reporting Procedure; and,
- whether and how their problem might be resolved through alternative resolution (see Section 6 below), including speaking, or writing to the person(s) whose conduct is of concern.

4.3. The office or individual whose advice is sought should consult on a confidential, no-names basis (unless the individuals consents to their name being disclosed) with Faculty Relations, Human Resources, Student Affairs, and/or the Human Rights and Equity Office, as appropriate.

5. **ALTERNATIVE RESOLUTION**

5.1. If a University Community member believes they have been subjected to Harassment, Discrimination or Reprisal, but does not want to file a Complaint, they can consult with Human Rights Advisory Services or the Office of the University Ombudsperson, who can help explore options for, or facilitate, an alternative resolution, or they can refer the person to another appropriate University office to do so, including the Office of Indigenous Initiatives.

5.2. If an alternative resolution deals with the conduct of an employee, Human Resources or Faculty Relations, as appropriate, must be consulted about any proposed alternative resolution to ensure the requirements of any applicable collective agreement and of the Ontario *Occupational Health and Safety Act* are met.

5.3. If an alternative resolution deals with the conduct of a student, the Office of the Assistant Dean (Support Services and Community Engagement) must be consulted about any proposed
alternative resolution to ensure the requirements of the *Student Code of Conduct* are met.

**5.4.** If an alternative resolution is reached, the terms of the resolution will be formalized in writing; an anonymized and brief summary of the issue(s), the process undertaken to reach resolution, and the outcome of the early resolution must be reported to the University Secretary.

### 6. ROLES AND RESPONSIBILITIES

#### 6.1. Person(s) of Authority

a) The Principal’s Senior Leadership Team, senior administrators and all Persons of Authority will take steps to prevent Harassment and Discrimination, act when they become aware of instances of Harassment and Discrimination and support and promote this Policy and its Procedures.

b) Queen’s will ensure Persons of Authority are provided with information and instruction that will enable them to recognize, assess, and address Workplace Harassment and Discrimination, and to understand how to respond appropriately when such incidents are alleged.

c) Persons of Authority must submit a Report to the University Secretary with respect to incidents of Workplace Harassment, Discrimination or Reprisal that they witness or otherwise become aware of or if they become aware of a policy, process, or other circumstance they believe gives rise to Systemic Discrimination.

#### 6.2. Employees, students, volunteers, and visitors to University Property

a) Employees, students, visitors, and volunteers must not engage in Harassment, Discrimination, or Reprisal.

b) Employees, students, visitors, and volunteers are encouraged to use the *Reporting Procedure* to report incidents of Harassment, Discrimination, or Reprisal when they witness such incidents.

c) Employees and volunteers shall, and students and visitors are expected to, participate in any investigation or inquiry commenced under the *Complaint Procedure* or the *Reporting Procedure*.

#### 6.3. The University Secretary

a) The University Secretary receives all written Complaints and Reports on behalf of the University. The mandate of the University Secretary *does not include* providing advisory services to employees or students about Harassment and Discrimination or about procedural issues related to this Policy and its Procedures.

b) The University Secretary is the Chair of the Intake Assessment Team.

c) The University Secretary keeps records of all Reports, Complaints, and early resolution agreements/arrangements for the purpose of policy administration and for the purpose of reporting on statistics and trends.

d) The University Secretary is responsible for maintaining this Policy and related Procedures.

e) The University Secretary will ensure that designated new policies and polices that undergo review receive an equity impact assessment to identify potential elements of
systemic/institutional inequity against an equity seeking group or groups\(^1\). Equity impact assessments will be undertaken by the person or unit responsible for the policy, in conjunction with staff from the Human Rights and Equity Office appointed by the Associate Vice-Principal (Human Rights, Equity, Inclusion) and staff from the Office of Indigenous Initiatives appointed by the Associate Vice-Principal (Indigenous Initiatives and Reconciliation). For policies and procedures within the purview of the Policy Advisory Sub-Committee, the Equity Impact Assessment shall be submitted with the draft policy or procedure. Alternatively, the Equity Impact Assessment shall be submitted with the draft policy or procedure to the Appropriate Faculty or School’s Faculty Board or similar decision-making body.

6.4. **The Human Rights and Equity Office** in collaboration with campus partners provides awareness training initiatives aimed at: (i) preventing and addressing Harassment and Discrimination, (ii) addressing underlying forms of oppression (e.g., ableism, racism, sexism, hetero/cis-sexism), and (iii) promoting an inclusive campus environment.

6.5. **Human Rights Advisory Services**

a) Human Rights Advisory Services is a unit within the Human Rights and Equity Office, under the leadership of the Associate Vice-Principal (Human Rights, Equity, and Inclusion). Human Rights Advisory Services is responsible for awareness-raising and training initiatives aimed at preventing and addressing Harassment, Discrimination and Systemic Discrimination, addressing underlying ideologies and conduct that may give rise to oppression (e.g., ageism, ableism, racism, sexism, hetero/cis sexism) and promoting an inclusive campus that exemplifies a climate of understanding and mutual respect for all members of the University Community. Human Rights Advisory Services is available to the entire University Community to provide training, information, and guidance with respect to policies, procedures, publications, and materials to ensure that they do not include terms that are discriminatory or have a discriminatory effect. However, such education is a broader responsibility that requires many units and/or individuals across the University, including academic leaders, Environmental Health and Safety, Human Resources, Faculty Relations, Staff Managers and Student Affairs, to cooperate and collaborate with Human Rights Advisory Services in this endeavor.

b) Human Rights Advisory Services is also available to provide information to individuals who perceive that they have been subject to Discrimination or Discriminatory Harassment and to ensure such individuals are fully aware of this Policy and related procedures, as well as procedural alternatives. The service provided by Human Rights Advisory Services is confidential, though Human Rights Advisory Services provides broad advisory services, with an important responsibility for helping the University maintain a living, learning, and working environment that is safe and free of Discrimination and Discriminatory Harassment. This may require the sharing of information in certain circumstances, and Human Rights Advisory Services shall balance the competing concerns in deciding when and how to share information, including by making a Report under the *Reporting Procedure*. Human Rights

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\(^1\) Adapted from Rady Faculty of Health Sciences Policy, University of Manitoba Policy, *Disruption of all forms of Racism*
Advisory Services shall encourage individuals to share limited information in initial consultations and advise individuals about the limits of confidentiality in working with individuals.

c) Human Rights Advisory Services may assist to facilitate an Alternative Resolution under Section 6 of this Policy.

d) Human Rights Advisory Services may initiate a Report or assist a Complainant with preparing a Complaint but does not adjudicate Complaints or initiate the Complaint Procedure, nor does it serve as an advocate for any individuals involved in a matter under this Policy.

e) The Associate Vice-Principal (Human Rights, Equity, Inclusion) will receive Reports of Systemic Discrimination and may provide advice to the appropriate Vice-Principal in their inquiry into the Report. Human Rights Advisory Services may review the policies and procedures implicated in a Report of Systemic Discrimination and, in collaboration with the University Ombudsperson, provide recommendations about changes to address Systemic Discrimination embedded in those policies and procedures.

6.6. The Office of the University Ombudsperson

a) The Office of the University Ombudsperson is an institutional office with a mandate that includes advising employees and students about processes and procedural issues related to this Policy and its Procedures. This may include, for example, providing advice to a witness or Respondent involved in the investigation of a Complaint or Report.

b) The services provided by the Office of the Ombudsperson are confidential, though the Office of the Ombudsperson is an advisor with an important responsibility for helping the University maintain a living, learning, and working environment that is safe and free of Discrimination and Discriminatory Harassment. This may require the sharing of information in certain circumstances, and the Office of the Ombudsperson shall balance the competing concerns in deciding when and how to share information, including by making a Report under the Reporting Procedure. The Office of the University Ombudsperson shall encourage individuals to share limited information in initial consultations and advise individuals about the limits of confidentiality in working with individuals.

c) Human Rights Advisory Services may assist to facilitate an Alternative Resolution under Section 6 of this Policy.

d) The Ombudsperson may initiate a Report but does not adjudicate Complaints or initiate the Complaint Procedure on behalf of individuals, nor does it serve as an advocate for any individuals involved in a matter under this Policy.

e) The Ombudsperson will be copied on Reports of Systemic Discrimination and may assist the appropriate Vice-Principal in their inquiry into the Report. The Ombudsperson will review policies and procedures implicated in a Report of Systemic Discrimination and provide recommendations about changes to address Systemic Discrimination embedded in those policies and procedures.

6.7. The Non-Academic Misconduct Intake Office (“NAMIO”)

a) Complaints and Reports received by University Secretary alleging a student(s) engaged in conduct contrary to this Policy will, if referred for investigation, normally be directed to the NAMIO, to be assessed and assigned to the appropriate NAM Unit under the Student Code of
Conduct and its Procedures.

b) Complaints or Reports involving a student enrolled in the Department of Postgraduate Medical Education as a Postgraduate Medical Trainee (“Resident”), either as Complainant or Respondent, will normally be referred by the Intake Assessment Team to the Office of the Associate Dean (Postgraduate Medical Education) to be investigated pursuant to the Resident Harassment and Discrimination Prevention Procedure.

6.8. Human Resources

a) Human Resources, in conjunction with EH&S and Faculty Relations is responsible for providing employees with appropriate information and instruction with respect to Workplace Harassment, including notifying them of this Policy and its related procedures.

b) Human Resources is responsible for addressing Complaints and Reports involving employees, a responsibility it shares with the Faculty Relations Office, the Student Conduct Office, and Campus Security, depending on the circumstances.

c) Human Resources may initiate a Report in response to information it receives concerning Harassment, Discrimination, or Reprisal or if it becomes aware of a policy, process, or other circumstance it believes gives rise to Systemic Discrimination.

d) Human Resources will ensure that copies of this Policy and related procedures are posted on the Human Resources website.

6.9. Faculty Relations

a) Faculty Relations, in conjunction with EH&S and Human Resources is responsible for providing employees with appropriate information and instruction with respect to Workplace Harassment, including notifying them of this Policy and its related procedures.

b) The Faculty Relations Office is responsible for addressing Complaints and Reports involving members of the following academic bargaining units:

- Queen's University Faculty Association
- Public Service Alliance of Canada, Local 901 (Unit 1 -Graduate Teaching Assistants and Teaching Fellows)
- Public Service Alliance of Canada, Local 901 (Unit 2 - Postdoctoral Fellows)
- Any other bargaining unit that is assigned by the University to the Faculty Relations Office in the future.

c) The Faculty Relations Office shares this responsibility with Human Resources, the Student Conduct Office, and Campus Security depending on the circumstances.

d) The Faculty Relations Office may initiate a Report in response to information it receives concerning Harassment, Discrimination, or Reprisal or if it becomes aware of a policy, process, or other circumstance it believes gives rise to Systemic Discrimination.

6.10. Department of Environmental Health and Safety

a) EH&S has the primary responsibility for overseeing compliance with the Occupational Health and Safety Act, including requirements related to Workplace Harassment.

b) EH&S, in conjunction with Human Resources and Faculty Relations, is responsible for
providing employees with appropriate information and instruction with respect to Workplace Harassment, including notifying them of this Policy and its related procedures.

c) EH&S will ensure all Persons of Authority are provided with information and instruction that will enable them to recognize, assess, and address Workplace Harassment and will ensure Persons of Authority are aware of this Policy and related procedures.

d) EH&S may initiate a Report in response to information it receives concerning Workplace Harassment, Discrimination, or Reprisal or if it becomes aware of a policy, process, or other circumstance it believes gives rise to Systemic Discrimination.

e) EH&S will ensure that copies of this Policy and related procedures are posted on the established health and safety bulletin boards and its website.

6.11. Campus Security

a) Campus Security supports the handling of Reports and Complaints by engaging with others in the development of safety plans and interim measures.

b) Campus Security is ordinarily responsible for addressing Reports and Complaints about visitor conduct.

c) Campus Security may initiate a Report in response to information it receives concerning Harassment, Discrimination, or Reprisal or if it becomes aware of a policy, process, or other circumstance it believes gives rise to Systemic Discrimination.

7. POLICY REVIEW

7.1. The University Secretary will ensure that this Policy, and all related Procedures, are reviewed as often as is necessary, and in any event, at least annually. Human Resources, Faculty Relations, the Student Conduct Office, Human Rights Advisory Services and EH&S will participate in comprehensive reviews, with EH&S being responsible for consulting with the University's Joint Health and Safety Committees, as appropriate.

8. TRANSITION

8.1. As of its effective date, this Policy, together with the Complaint Procedure and the Reporting Procedure, replaces and supersedes (i) the Harassment/Discrimination Complaint Policy and Procedure, as approved by the Senate March 30, 2000 and ratified by the Board of Trustees on May 6, 2000, and, (ii) the Interim Workplace Harassment & Discrimination Policy, together with all of their associated and derivative procedures and any authority or provisions enacted in relation to them, except if an investigation, hearing or appeal has commenced prior to the effective date. All such investigations, hearings or appeals shall be completed in accordance with the policy and procedures that applied on the date the investigation, hearing, or appeal commenced.

8.2. The effective date of this Policy and its Complaint and Reporting Procedures shall be the date of approval by the Board of Trustees.

8.3. After the effective date, all references to the Senate Harassment/Discrimination Complaint Policy and Procedure and the Interim Workplace Harassment & Discrimination Policy in any other applicable policy or procedure shall be deemed to refer to this Policy and its Procedures and all other such policies and procedures shall be amended accordingly as soon as practical,
but in any event no later than their next regular review.

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APPENDIX 1: GLOSSARY OF TERMS

1. "Discrimination":

   a. is a distinction relating to personal characteristics of an individual or group based on a ground protected by the Ontario Human Rights Code that has the effect of imposing burdens, obligations or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society;

   b. can be direct, indirect, or systemic in nature;

   c. need not be intentional;

   d. includes a distinction imposed because of a person’s or group’s relationship to, association with, or dealings with, another person or persons who are identified by a protected ground; and,

   e. includes a failure to accommodate the needs of individuals related to one or more grounds protected by protected by the Ontario Human Rights Code, unless doing so would cause undue hardship. The duty to accommodate must be fulfilled in accordance with the principles of dignity, individualization, and inclusion.

   “Systemic Discrimination” refers to policies, practices, patterns of behaviour or attitudes that are part of the social or administrative structures of an organization, and that while appearing neutral on the surface but nevertheless have an “adverse effect” or exclusionary impact on people based on a ground protected by the Ontario Human Rights Code. Examples of Systemic Discrimination include:

   - Not permitting time away from work or studies for religious or spiritual practices other than Christian holidays;
   - Differential career opportunities or career paths for members of equity seeking groups;
   - Failing to deal with discriminatory incidents or downplaying their seriousness because, for example, “no harm was intended.”

   Protected grounds under the Ontario Human Rights Code include:

   - Race
   - ancestry
   - place of origin
   - gender identity
   - gender expression
   - age (18 years or older)

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1. Colour

2. "Harassment" means engaging in a course of vexatious comment or conduct that exceeds the bounds of free expression or academic freedom as these are understood in University policies and accepted practices, which is known or ought reasonably to be known to be unwelcome. This includes not merely direct and intentional acts of Harassment, but also includes engaging in verbal or non-verbal behaviour or communication that is known or ought to reasonably be known to be hostile, intimidating or threatening, or that deliberately seeks to control or manipulate or otherwise harm another person, and can include comment or conduct through any electronic media regardless of where it originates. While it might be, Harassment need not be connected to a ground protected by the Ontario Human Rights Code.

Differences of opinion, personality conflicts, or disagreements between individuals are not generally considered to be Harassment.

Harassment, defined above, can take on a variety of specific forms; some commonly recognized forms include:

"Discriminatory Harassment" is a form of Harassment (engaging in a course of vexatious comment or conduct against a person or group, which is known or ought reasonably to be known to be unwelcome) that is based on one or more grounds protected by the Ontario Human Rights Code. Discriminatory Harassment also includes Harassment based on a person’s relationship to, or association with, or dealings with, a person or persons identified by one or more protected grounds. Discriminatory Harassment may include, for example, racist jokes, sexual harassment, gender-based harassment and microaggressions (i.e., comments or actions that subtly and often unconsciously or unintentionally expresses a prejudiced attitude toward a member of a marginalized group).

“Harassment by Provocation or Incitement” is a form of Discriminatory Harassment involving public behaviour that exceeds the bounds of free expression or academic freedom as these are understood in University polices and accepted practices, which incites hatred, contempt for, or revulsion or severe ridicule of, a person or group of people because of or based on one or more grounds protected by the Ontario Human Rights Code or because of a person’s

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3 A single incident can be sufficiently egregious as to constitute Harassment.
4 e.g., See the Free Expression at Queen’s University policy
5 See definition of Discriminatory Harassment.
6 See Fn. No. 3: A single incident can be sufficiently egregious as to constitute Harassment.
7 See Miriam-Webster Dictionary and Cambridge Dictionary.
relationship to, or association or dealings with, such a person or group.8

"Sexual Harassment" is (i) unwelcome conduct; (ii) of a sexual nature; and (iii) that results in adverse consequences for the victim; it is a form of Harassment, and Discriminatory Harassment, and can also constitute Discrimination based on sex, sexual orientation, gender identity or gender expression. Sexual Harassment includes:

- unwanted sexual solicitations, attention, advances, stalking, or comments and gestures (including songs and chants);
- the display of sexually suggestive pictures, posters, objects, or graffiti;
- the implied or express promise of benefits or advancement in return for sexual favours;
- threats of reprisals for rejecting unwanted solicitations or advances;
- engaging in conduct or making comments that create a poisoned environment for individuals of a specific sex, sexual identity, gender identity or gender expression;
- non-consensual posting of pictures, aggressive comments, and slurs of a sexual nature on any form of social media or other electronic media;
- non-consensual physical contact of a sexual nature (including Sexual Assault); and
- sexual conduct that interferes with an individual’s dignity, or privacy such as voyeurism and exhibitionism.

"Workplace Harassment" is engaging in a course9 of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

Workplace Harassment includes workplace Sexual Harassment.

Differences of opinion, personality conflicts, or disagreements between co-workers are not generally considered to be Workplace Harassment.

Reasonable action(s) taken by the University or by a Person of Authority, relating to the management and direction of workers or the Workplace is not Workplace Harassment. Reasonable management actions could include things such as changes in work assignments, scheduling, job/performance assessment and evaluation, workplace inspections, implementation of health and safety measures, and disciplinary action. If these actions are not exercised appropriately, they may constitute Workplace Harassment. For example:

- Assigning an employee only to undesirable shifts or tasks solely because the manager does not ‘like’ the person;
- Citing/disciplining an employee for brief but habitual lateness, while others under the manager’s supervision are not held to the same standard of punctuality;
- If an employee is not scheduled for shifts or was scheduled only for undesirable shifts because of their sexual orientation, this would likely be Discriminatory Workplace Harassment.

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8 See for example, Rady Faculty of Health Sciences Policy, University of Manitoba Policy, Disruption of all forms of Racism; Southern Cross University Harassment, Bullying and Discrimination Prevention Policy; and University of Southern Queensland Harassment and Discrimination Complaint Resolution for Students Policy and Procedure.

9 See Fn. No. 3: A single incident can be sufficiently egregious as to constitute Harassment.
• Workplace Harassment can involve unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers, in a workplace.

• Workplace Harassment can also include behaviour that intimidates, isolates, or even discriminates against the targeted individual(s). This may include:
  o making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
  o displaying or circulating offensive pictures or materials in print or electronic form;
  o bullying;
  o repeated offensive or intimidating phone calls or e-mails;

3. **“Intake Assessment Team”** is the group, chaired by the University Secretary, responsible for the initial determination of whether the allegations in a Complaint or Report, if proven to be true, would constitute Harassment, Discrimination, or a Reprisal (i.e., whether the allegations establish a *prima facie* case), and if so, for the referral to the appropriate Receiving Office for investigation.

The core of the Intake Assessment Team is comprised of:

• the University Secretary, as Chair
• the Associate Vice-Principal (Human Rights, Equity & Inclusion)
• the Associate Vice-Principal (Human Resources)
• or an assigned delegate authorized to act behalf of any of these individuals.

The Intake Assessment Team may be adjusted from time to time at the discretion of the University Secretary, to include individuals who may inform the proper assessment of a Complaint or Report (for example, if a Complaint or Report alleges conduct by a faculty member the Intake Assessment Team may include the Associate Vice-Principal (Faculty Relations); if a Complaint or Report alleges conduct by a student the Intake Assessment Team may include the Assistant Dean (Support Services and Community Engagement).

4. **“NAMIO”** means the Non-Academic Misconduct Intake Office.

5. **“Person(s) of Authority”** means any person who has charge of a Workplace or authority over an employee.

6. **“Receiving Office”** is the University office to which a Complaint or Report has been referred by the Intake Assessment Team. This generally includes, but is not necessarily limited to, any of: the Employee and Labour Relations Unit in Human Resources, Faculty Relations, Campus Security and Emergency Services, the Office of the Associate Dean (Postgraduate Medical Education)10 or the NAMIO (NAMIO will refer the case to the appropriate non-academic misconduct unit under the *Student Code of Conduct* and its procedures).

7. **“Reprisal”** means the act of penalizing, intimidating, or coercing an individual for acting in good faith to carry out or assist with any step provided for in the Complaint Procedure or the

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10 See **Section 7.6(b)** for circumstances in which Complaints and Reports will be referred to the Associate Dean (Postgraduate Medical Education).
Reporting Procedure made under this Policy. Engaging in an act of Reprisal constitutes a breach of this Policy.

The imposition of discipline or other sanctions for the making of a Report or Complaint in bad faith is not an act of Reprisal.

8. "Respondent" refers to anyone who is alleged to have engaged in behaviours of Harassment, Discrimination, or Reprisal in a Report or Complaint.

9. “University Community” includes, without limitation, employees, Students, volunteers, visiting professors, contractors, visitors, Student Groups, and other individuals who live, work, or study at, or carry out services for, Queen’s.

10. “University Property” means property owned, rented, or otherwise used by the University.

11. "Workplace" means any place where an employee engages in employment activity, including employment activities outside the normal place of work, and employment activities that occur outside of normal working hours.
APPENDIX 2: EDUCATIONAL COMMENTARY ABOUT DISCRIMINATION

The following commentary is included for educational and informational purposes; it is intended to provide context about the nature of discrimination and some of its causes/manifestations. It is not intended to be exhaustive, nor is it intended to alter or re-state the definitions in the Glossary of Terms.

Discrimination generally involves action, such as treating a person or group in a particular way, or a failure to make reasonable accommodation for a person or group, based on a ground protected by the Ontario Human Rights Code. Discrimination can be experienced on multiple, intersecting protected grounds. For example, a Muslim woman who wears a hijab may experience discrimination based on both creed and gender.

On the other hand, attitudes (e.g., ageism, racism, sexism) are rooted in ideologies that position certain groups as marginal and inferior and are manifest in general attitudes, values, and stereotypical beliefs. “Isms” will not always lead to discrimination and harassment, but they often create the conditions for discriminatory and harassing actions.

Discrimination can also arise from a poisoned environment. A poisoned environment refers to an environment that has become so hostile or intolerable, such that discriminatory conduct or attitudes permeates it entirely. A poisoned environment may exist if there has been a particularly egregious, stand-alone incident, or, if there has been serious and persistent wrongful behaviour, based on a ground protected by the Ontario Human Rights Code, sufficient to create a hostile or intolerable environment.

“Ableism” is a belief system, analogous to racism, sexism, or ageism, that sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems, or the broader culture of a society. It can limit the opportunities of persons with disabilities and reduce their inclusion in the life of their communities. Ableist attitudes are often based on the view that disability is an “anomaly to normalcy,” rather than an inherent and expected variation in the human condition. Ableism may also be expressed in ongoing paternalistic and patronizing behaviour toward people with disabilities.

“Ageism” a socially constructed way of thinking about older persons based on negative attitudes and stereotypes about aging and a tendency to structure society based on an assumption that everyone is young, thereby failing to respond appropriately to the real needs of older persons.

Ageism is often a cause for individual acts of age discrimination and often more systemic in nature, such as in the design and implementation of services, programs, and facilities. Age discrimination involves treating persons in an unequal fashion due to age in a way that is contrary to human rights law.

“Race” is a prohibited ground of discrimination in the Ontario Human Rights Code, but like racial discrimination, it is not specifically defined. The Ontario Human Rights Commission explains race as socially constructed differences among people based on personal characteristics. Racialization is the process of social construction of race, by which people and societies construct races as real, different, and unequal in ways that matter to economic, political, and social life.

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11 See OHRC Policy on Ableism and Discrimination Based on Disability
12 See OHRC Ageism and Age Discrimination Fact Sheet
“Racism” is inclusive of racial harassment and discrimination but is a wider phenomenon than racial harassment and discrimination. Racism is an ideology that either directly or indirectly asserts that one group is inherently superior to others. Racism plays a major role in fostering racial harassment and discrimination. Racism can be openly displayed in harassing and/or violent behavior such as racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values, and stereotypical beliefs. In some cases, these are unconsciously held and expressed without intention to harm, yet the effect of racism is to perpetuate inequity and exclusion of historically marginalized groups including Indigenous, Black, and racialized communities. Racism operates at individual, systemic and societal levels. Although Canada has made much progress, unfortunately racism and racial discrimination remain a persistent reality in Canadian society. This fact must be acknowledged as a starting point to effectively address racism and racial discrimination.13

“Homophobia” and “heterosexism” are terms used to describe prejudice relating to sexual orientation. Both may be the basis for negative treatment of individuals and communities, based on their actual or perceived sexual orientations. “Homophobia” is the aversion to, or fear or hatred of, individuals and communities of diverse sexual orientations, or of behaviours stereotyped as belonging to diverse sexual orientations. It signifies a hostile psychological state on the part of those engaging in overt discrimination, harassment, or violence. “Heterosexism” refers to an underlying assumption or expectation that everyone is heterosexual. Discrimination based on that assumption may be unintentional and unrecognized by the person or organization responsible for the discrimination. Because it is based on unexamined assumptions, it supports the development of institutional and societal bias. Both “homophobia” and “heterosexism” can result in discrimination based on sexual orientation. 14

“Transphobia” is the negative valuing, stereotyping and discriminatory treatment of individuals who do not conform in appearance and/or identity to conventional conceptions of gender. People who are trans, transgender, gender-nonconforming, non-binary, or intersex, and people who cross-dress, are typical targets of transphobia.15

13 Adapted from OHRC Fact Sheet: Racial Discrimination, Race and Racism.
14 See OHRC Policy on Discrimination and Harassment because of Sexual Orientation.
15 Ibid.
APPENDIX 4: COMPLAINT PROCEDURE FLOWCHART
All complainants and respondents will be informed of the outcome in writing.

APPENDIX 5: REPORTING PROCEDURE FLOWCHART