

Employment Equity, Human Rights, and Individuals at Risk Definitions 2016-2017

1. Discrimination, Harassment and Duty to Accommodate Policy (UAPPOL): 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.

2. Individual At Risk: A member of the University community who has exhibited *Worrisome Behaviour*.

3. Worrisome Behaviour: Words or conduct that, while not indicative of a clear immediate threat, give rise to a reasonable apprehension that an individual may be at risk of harming him/herself or others in the future. (Examples at www.disclosure.ualberta.ca)

4. Bullying: Bullying, a sub-set of harassment, 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.

5. Discrimination: 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.

6. Protected Grounds: Discrimination is prohibited based on the following protected grounds:

- a. **Race** – Belonging to a group of people related by common heritage
- b. **Religious Belief** – System or belief, worship and conduct (includes Aboriginal Spirituality)
- c. **Colour** – Colour of a person's skin
- d. **Gender** – Being male, female, or transgender. Also protected under gender are pregnancy and sexual harassment

- e. **Gender Identity** – Refers to a person’s internal, individual experience of gender, which may not coincide with the sex assigned to them at birth. A person may have a sense of being a woman, a man, both or neither. Gender identity is not the same as sexual orientation, which is also protected under the “Alberta Human Rights Act.”
- f. **Gender Expression** refers to the varied ways in which a person expresses their gender, which can include a combination of dress, grooming, demeanour, social behaviour and other factors.
- g. **Physical Disability** – Any degree of physical disability, deformity, malformation or disfigurement that is caused by injury, birth defect or illness. This includes, but is not limited to, epilepsy, paralysis, amputation, lack of physical coordination, visual, hearing and speech impediments, and physical reliance on a guide dog, wheelchair or other remedial appliance or device.
- h. **Mental Disability** – Any mental disorder, developmental disorder or learning disorder regardless of the cause or duration of the disorder.
- i. **Marital Status** – The state of being married, single, widowed, divorced, separated, or living with a person in a conjugal relationship outside marriage.
- j. **Ancestry** – Belonging to a group of people related by a common heritage.
- k. **Age** – Defined in the Alberta Human Rights Act as “18 years or older”. Persons who are under 18 years of age can make complaints on all grounds except the ground of age.
- l. **Place of Origin** – Place of birth
- m. **Family Status** – Being related to another person by blood, marriage or adoption.
- n. **Source of Income** – Defined in the Alberta Human Rights Act as lawful source of income. The protected ground of source of income includes any income that attracts a social stigma to its recipients, for example, social assistance, disability pension, and income supplements for seniors. Income that does not result in social stigma would not be included in this ground.
- o. **Sexual Orientation** – This ground includes protection from differential treatment based on a person’s actual or presumed sexual orientation, whether homosexual, heterosexual or bisexual.
- p. **Political Belief** - Additional protected ground defined by the *University of Alberta*

7. Duty to Accommodate: 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.

8. Undue Hardship: 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. While undue hardship will be decided in the circumstances of each case, onerous conditions, including but not limited to the following, should be considered:

- a. When there is a risk to the safety of others or a substantive risk of personal injury to the person seeking accommodation.
- 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. 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.

9. Employment Equity: Canada's Employment Equity Act is concerned about removing barriers that have a discriminatory impact or the potential to have a discriminatory impact, especially on four groups of individuals federally designated as being underrepresented in employment in Canada: Aboriginal peoples, persons with disabilities, members of visible minorities, and women. The University of Alberta is signatory to the Federal Contractors' Program, a federal government employment equity program. Opening Doors: A Plan for Employment Equity at the University of Alberta was approved by GFC and the BOG in 1994. An updated Plan is being circulated amongst senior executive.

10. **Harassment:** Conduct or comment, either one-time or repeated that:
- 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.

11. **Sexual Harassment** 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.

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.

12. **Racial Harassment** 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.