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Discrimination, Harassment and Duty to Accommodate Policy

Office of Accountability:	Provost and Vice-President (Academic) Vice-President (Finance and Administration)
Office of Administrative Responsibility:	Vice-Provost and Dean of Students Vice-Provost and Associate Vice-President (Human Resources)
Approver:	Board of Governors (Board Human Resources and Compensation Committee) General Faculties Council (GFC Executive Committee)
Scope:	Compliance with this University policy extends to all members of the University community.

Overview

As a leading teaching and research institution whose work is local, national, and international, the University of Alberta is responsive to the needs of a diverse student population and workforce, as well as to the urban, rural, francophone, aboriginal, and multicultural communities in which it does its work. The University is enriched by diversity, and it welcomes and seeks to include many voices, including those that have been under-represented or excluded.

This policy is guided by the following principles:

1. **Equity**
Equity is about fairness: in access – to education, to employment – and in opportunity to succeed in these domains. As a guiding principle of this policy, equity reflects an understanding that the University of Alberta is an increasingly diverse community and that it will respect and value the differences of its members.

2. **Responsibility**
Responsibility for achieving a work, study, and living environment free of harassment and discrimination falls on every member of the University community. All members can reasonably expect to pursue their work and studies in a safe and respectful environment. Neither the University nor any members of the University community shall practice or condone any discriminatory or harassing conduct that adversely affects the pursuit of work and study or life on campus. Members of the University community who are aware of acts of discrimination or harassment are encouraged to take appropriate steps to stop the discriminatory or harassing behavior. Advice and assistance may be sought from anyone in a position of authority, such as a supervisor, instructor or administrator. More formal advice and assistance may be sought from the Office of Safe Disclosure and Human Rights (OSDHR), Student OmbudService (SOS), the Association of Academic Staff University of Alberta (AASUA), the Non-Academic Staff Association (NASA), Health Promotion and Worklife Services (HPaWS), the Office of the Dean of Students and Specialized Support and Disability Services (SSDS).

3. Academic Freedom

The University of Alberta's motto, *Quaecumque Vera* (whatsoever things are true) declares the University's commitment to academic freedom and freedom of speech. As an institution of higher learning and research, the University is devoted to discovery, debate, difference of opinion, and the careful and public weighing of ideas and actions. Members of the University have the right to pursue the truth in their research and publications, artistic creations, teaching, learning, service, and public debate. This includes the right to question and criticize the status quo. Academic freedom, however, is not without limits. It is not, for example, a justification or license for discrimination or harassment or for preventing the lawful exercise of free speech.

Purpose

The purpose of this policy is to foster and protect a **respectful environment** for work, study, and living that supports the dignity and equality of all members of the University of Alberta. This policy expresses the University's commitment to a work, study, and living environment that is free of **discrimination** and **harassment**, and it ensures that the University of Alberta will meet both its obligations under law and its ethical responsibilities as an institution of higher learning. These legal and ethical responsibilities include the **duty to accommodate** and the provision of opportunities to persons who require **accommodation** based on a **protected ground**.

POLICY

1. DISCRIMINATION OR HARASSMENT

It is the policy of the University of Alberta that acts of discrimination or harassment committed by any member of the University community are strictly prohibited. For the purposes of this policy, discrimination and harassment in the work, study and living environment includes, but is not limited to: discrimination and harassment on University of Alberta property, at University-related functions, in the course of work-or-study assignments outside the University, at work-or-study-related conferences or training sessions, during work-or-study-related travel, or by phone, computer, or other electronic means.

Retaliation or reprisal against a person who has made a complaint, or against witnesses to a complaint, are similarly prohibited. Individuals who engage in retaliation may be subject to disciplinary action.

Any allegation of discrimination or harassment is a serious concern, and complaints will be addressed and resolved in a timely manner, whenever possible. Individuals who engage in harassing or discriminatory behaviours may be subject to disciplinary action. Individuals who have been adversely affected by harassing or discriminatory behaviours will be provided with an appropriate process for resolving their complaint.

The University also recognizes the serious nature of allegations of discrimination and harassment that are made in bad faith, and it may take disciplinary action should allegations of discrimination or harassment be shown to be malicious, frivolous, fraudulent, or vexatious. Submitting a complaint in good faith, even when the complaint cannot be proven, is not a violation of this policy.

Procedures on reporting and resolving discrimination or harassment complaints are published under this policy.

2. DUTY TO ACCOMMODATE

To assist members of the University to make their full contributions, the University of Alberta will take reasonable steps to accommodate individuals who are disadvantaged by employment, tenancy, or educational rules, standards, policies, or practices related to protected grounds to the point of **undue hardship**, or as required by law.

The University is committed to academic excellence. Accommodation of students with disabilities neither requires nor implies that the University lower its academic standards. Nor does accommodation relieve the student of the responsibility to develop the essential skills and competencies required by programs.

Accommodation of members of the University community requires the University to take appropriate steps to eliminate discrimination resulting from a rule, practice or barrier that has a negative effect on a person with a need for accommodation. The University's duty to accommodate is far-reaching. However, the law recognizes that, in certain circumstances, a limitation on individual rights may be reasonable and justifiable if the University can show that the discriminatory practice, standard, decision or rule is a "bona fide requirement" (BFR) or a "bona fide occupational requirement" (BFOR). To justify a practice, standard, decision or rule as a BFR or BFOR, the University must demonstrate, on a balance of probabilities, that the impugned practice, standard, decision or rule:

- a) was adopted for a rational purpose connected to the performance of the job or the provision of the service;
- b) was adopted in an honest and good faith belief that it was necessary to the fulfillment of the job or service;
- c) is reasonable and necessary to the fulfillment of the job or service.

To show that the practice, standard, decision or rule is reasonable and necessary, the University must demonstrate that accommodation of the employee or student would impose undue hardship on the University.

Procedures on requesting and dealing with accommodation issues are published under this policy and include examples of accommodation measures and assessing undue hardship.

3. RESPONSIBILITIES

While it is a guiding principle of this policy that all members of the University community share responsibility for creating and maintaining a work, study, and living environment free of discrimination and harassment, the University recognizes the following particular responsibilities.

- a. Board of Governors, General Faculties Council and President
Through its Board of Governors, General Faculties Council and President, the University of Alberta is responsible, in particular, for:
 - i. Providing effective policy and procedures on discrimination and harassment, including those for **informal resolution** and **formal resolution**.
 - ii. Providing effective policy and procedures for reasonable accommodation, when and to the extent required by law, to members of the University community.
 - iii. Providing for review of this policy from time to time and as required.

- b. The University of Alberta

The University has an overriding interest in maintaining an environment free from discrimination and harassment and may therefore itself initiate an investigation, or become a complainant, or continue with a complaint withdrawn by a complainant. The University of Alberta is responsible for:

- i. Ensuring that accommodation options are investigated in a respectful and timely manner with persons applying for accommodation.
- ii. Ensuring that requests for accommodation are addressed as appropriate pursuant to any applicable negotiated employment agreements, student policies and the terms of this policy.
- iii. Ensuring that when a complaint of discrimination or harassment is upheld, appropriate action is taken, regardless of the authority or seniority of the offender.
- iv. Considering whether a **remedy** may be offered to a member of the University community who has experienced discrimination or harassment.
- v. Ensuring that, through the Office of Safe Disclosure and Human Rights (OSDHR), education about, and information to create awareness of this policy are made available to all members of the University community.

- vi. Ensuring that, through OSDHR, easily accessible information on discrimination, harassment and the duty to accommodate can be found on the University website and that the information clearly outlines issues, describes the process for both **complainant** and **respondent** and for persons requesting accommodation and provides information about relevant support services on campus.
- vii. Ensuring that the University provides information to members of the University community regarding their right to seek accommodation.

c. Vice-Presidents, Deans, Directors and Chairs

Under this policy, Vice-Presidents, Deans, Directors, Department Chairs and other officers of the University have an administrative responsibility to uphold the University's policy on discrimination, harassment, and duty to accommodate. They are responsible within their portfolios for creating, supporting, and maintaining a work environment that is free of discrimination and harassment. This administrative responsibility includes, but is not limited to:

- i. Working to inform themselves and members of the University community for whom they are responsible of the provisions of this Policy and supporting awareness about discrimination, harassment, and duty to accommodate issues.
- ii. Promoting and supporting the educational efforts of the University to make its members aware of discrimination, harassment, and duty to accommodate issues and of their responsibility under this policy.
- iii. Supporting, participating in, and ensuring that within their portfolios, reasonable accommodation is provided when and to the extent required by law. If the need for accommodation is evident, responsibility for providing it may exist even if the person requiring it does not self-identify. Vice-Presidents have specific responsibility for authorizing and providing funds to assess accommodation options and have them implemented.
- iv. Participating in processes aimed at resolving complaints of discrimination and harassment and supporting the determined remedy as appropriate under the agreed-upon terms.
- v. Ensuring proper collection, retention of and access to accommodation records, which respects the privacy interests of the individual and the University's need for sufficient information to assess and implement accommodations.

d. Supervisory Staff, Instructors and Students

Supervisory staff, instructors and students are responsible for:

- i. Recognizing the responsibility of all members of the University community to understand discrimination, harassment, and duty to accommodate issues,
- ii. Working in partnership towards ensuring respectful work and learning spaces and promoting awareness about issues related to discrimination, harassment, and duty to accommodate.
- iii. Creating work and learning spaces in which members of the University community can raise questions about discrimination and harassment without fear of reprisal.

e. Office of Safe Disclosure and Human Rights (OSDHR)

The University employs a Safe Disclosure and Human Rights Advisor ["the Advisor"]. The Advisor's responsibilities include:

- i. Maintaining a safe, confidential and neutral space where members of the University can report concerns and/or make inquiries related to this Policy.
 - ii. Providing advice and information on policies and procedures relating to discrimination, harassment, and duty to accommodate to complainants, respondents, applicants for accommodation and members of the University community.
 - iii. Providing advice and/or referral services (including, but not limited to AASUA, NASA, Student OmbudService, Sexual Assault Centre, Specialized Support and Disability Services and Health Promotion and Worklife Services {HPaWS}) to any member of the University community who asks for help with a discrimination or harassment problem or with an application for accommodation.
 - iv. Developing and implementing an educational framework focused on preventing discrimination and harassment as well as informing or training members of the University community of the provisions of this Policy. This includes providing guidance on creating a work, study and living environment that is supportive of human rights.
 - v. Monitoring, where possible, resolution processes undertaken to resolve matters that arise under this policy to ensure they are fair and equitable for all, and expressing any concerns to the appropriate Vice-President.
 - vi. Reporting directly to the Associate Vice-President (Audit and Analysis) and submitting an annual report to General Faculties Council and to the Board of Governors.
- f. Specialized Support and Disability Services (SSDS)
- i. For Students
SSDS, the office responsible for providing specialized support and disability services, is guided by the mandate of the University of Alberta's Policy for Students with Disabilities of "attracting and retaining qualified students with disabilities". The office serves prospective and current students whose permanent disabilities involve conditions affecting mobility, vision, hearing, and physical and mental health. It coordinates the process of accommodating students with disabilities in cooperation with faculties, departments, and appropriate units by:
 - i. Evaluating the impact of the disability (based on formal documentation of disability and student information) in the context of meeting academic program requirements on a case by case basis.
 - ii. Making recommendations, and coordinating implementation of, reasonable accommodation without compromising academic standards and in keeping with the University's policies and human rights legislation.
 - iii. Promoting and advising on universal design and access to all areas of university life in which students with disabilities participate (such as classroom, lab and field experience learning, housing, recreation, electronic instruction and communication and university events).
 - iv. Working closely with university Facilities and Operations through the Accessibility Advisory Committee to promote universal design in capital projects.
 - ii. For Faculty and Staff
SSDS works in close liaison with the Student OmbudService, HPaWS, faculties, departments, and various other administrative units throughout the University to promote an inclusive and accessible teaching, research, and work environment for employees with disabilities and to advance recruitment initiatives consistent with the University's employment equity plan. To that end, the office:

- i. Promotes barrier-free workspaces and inclusive practices that accommodate disability.
- ii. Guides departments/units in understanding equity issues and the accommodation process.
- iii. Recommends specific accommodations which promote the individual's ability to meet work and professional competencies while diminishing impact of disability.
- iv. Facilitates or supports reasonable accommodation efforts and provides support to employees with disabilities and their supervisors and units.
- v. Provides consultation to, or referral of, faculty and staff members who experience difficulty meeting professional or work-related responsibilities due to disability.
- vi. Provides direct services such as communication support for deaf and hard of hearing employees, evaluation, training, and technical support with adaptive technology, access to materials in alternate format, loan of ergonomic furniture and equipment, and adaptive technology and software.
- vii. Working closely with university Facilities and Operations through the Accessibility Advisory Committee to promote universal design in capital projects.
- viii. Works closely with the offices that provide human resource services, environmental health and safety services, safe disclosure and human rights services, and specific units in supporting faculty and staff members with disabilities.

g. **Additional Resources**

A large variety of additional specialized support services, such as the Sexual Assault Centre, the Aboriginal Student Services Centre, Student Legal Services and the Chaplain's Association, can provide information, counseling, and support to persons involved in issues of discrimination, harassment, and accommodation. Those seeking advice or information as it pertains to University policy are encouraged to contact the Office of Safe Disclosure and Human Rights or the Student OmbudService which can also provide referrals to the support service units.

As part of its commitment to provide a work, study, and living environment free from discrimination and harassment, the University will review from time to time the resources needed to carry out this Policy.

DEFINITIONS

Any definitions listed in the following table apply to this document only with no implied or intended institution-wide use. [\[▲Top\]](#)

Members of the University Community	All employees, (including but not limited to, academic staff, support staff and administrators), adjunct professors, professors emeriti, lecturers, clinical staff, all students (including undergraduate students and graduate students), and post-doctoral fellows.
Respectful Environment	The respectful environment is characterized by a shared commitment to civility and human dignity. It values and respects academic freedom and it welcomes a diversity of perspectives. It recognizes and rejects activities that are harmful to mutual respect and is committed to educating members of the University about respect in work, study, and living environments. The work, study and living environment extends beyond the University's campuses and properties and includes, but is not limited to, University-related functions, work or study assignments outside the University, work or study-related conferences or training sessions, work or study-related travel.

<p>Discrimination</p>	<p>A distinction, whether or not intentional, based on a characteristic or perceived characteristic referenced in the Protected Grounds that has the effect of imposing on an individual or group of individuals burdens, obligations or disadvantages that are not imposed on others, or of withholding or limiting access to opportunities, benefits and advantages available to other individuals in society.</p>
<p>Harassment</p>	<p>Conduct or comment, either one-time or repeated that:</p> <ul style="list-style-type: none"> a) is demeaning, intimidating, threatening, or abusive; and b) is not trivial or fleeting in nature; and c) causes offence and should have reasonably been expected to offend; and d) serves no legitimate purpose for the work, study or living environment, and e) undermines authority or respect in the work, study or living environment, or impairs work or learning performance, or limits opportunities for advancement or the pursuit of education or research, or creates an intimidating, hostile or offensive work or learning environment. <p>Harassment includes <u>bullying</u>, which is a form of aggression that may include physical, verbal, or emotional abuse. Bullying poisons the work, study or living environment of the person it targets. It can include persistent, offensive, abusive, intimidating or insulting behavior, abuse of power, and/or unfair sanctions which make the individual feel threatened, humiliated, and/or vulnerable.</p> <p><u>Sexual Harassment</u> may be broadly defined as unwelcome conduct or comment of a sexual nature which detrimentally affects the work, study or living environment or otherwise leads to adverse consequences for the target of the harassment. It may consist of unwanted sexual attention, sexually oriented remarks or behaviours, or the creation of a negative psychological and emotional environment based on gender, gender identity or sexual orientation. It may be an isolated act or repetitive conduct, but cannot be trifling. A reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance may also constitute sexual harassment.</p> <p>The person(s) engaged in harassment need not have the intention to harass; it is the objective assessment of the circumstances that matters. How would a reasonable observer perceive the situation? A complainant need not expressly object to unwelcome conduct or comments, although any clear indication that the behaviour is unwanted will satisfy the test. A complainant's apparent passivity or failure to object overtly to sexual advances does not necessarily signal consent or welcomed behaviour, especially where a power imbalance exists between the individuals.</p> <p><u>Racial Harassment</u> involves unwanted or unwelcome comments, conduct or behavior that humiliates, intimidates, excludes or isolates an individual or group by focusing on their race, ethnicity, origin or religion. Overall, racial harassment undermines self-esteem and is a violation of the dignity and security of the individual or group(s) that it targets.</p>

Duty to Accommodate	<p>The duty to accommodate obligates the University to make reasonable adjustments, to the point of undue hardship or as required by law, to the delivery of services (including teaching and the method of evaluation) and the conditions of employment in order to reduce or eliminate the impact of discriminatory rules, policies, practices, standards, terms of employment, or decisions, which have an adverse impact on an individual or group of individuals based on a characteristic or perceived characteristic referenced in the Protected Grounds.</p>
Accommodation	<p>Accommodation is the process of making reasonable adjustments to the delivery of services and the conditions of employment in order to reduce or eliminate the impact of discriminatory rules, policies, practices, standards, terms of employment, or decisions, which have an adverse impact on an individual or group of individuals based on a characteristic or perceived characteristic referenced in the Protected Grounds. Accommodation is a shared responsibility between the University and the individual in need of accommodation, and is assessed on the unique circumstances of each individual. The process requires reasonable accommodation, not instant or perfect accommodation. The recipients of accommodation (e.g. students, faculty and staff) may be required to try different accommodation options. The University is required to provide reasonable accommodation up to the point of undue hardship.</p> <p>Accommodation of students neither requires nor implies that the University lower its academic standards. Nor does accommodation relieve the student of that student's responsibility to develop the essential skills and competencies required by programs.</p>
Protected Grounds	<p>Discrimination is prohibited based on the following protected grounds:</p> <ul style="list-style-type: none"> a) race b) colour c) ancestry d) place of origin e) religious beliefs f) gender (including pregnancy and gender identity) g) physical disability h) mental disability i) marital status j) family status k) source of income l) sexual orientation m) age n) political beliefs; <p>or any other groups as amended from time to time.</p>
Undue Hardship	<p>The University has a duty to take reasonable steps to accommodate individual needs to the point of undue hardship. Undue hardship occurs when accommodation would create onerous conditions for the University.</p> <p>While undue hardship will be decided in the circumstances of each case, onerous conditions, including but not limited to the following, should be considered:</p> <ul style="list-style-type: none"> a) when there is a risk to the safety of others or a substantive risk of personal injury to the person seeking accommodation.

	<ul style="list-style-type: none"> b) when financial cost is such that a program or service would cease to exist due to the financial burden of the accommodation, or other circumstances where it would be unreasonable to expect the University to bear the costs of accommodation. c) When accommodation alternatives would result in lowering performance standards or in substantive job requirements being unmet. d) When the accommodation would be unduly disruptive to an academic staff or collective agreement or cause substantial detrimental effect on other employees. e) When an educational accommodation would result in essential elements of a service or a program not being offered to other students, or cause a detrimental effect on other students, as a result of accommodating an individual or a group of students. <p>All students are bound by the Code of Student Behaviour. Accommodation of students neither requires nor implies that the University lower its standards nor does accommodation relieve the student of their responsibility to develop the essential skills and competencies required by programs.</p>
Informal Resolution	<p>Informal resolutions are those that achieve remedies agreeable to complainants and respondents, but do not invoke formal resolution procedures. Informal resolutions involve the relevant parties, and may include coaching, counseling, supporting, mediating, or otherwise facilitating the resolution of the complaint. See procedures linked to this Policy.</p>
Formal Resolution	<p>Formal resolutions are effected through procedures described in the University's academic staff and collective agreements with AASUA and NASA, in the Code of Student Behaviour, in the Postdoctoral Fellows Policy or in the procedures linked to the Discrimination, Harassment and Duty to Accommodate Policy.</p>
Remedy	<p>The general purposes of a remedy are:</p> <ul style="list-style-type: none"> a) to restore, as closely as possible, to a person whose complaint of discrimination or harassment has been sustained, the position she or he would have been in had the discrimination or harassment not occurred; and b) To prevent further acts of discrimination or harassment. <p>A remedy will be appropriate to the individual case and severity of the finding of discrimination or harassment. It may include, but is not limited to, an apology, the creation of a policy, a promise or requirement to cease the behaviour, or a transfer.</p>
Complainant	<p>A complainant is a person who believes he or she has been a victim of discrimination or harassment and initiates a complaint against a member of the University community.</p>
Respondent	<p>A respondent is a member of the University community who has been accused of discrimination or harassment by a complainant.</p>

RELATED LINKS

Should a link fail, please contact uappol@ualberta.ca. [▲Top](#)

- [Administrative and Professional Officer Agreement](#) (University of Alberta)
- [Alberta Human Rights Act](#) (Government of Alberta)
- [Code of Student Behaviour](#) (University of Alberta)
- [Discrimination and Harassment Complaint Guidelines for Students](#) (University of Alberta)
- [Employment Equity and Human Rights](#) (Government of Alberta and Canada)
- [Ethical Conduct and Safe Disclosure Policy](#) (University of Alberta)
- [Faculty Agreement](#) (University of Alberta)
- [Faculty Service Officer Agreement](#) (University of Alberta)
- [Federal Contractors Program](#) (Government of Canada)
- [Helping Individuals at Risk Policy](#) (University of Alberta)
- [Human Resource Services](#) (University of Alberta)
- [Librarian Agreement](#) (University of Alberta)
- [NASA Collective Agreement](#) (University of Alberta)
- [Office of Safe Disclosure and Human Rights](#) (University of Alberta)
- [Postdoctoral Fellows Policy](#) (University of Alberta)
- [Sessional Agreement](#) (University of Alberta)
- [Specialized Support and Disability Services](#) (University of Alberta)
- [University of Alberta Protective Services](#) (University of Alberta)

PUBLISHED PROCEDURES OF THIS POLICY

- [Duty to Accommodate Procedure](#)
- [Discrimination and Harassment – Allegations Against Students Procedure](#)
- [Discrimination and Harassment – Allegations Against Staff Procedure](#)