



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

**Statement on
Prohibited Discrimination and Discriminatory Harassment**

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Statement on Prohibited Discrimination and Discriminatory Harassment

Purpose

1. The University aspires to achieve an environment free of prohibited discrimination and harassment and to ensure respect for the core values of freedom of speech, academic freedom and freedom of research. The purpose of this *Statement* is to promote a greater awareness of the rights and responsibilities entailed by these aspirations and to describe the manner in which the University deals with prohibited physical and verbal harassment (apart from harassment based on sex or on sexual orientation, which are dealt with in *Policy and Procedures: Sexual Harassment*).

The approach taken in the *Statement* is to reiterate the University's commitment to the rights of freedom from prohibited discrimination and harassment and to the rights of freedom of expression and inquiry, to recognize that the task of implementing and respecting those values within the unique environment of the University is a delicate one that precludes the use of blunt instruments, and to describe the responsibilities of various members of the University community and the institutional arrangements available to fulfill the commitment to a working and learning environment free from prohibited discrimination and harassment.

Foundation Documents

2. The University of Toronto *Statement on Prohibited Discrimination and Discriminatory Harassment* is based upon the principles set out in the following foundation documents:
 - (a) The University of Toronto *Statement of Institutional Purpose*
 - (b) The University of Toronto *Statement on Human Rights*
 - (c) The Ontario *Human Rights Code*
 - (d) The University of Toronto *Statement on Freedom of Speech*
 - (e) The University of Toronto *Employment Equity Policy*

Discrimination and Harassment

3. In its *Statement of Institutional Purpose* the University affirms its dedication "to fostering an academic community in which the learning and scholarship of every member may flourish, with vigilant protection for individual human rights, and a resolute commitment to the principle of equal opportunity, equity and justice." This principle is further explained in the University's *Statement on Human Rights* which states that the University

acts within its purview to prevent or remedy discrimination or harassment on the basis of race, gender, sexual orientation, age, disability, ancestry, place of origin, colour, ethnic origin, citizenship, creed, marital status, family status, receipt of public assistance or record of offence.

4. The Ontario *Human Rights Code* provides that employees have a right to

freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status or handicap.

The *Human Rights Code* further provides that occupants of accommodation have a right to

freedom from harassment by the landlord or agent of the landlord or by an occupant of the same building because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, marital status, family status, handicap or the receipt of public assistance.

5. Under the *Human Rights Code*, harassment is defined as "engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome." As well as being expressly prohibited as indicated above, such conduct may constitute discrimination when based on prohibited grounds.
6. In addition, the *Human Rights Code* provides that:

Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or handicap.

This provision has been interpreted to include the provision of education to students.

The *Human Rights Code* further requires that employees of the University be accorded equal treatment without discrimination on prohibited grounds, as well as according the right to equal treatment with respect to the occupancy of accommodation without such discrimination. Discrimination against employees on the basis of record of offences, and in respect of accommodation on the basis of receipt of public assistance is also prohibited.

7. According to the Human Rights Commission, offensive or threatening comments or behaviour which create a "poisoned environment" in the workplace or in the provision of services or accommodation, whether or not amounting to harassment, may violate the right to equal treatment without discrimination.
8. Accordingly, the University of Toronto and all members of its community are both morally and legally bound to foster a learning and working environment free from prohibited discrimination and harassment.

Freedom of Speech Academic, Freedom and Freedom of Research

9. The University's commitment to a learning and working environment free from prohibited discrimination and harassment must take account of what the University of Toronto's *Statement of Institutional Purpose* has defined as "the most crucial of all human rights" within the unique context of the university, "the rights of freedom of speech, academic freedom and freedom of research". The *Statement of Institutional Purpose* also affirms that

these rights (of freedom of speech, academic freedom and freedom of research) are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself.

10. These rights are further explained in the University's *Statement on Freedom of Speech*.

Reconciling Competing Rights

11. The task of respecting the rights of freedom from prohibited discrimination and harassment together with freedom of expression and inquiry is difficult and complex, and raises issues which lie at the very core of the University's purpose and mission. Attempts to formulate a comprehensive code of conduct which defines precisely what is permitted and what is forbidden are impractical because of the difficulty of anticipating the range of possible conflicts and determining in advance the proper balance.
12. The University aspires to achieve an appropriate balance between these rights in order to maximize the capacity of every individual to flourish to the fullest extent possible. A detailed code or policy runs the serious risk of giving one right or value undue emphasis or priority, and thereby inhibiting and interfering with the ability of the University to live up to its highest aspirations.

Responsibilities of Individuals

13. It is the responsibility of every member of the University community, including visitors and persons on campus in the conduct of University business to adhere to University policies and to support and promote its aim of creating a climate of understanding and mutual respect for the dignity and rights of each individual. It is the responsibility of every member of the University community to respect both the rights of freedom of expression, academic freedom and freedom of research, and the University's institutional commitment and obligation to provide a learning and working environment free from prohibited discrimination and harassment.

Responsibilities of Academic and Non-academic Administrators and Supervisors

14. The University confers particular responsibilities upon its administrators and supervisors to implement University policies and to work diligently within their departments or divisions towards fulfilling the University's institutional commitment to provide a learning and working environment free of prohibited discrimination and harassment. This includes the responsibility to foster a non-discriminatory environment, to inform those under their authority of their responsibilities to avoid prohibited behaviour, to monitor activities within their jurisdiction, and to deal effectively with reports of prohibited conduct.

The Race Relations Office

15. In furtherance of its commitment to a learning and working environment free from prohibited discrimination and harassment, the University has established a Race Relations Office. The mandate of the Race Relations Officer is to provide the President and other members of the University community with advice and assistance in fostering the principles of equal opportunity and equity.

Responsibilities of Student Leaders and Organizations

16. While student leaders and organizations are not given specific institutional powers with respect to the implementation of University policies, they are encouraged to adopt policies and practices which will enhance the capacity of the University to provide a learning and working environment free of prohibited discrimination and harassment. In particular,
 - (a) newspapers publishing on the campuses of the University of Toronto are encouraged to develop a voluntary University of Toronto press council similar to the Ontario Press Council

- (b) college and residence student organizations are encouraged to promote an awareness of anti-discrimination and harassment policies and to review their activities in light of University policy.

Information and Education

17. The University, through the offices of the Provost, the Race Relations Office, the Sexual Harassment Office, the Office of the Vice-President Human Resources, the Equity Issues Advisory Group and the Student Affairs Office, has a responsibility actively to foster a learning and working environment free of prohibited discrimination and harassment by providing all members of the University community with access to appropriate information regarding the University's policies in this regard. In particular, the University has the responsibility to:
 - (a) inform and remind administrators and supervisors of their responsibilities, provide supervisors and academic administrators with appropriate training, advice and information to fulfill their responsibilities, and
 - (b) make available appropriate written materials to all members of the University community describing the University's policies regarding prohibited discrimination and harassment and the University's institutional arrangements for ensuring respect for such policies.

Complaints

18. Complaints of harassment based on sex or sexual orientation should in all cases be referred to the Sexual Harassment Office in accordance with the *Policy and Procedures: Sexual Harassment*.

As with any violation of University policy, complaints of discriminatory or harassing behaviour should, in the first instance, be directed to the administrative officer or supervisor responsible for the department or division in which the incident is alleged to have occurred. Complainants may also seek the advice and assistance of the Sexual Harassment Office in the case of harassment on the grounds of family or marital status, or the Race Relations Office in the case of harassment on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship or creed. General advice about dealing with complaints of harassment may be sought from the Equity Issues Advisory Group, who may refer them to the appropriate office or assist directly in dealing with complaints of harassment based on age, handicap, receipt of public assistance or other grounds.

Administrative officers to whom concerns of harassment based on sex or sexual orientation are addressed should refer the complainant to the Sexual Harassment Officer. In the case of concerns based on other grounds, they are encouraged to seek the advice of the Convenor of the Equity Issues Advisory Group, the Sexual Harassment (for concerns based on family or marital status) or Race Relations office as the case may be and to make appropriate but discrete inquiries, take appropriate action if warranted, and report as appropriate on the disposition of the matter to the person who has referred the matter to her or him.

The Sexual Harassment Office, the Race Relations Office and the Convenor of the Equity Issues Advisory Group may also be asked to mediate any dispute should the complainant so wish. In dealing with incidents raised under this policy, administrative officers or supervisors shall act in accordance with the existing and applicable academic, administrative or disciplinary policies or procedures. Should a complaint result in adverse consequences for the person complained of, existing channels for questioning that decision will be available to that person. A complainant who is not satisfied with the handling of a complaint by the administrative officer responsible may pursue the matter with the person to whom that administrative officer reports or pursue the matter in accordance with the existing and applicable academic, administrative or disciplinary policies or procedures.

Members of the University community retain the right to bring a complaint directly to the Ontario Human Rights Commission in accordance with the provisions of the Ontario *Human Rights Code*.

19. Persons may seek enforcement of this policy without reprisal or threat of reprisal by any person acting on behalf of the University for so doing.
20. To better enable the University community, including the University's officers, to fulfill effectively its commitment to a learning and working environment free from prohibited discrimination and harassment, the Equity Issues Advisory Group shall make annual reports, through the President, to Governing Council assessing the efficacy of these policies.

April, 1994