

## RESPECTFUL WORK AND LEARNING ENVIRONMENT POLICY

### PURPOSE

Brock University is committed to building and maintaining a diverse and inclusive community where our students, Staff, Faculty, course participants, volunteers and visitors can work and learn in an environment that respects the dignity and worth of members of the Brock community.

The purpose of the Respectful Work and Learning Environment Policy (the "Policy") is to:

- Develop and support a work and learning culture that values diversity and inclusion, fosters respect, and does not tolerate prejudice, Discrimination, or Harassment;
- Outline rights, responsibilities and types of behaviour which fall within the scope of the Policy;
- Make provision for support services, including training and awareness initiatives, to promote a respectful work and learning environment; and
- Outline procedures for handling and resolving complaints when the Policy is breached by Discrimination or Harassment.

### SCOPE

The Policy applies to all members of the University community including:

- All students, course participants, Staff, Faculty, and volunteers of Brock University; and
- Any visitors to Brock University.

The Policy applies to Harassment and Discrimination that takes place:

- a. on Brock University Premises; or
- b. off campus, where the conduct:
  - i. Occurs as part of a University event, program, or activity;
  - ii. Occurs when a Brock Student, Course Participant, Staff, Faculty or Volunteer is acting as a

- representative of Brock University at a non-University event, program, or activity; or
- iii. Has a sufficient nexus with University operations and may include online conduct.

The Policy is in effect at all times - fifty-two (52) weeks per year, seven (7) days per week, twenty-four (24) hours per day, and is not limited to working days.

The Policy does not cover issues of academic integrity, which are covered under other policies and procedures of the University.

The Policy shall be interpreted and applied in compliance with the University's obligations under any collective agreements. If any provision of this Policy is found to be inconsistent with the provisions of a collective agreement, the collective agreement will prevail to the extent of the inconsistency, unless the Policy provision is required by law, in which case the Policy provision will prevail.

The Policy does not limit the exercise by a person of any right to commence proceedings at the Human Rights Tribunal of Ontario or before any other legal body.

## POLICY STATEMENT

1. Brock University supports equity, diversity and the dignity of all people. The University promotes equality in our learning programs, services and employment and in the conduct of the University's affairs.

The University recognizes the following:

- A richly diverse society in Ontario, as well as beyond;
  - A duty to act in a manner consistent with existing legislation regarding human rights;
  - A commitment to academic freedom and freedom of thought, inquiry, and expression among its members that may result in respectful disagreements regarding beliefs or principles.
2. Brock University opposes behaviour that is likely to undermine the dignity, self-esteem or productivity of any of its members and prohibits any form of Discrimination or Harassment whether it occurs on University property or in

conjunction with University-related activities. Therefore, Brock University is committed to an inclusive and respectful work and learning environment, free from:

- Human rights Discrimination or Harassment;
- Workplace harassment;
- Sexual harassment; and
- Personal harassment, including bullying.

3. Harassment and Discrimination violate a person's human rights and run contrary to the University's fundamental values. Brock University will act promptly and efficiently to deal with these behaviours. It will endeavour to ensure that persons who believe that they have been subjected to Harassment or Discrimination are able to express concerns and register complaints without fear of retaliation or reprisal. The University will exercise care to protect and respect the rights of both the Complainant and the Respondent.

4. Brock University will establish mechanisms to give effect to the Policy including:

- Development and staffing of the Human Rights and Equity Office, which will be responsible for the administration of the Policy, including advising Complainants about their rights and options under the Policy and procedures, and overseeing investigations conducted under the Policy;
- Make training available for Faculty, Staff, students and volunteers, related to Harassment and Discrimination generally, and to the contents of this Policy and the University's program with respect to Harassment and Discrimination;
- Establish and implement awareness programs designed to enhance awareness of the Policy and Procedures relating to it.

5. Each year a report will be prepared by the Human Rights and Equity Office and made available to the University community concerning the number, type and disposition of cases and on educational and other activities related to the Policy. A copy of this report shall be forwarded to the Human Resources Committee of the Board of Trustees annually.

6. Brock considers Harassment and Discrimination in all forms to be serious offences. The Human Rights and Equity Services Office shall normally conduct Alternative Dispute

Resolution of matters falling under this Policy. Where breaches of the Policy have been found and cannot be resolved through alternative dispute resolution practices, such behaviour may attract discipline and sanctions in accordance with University codes of conduct for students, human resources policies, procedures and practices, and applicable collective agreements.

## **Rights and Responsibilities**

7. Every person has the right to participate, learn, and work in an environment that promotes equal opportunities and prohibits all forms of Harassment and Discrimination.
8. Brock University and all members of the University community share the responsibility of establishing and maintaining a climate of respect within this community and to address any situations in which respect is lacking. This means not engaging in, allowing, condoning or ignoring behaviour contrary to this Policy. The Policy is not meant to interfere with mutually acceptable social interactions that are an important part of a comfortable working and academic environment.
9. Faculty, Staff, Students, course participants, volunteers and visitors have the right to:
  - An environment which supports them in their work and study and which is free from Discrimination and Harassment;
  - Access the Policy and its Procedures for dealing with breaches and complaints;
  - Be supported in a sensitive and confidential manner, when addressing breaches and complaints, by members of the University who have been given relevant training;
  - Attend training opportunities related to diversity awareness and the Policy and Procedures; and
  - If the person is a Brock employee, report incidents or complaints of Workplace Harassment to a person other than the employer or the supervisor, if the supervisor or employer is the alleged harasser.
10. Faculty, Staff, Students, course participants, volunteers and visitors are responsible for:

- Their own behaviour and actions;
- Recognizing and supporting the right of everyone to be treated with dignity and respect at work and study and to maintain an environment in which this can flourish;
- Familiarizing themselves with the Policy, which may include attending training appropriate to their position within the University; and
- Taking the initiative in identifying Harassment and taking reasonable corrective or preventative action in accordance with the Policy. The University has a duty of care under health and safety, employment, and human rights legislation. Therefore, Faculty and Staff cannot ignore unacceptable behaviour and are encouraged to bring to the attention of the appropriate level of management any Harassment they might themselves receive or witness. The Policy does not inhibit firm but fair management, or reasonable actions taken by an employer or supervisor relating to the management and direction of workers or the workplace, in accordance with applicable collective agreements or other contractual obligations.

11. Senior administration and senior managers are responsible for:

- Ensuring workers are informed and instructed on the contents of the Policy and the University's program with respect to Workplace Harassment; and
- Ensuring that where it is necessary to take remedial or disciplinary action against a member of Faculty, Staff, Student, course participant, volunteer or visitor, this is done fairly and in accordance with the disciplinary measures within applicable collective agreements and University procedures.

12. The University recognizes its responsibility to ensure that every person in its community is protected from unlawful Discrimination and Harassment in accordance with the Ontario Human Rights Code. Any action or failure to act that results in Harassment or Discrimination on any of the grounds enumerated under the Code will not be tolerated by the University.

The University also recognizes and commits to its responsibilities as an employer to ensure that its workers are protected from Workplace Harassment in accordance with Ontario's Occupational Health and Safety Act, including:

- Its responsibility to develop and maintain a written policy and program with respect to Workplace Harassment;
- Its responsibility to ensure that the University's program with respect to Workplace Harassment complies with the requirements set out in the Occupational Health and Safety Act;
- Its responsibility to ensure that an investigation is conducted into incidents and complaints of Workplace Harassment that is appropriate in the circumstances, is in accordance with applicable collective agreements and other contractual obligations, and complies with the University's duties under the Occupational Health and Safety Act; and
- Its responsibility to provide information and instruction to workers with regards to the Policy and the University's program with respect to Workplace Harassment.

### **Accountability**

13. The Human Rights and Equity Office is responsible for:

- Communicating about the Policy and related Procedures;
- Developing and implementing training and instruction on the Policy and related Procedures;
- Administration of the Policy and related Procedures;
- Working with Human Resources, Student Affairs, and the University's Legal Counsel in interpreting the Policy and related Procedures; and
- Working with the University Secretariat to advise the President when a formal review of the Policy is required.

### **Review**

14. A formal policy review will be conducted at least every three years.

### **DEFINITIONS**

No policy document can give a full description and definition of behaviours that fall within the meaning of

Harassment and Discrimination. The Human Rights and Equity Office will provide members of the Brock community with training opportunities that identify proscribed behaviours and outline them in greater depth.

Note that the definitions below apply to both the Policy and Procedures documents.

**Alternative Dispute Resolution:** a process that parties can use to reach their own agreement without going to court or trial. This can include personal resolution, informal resolution, Indigenous dispute resolution practices, mediation, negotiation, facilitation, settlement conferences, and other dispute resolution techniques.

**Brock University Premises:** buildings and lands owned, leased, operated, controlled, or supervised by the University.

**Complainant:** a person who initiates a complaint under the Personal Resolution, the Informal Resolution or the Formal Resolution processes herein.

**Course participants:** a person registered in a course or program of study offered through Professional and Continuing Studies or English as a Second Language Services, or any person who is auditing any course or program at Brock University.

**Disability:** as set out in the *Ontario Human Rights Code*, means,

- (a) 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, includes diabetes mellitus, epilepsy, a brain injury, 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 other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or

- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act.

**Discrimination:** differential treatment of an individual or group which is based on a personal characteristic of that individual or group and which has an adverse impact on them. Personal characteristics include: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identification, gender expression, age, marital status, family status, disability, record of offences (in employment only), and receipt of public assistance (in accommodation only) as defined by the *Ontario Human Rights Code*. "Human Rights Discrimination" may include or be linked to "Workplace Sexual Harassment," as defined below.

**Faculty:** teaching and/or research staff of the University, including Professors, Librarians, Associate Professors, Assistant Professors, Adjunct Professors, and Lecturers.

**Harassment:** a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Single acts of sufficient severity may also constitute harassment. "Harassment" includes: "

- **Bullying:** engaging in aggressive and typically persistent behaviour that is physically or verbally abusive in nature and may involve misuse of power, open humiliation, spreading malicious rumours, intentional ostracism, threatening or offensive language, repeated unfair criticism, and/or undermining an individual's ability or position, which results in damage to the individual's health, productivity, or work relationships and/or reduced feelings of self-confidence, self-esteem, or self-worth. Bullying does not include a reasonable action taken by an employer or supervisor relating to the management or direction of workers or the workplace.
- **Human Rights Harassment:** engaging in a course of vexatious comment or conduct that is known to be or ought reasonably to be known to be unwelcome to an individual a person or group, whether intended or not, based on: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identification, gender expression, age, marital status, family status, disability, record of offences (in



employment only), and receipt of public assistance (in accommodation only) as defined by the *Ontario Human Rights Code*. "Human Rights Harassment" may include or be linked to "Workplace Sexual Harassment," as defined below.

- **Personal Harassment:** one or a series of objectionable and unwelcome comments or conduct directed toward a specific person or group of persons which diminish the dignity of the recipient(s) and serve no legitimate work or academic related purpose, and/or have the effect of creating an intimidating, humiliating or hostile work or learning environment.
- **Sexual Harassment:** includes but is not restricted to:
  - (a) any unwanted attention of a sexually oriented or gender-oriented nature directed at an individual a person or group by another person or group of the same or opposite sex who knows, or ought reasonably to know, that this attention is unwanted;
  - (b) engaging in a course of vexatious comment or conduct because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;
  - (c) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the recipient thereof, and the person making the solicitation knows or ought reasonably to know that the solicitation or advance is unwelcome;
  - (d) any implied or expressed promise of reward for complying with a sexually oriented request or advance;
  - (e) any implied or expressed threat of reprisal for refusing to comply with an implied or expressed sexually oriented request;
  - (f) any inappropriate behaviour, verbal or physical, of a gender- or sexually oriented nature that either interferes with the academic or work environment of an individual a person or group or creates an intimidating or hostile atmosphere.
- **Workplace Harassment:** engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably known to

be unwelcome. It may also include Sexual Harassment, as outlined above. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not Workplace Harassment.

**Managers:** Faculty or Staff who supervise other employees of the University.

**Reprisal:** an action or threat that is intended as retaliation or punishment for a person claiming or enforcing a right or participating in an investigation process under the Policy.

**Respondent:** a person against whom a complaint has been made under the Policy and includes an alleged harasser.

**Senior Administration:** includes the President, Provost, Vice-Presidents, Vice-Provosts, Associate Vice-Presidents, Executive Directors, Deans, and University Librarian.

**Senior Managers:** includes Directors, Associate Deans, Associate University Librarians, Associate Directors, and Assistant Directors who manage departments.

**Staff:** any person employed by the University (except "Faculty" as defined above), whether full or part time, including Managers, Senior Managers and Senior Administration. Students may also be employed as Staff of the University and shall be treated as Staff under the Policy where an incident occurs within the scope of their employment.

**Student:** a person who is registered in a course of study approved by the Senate; engaged in any academic work which leads to the recording and/or issue of a mark, grade or statement of performance by the appropriate authority in the University or another institution; entitled to a valid student card who is between sessions but is entitled because of student status to use University facilities; and/or participating in the English Language Program. Staff of the University may also be students at the University. Staff shall be treated as a "student" under the Policy where an incident occurs while they are acting within their role as a student and outside the scope of their employment.

**Vexatious:** lacking a sufficient ground and only serving to annoy and distress.

**Visitor:** a person who is attending Brock University premises for educational, employment, recreational or other purposes but is not a student, course participant, Staff or Faculty member of the University, as defined by the Policy. This would include: members of the local community attending events held on campus or making use of recreational facilities on campus, guests of students, Staff and Faculty, guests of Conference Services staying in residence accommodation, and contractors or other persons working on Brock University premises but not employed by Brock University.

**Volunteer:** a person who provides services to the University for which they are not being paid. Where a volunteer is also a student, Staff, or Faculty member, they will be treated as a Student, Staff, and Faculty member under the Policy.

**Working Days:** Mondays to Fridays, excluding Saturdays, Sundays and paid holidays observed by the University.

#### COMPLIANCE AND REPORTING

This Policy is under the jurisdiction of the President. The interpretation and application of this Policy is the shared responsibility of Human Resources, the Human Rights & Equity Office, and the University's Legal Counsel.

Policy Owner:	Office of the President
Policy Lead:	Human Resources; Human Rights & Equity Office
Policy Classification:	Board
Approval:	Board of Trustees, Human Resources Committee
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Related documents:	Employment Accommodation Policy Accessibility Policy Sexual Violence Policy Workplace Violence Prevention Policy

	Student Code of Conduct Employment Equity Policy Residence Community Standards Applicable Collective Agreements
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