



HUMAN RIGHTS POLICY

Policy Type:	Management	Initially Approved:	June 27, 2013
Policy Sponsor:	General Counsel and University Secretary	Last Revised:	May 19, 2021
Primary Contact:	Associate General Counsel	Review Scheduled:	May 19, 2021
Approver:	Board of Governors		

A. PURPOSE

Mount Royal is committed to creating and maintaining a supportive working and learning environment that is free from Discrimination and Harassment as defined under the Alberta Human Rights Act (“the Act”). In keeping with efforts to establish and maintain an environment in which the dignity and worth of all members of the University community are respected, it is the policy of the University that Discrimination and Harassment of students, employees and visitors to our campus is unacceptable and will not be tolerated.

B. SCOPE

This Policy applies to all employees (full-time, part-time, casual, contract employees), to all students (full-time, part-time, credit and non-credit) attending classes at the University. In general, the Policy applies in employment and the provision of services, including educational settings inside and outside of the classroom and other services such as the BookStore and Recreation. Persons present at the University who are not employees or students are also expected to abide by the provisions of this Policy. Such persons who violate the Policy may be asked to leave the premises.

C. POLICY STATEMENT

1. PRINCIPLES

- 1.1 The University recognizes the rights of individuals to participate fully in the life of the institution.
- 1.2 The University promotes awareness, advocacy and learning partnerships amongst the whole of the University community. In recognition of the diverse population it serves, the University is committed to providing a respectful, inclusive, and Barrier-free environment within the limits of Undue Hardship.
- 1.3 The principles of this Policy are intended to be used in support of any decisions made through other University policies, where the Act is applicable.
- 1.4 The University recognizes the variety of rights enjoyed by members of the campus community, including rights that are unique to the campus environment, such as academic freedom. Notwithstanding the range of values and interests held by

members of our community, international conventions, the Canadian Charter of Rights and Freedoms, provincial Human Rights legislation and legal decisions all recognize the paramount importance and unique status of Human Rights. Academic freedom does not imply the right to engage in any action that demeans the freedom or dignity of other individuals in the campus community.

- 1.5 All members of the University community will be treated equitably under all University policy.
- 1.6 All members of the University community have a responsibility for ensuring that the institution's learning and working environment is free from Discrimination or Harassment. All employees in a teaching or supervisory position bear a significant responsibility for promoting a learning and working environment free from Discrimination or Harassment. It is the responsibility of a manager, supervisor, instructor, or faculty member to take immediate and appropriate action to report or deal with incidents of Discrimination or Harassment of any type, whether brought to their attention or personally observed. Under no circumstances should a concern or a complaint be dismissed or downplayed nor should anyone be told to deal with it personally. The University has resources available to address conduct related matters, and all members of the University community should be aware of University policies or processes that allow for individuals to raise a concern or make a complaint.
- 1.7 The University has a duty to provide reasonable accommodation up to the point of Undue Hardship.
- 1.8 Nothing in this Policy or any other University policy shall detract from the right of an employee or student to make inquiries or register a complaint, at any time, as appropriate, through:
 - a. a human rights complaint with the Alberta Human Rights Commission within one year of the alleged contravention of the Act;
 - b. their own Association's internal processes;
 - c. a complaint under the *Occupational Health and Safety Act*;
 - d. criminal charges.

D. DEFINITIONS

- (1) **Barrier:** is a structure, design, practice and/or criterion that prevents or impedes a person from accessing a facility or service.
- (2) **Competing Rights:** In general, Competing Human Rights involve situations where parties to a dispute claim that the enjoyment of an individual or group's Human Rights and freedoms, as protected by law, would interfere with another's rights and freedoms. This complicates the normal approach to resolving a Human Rights dispute where only one side claims a Human Rights violation. In some cases, only one party is making a Human Rights claim, but the claim conflicts with the legal entitlements of another party or parties.

(3) Discrimination:

is defined as one or a series of unwanted behavior or communication in any form including by telephone and electronic format, directed towards an individual or members of an identifiable group because of a prohibited ground of Discrimination. Prohibited grounds of Discrimination, as identified by the Act, and at the University are:

Race
Ancestry
Religious Belief
Physical Disability
Age
Marital Status
Family Status
Colour
Place of Origin
Mental Disability
Sexual Orientation
Source of Income
Gender
Gender Identity
Gender Expression

Discrimination is behavior which is may be rooted in prejudicial attitude. Discrimination is an act of differentiated treatment towards an individual as a member of a group or towards a group, which can disadvantage an individual or group. Discrimination often excludes an individual from a right or privilege to which he/she would otherwise be entitled.

Whether it is colleague to colleague, supervisor to subordinate, subordinate to supervisor, employee to student, student to employee, or student to student, Discrimination introduces a disruptive element into The University's environment which endangers the well-being and job performance or educational experience of the individual.

(4) Discriminatory Materials:

Discrimination/Sexual Harassment may also include the public display of Discriminatory Materials. Discriminatory Materials will be considered to include those items which contravene either:

(a) The Act, which states, in part:

"No person shall publish issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation that:

- (i) indicates Discrimination or an intention to discriminate against a person or a class of persons, or
- (ii) is likely to expose a person or a class of persons to hatred or contempt because of the race, religious beliefs, colour, gender, physical disability, mental disability, age,

ancestry, place of origin, marital status, source of income or family status of that person or class of persons."

or,

(b) The Criminal Code of Canada which makes it an offence to display obscene material or pictures and states in part:

"For the purposes of this Act, any publication, a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty, and violence, shall be deemed to be obscene."

For procedures regarding the handling of Complaints concerning Discriminatory Materials, refer to the Offensive/Discriminatory Materials policy.

(5) Duty to Accommodate:

The Duty to Accommodate refers to the obligation of an employer or service provider to take measures to eliminate disadvantages to employees, prospective employees or clients that result from a rule, practice or physical Barrier that has or may have an adverse impact on individuals or groups protected under this Policy and the Act. the University has a Duty to Accommodate to the point of Undue Hardship. In the the University context, the University is both an employer and a service provider and clients mean any student or other member of the community wishing to make use of our services or facilities (e.g., public members of Recreation or individuals attending a play). The Duty to Accommodate recognizes that true equality means respecting individual's different needs.

For more information about academic accommodations for students experiencing disabilities, please refer to the University's Academic Accommodation for Students Experiencing Disabilities policy.

(6) Harassment:

is a discriminatory practice, in the provision of educational and employment opportunities and related support services, to harass an individual on a prohibited ground of Discrimination. Harassment occurs when:

(a) submission to such conduct is made either explicitly or implicitly a term or condition of employment or of educational progress, and/or

(b) submission to or rejection of such conduct is used explicitly or implicitly for employment or assessment decisions affecting that individual employee or student, and/or

(c) such conduct has the effect of interfering with an employee's work performance or a student's educational experience, or creates an intimidating, hostile or offensive work or educational environment.

Harassment is behavior that is known or thought reasonably to be known as unwelcome. Harassment can include, but is not limited to remarks, jokes or actions which demean or humiliate another person and which deny individuals their dignity and respect. It is the impact of behaviour on the Complainant, subject to the reasonable person test, and not the intent of the Respondent, that defines the comment or conduct as Discrimination or Harassment.

- (7) Human Rights:** Human Rights are inalienable, indivisible, universal entitlements codified in international and domestic law. In Canada, they are protected and interpreted through:
- (a) The Canadian Charter of Rights and Freedoms.
 - (b) Provincial-territorial Human Rights legislation (e.g., Alberta's Human Rights Act).
 - (c) Decisions of tribunals and courts.
 - (d) Human Rights Commission policy statements, interventions and other mandated functions;
 - (e) International law/instruments (ratified treaties, treaty body comments/ decisions, and international and other jurisdictional court decisions).
- (8) Personal Harassment:** Personal Harassment is conduct or comments which are intimidating, threatening, demeaning or abusive and may be accompanied by direct or implied threats to grade(s), status or job and is behaviour which is known or ought reasonably to be known as unwelcome. Personal Harassment concerns that do not relate to one of the thirteen grounds referred to in this Policy should be handled according to the the University's Personal Harassment policy.
- (9) Policy:** means the Human Rights Policy
- (10) Sexual Harassment:** means unwanted or uninvited sexual advances, remarks, gestures, sounds and actions that make a person feel unsafe, intimidated, degraded or uncomfortable, or their sexual integrity is compromised, even if the person harassing claims to have been only joking or didn't mean to offend. It includes bullying or coercion of a sexual nature, unwanted sexual attention or requests for sexual favours. It can also include threatening and/or unwanted phone calls, text messages, e-mails, letters and unwanted gifts.
- (11) Systemic Discrimination:** Systemic Discrimination (also referred to as substantive or institutional Discrimination) is a pattern of behaviour, policies or practices that are part of an organization, and which create or perpetuate disadvantages related to one or more of the prohibited grounds of Discrimination as set out in the Act. In many cases, Systemically Discriminatory policies and practices seem neutral on their face but when applied equally to all result in differential treatment to a particular group.

- (12) **Undue Hardship:** Undue Hardship refers to unreasonable and excessive challenges for the institution which may include but are not limited to:
- (i) The financial cost of the accommodation(s) will hurt the viability of the institution; and/or
 - (ii) There is significant interference with the rights of others; and/or
 - (iii) There are health and safety concerns; and/or
 - (iv) The accommodation would compromise Bona Fide Educational or Occupational Requirements.
- (13) **Universal Access/
Universal Design:** Universal Access/Universal Design is an approach to the design of all products, processes, procedures, systems, structures and environments. The goal is to make these as usable as possible by as many individuals as possible, regardless of ability. "Universal" does not imply one solution for everyone; rather, it reflects an awareness of the unique nature of each individual as well as the need to accommodate differences. The aim is to create learning and working experiences to suit the individual and to maximize the individual's ability to progress.
- (14) **University:** means Mount Royal University

E. RELATED POLICIES

- Academic Accommodation for Students Experiencing Disabilities Policy
- Code of Conduct – Employees Policy
- Code of Student Conduct Policy
- Offensive/Discriminatory Materials Policy
- Protected Disclosure (“Whistleblower”) Policy
- Sexual Violence Response Policy
- Universal Access Policy
- Workplace Violence and Harassment Prevention Policy

F. RELATED LEGISLATION

- *Alberta Freedom of Information and Protection of Privacy Act*
- *Alberta Health Information Act*
- *Alberta Human Rights Act*
- *Alberta Occupational Health and Safety Act*
- *Canadian Charter of Rights and Freedoms*

G. RELATED DOCUMENTS

H. REVISION HISTORY

Date (mm,dd,yyyy)	Description of Change	Sections	Author (Position Title)	Approver (Position Title)
06/27/2013	NEW			
01/22/2020	Editorial	Template Update	Policy Specialist	University Secretary
05/19/2021	Expedited Policy Revision	All Sections	Policy Specialist	President and Vice-Chancellor