



NSCAD Policy on Discrimination and Harassment

May 29, 2006

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NSCAD University

Policy on Discrimination and Harassment

INTRODUCTION

NSCAD is a university of the visual arts singularly dedicated to the pursuit of excellence in the training of professional practitioners, in the conducting of research, and in the production of works of art in all media. ¹

Discrimination and harassment undermine these objectives and violate the fundamental rights, personal dignity and integrity of individuals or groups of individuals. NSCAD is committed to a learning and working environment that is free of discrimination and/or harassment.

1 SCOPE

This Policy applies to NSCAD University and all of its locations and to all members of the university community. These include the Board of Governors, administrators, faculty, students, staff, contractors, and visitors.

2 Laws, NSCAD Regulations and Collective Agreements as Foundation

The Nova Scotia *Human Rights Act* and *An Act Respecting Occupational Health and Safety* specifically legislate certain protections for the rights and physical safety of all individuals in Nova Scotia.

Collective agreements, the *Guide to University Policies and General Information* and the *Calendar*, contain clauses and/or policy statements regarding discrimination and/or conduct within the University, and the Health and Safety Committee is empowered to ensure the physical safety of all employees, students and visitors.

¹ Mission Statement.

The NSCAD University Policy on Discrimination and Harassment is intended to support and clarify the protection provided by Provincial laws, university regulations, and legal documents without detracting from the rights and obligations for work and study which are contained in them.

3 Academic Freedom:

This policy is not intended to detract from the rights of faculty, staff, students and visitors to engage in discussions of potentially controversial matters including, but not limited to age, race, politics, religion, sex, and sexual orientation. The “right to academic freedom of expression carries with it the duty to use that freedom in a responsible way, consistent with fair and ethical dealings with students and colleagues, and consistent with the performance of teaching ...”.²

The task of respecting the rights of freedom from discrimination and harassment together with freedom of expression and inquiry is complex. Therefore, NSCAD University wishes to achieve an appropriate balance between these rights in order to maximize the capacity of every individual in the pursuit of excellence in the training of professional practitioners, in the conducting of research and in the production of works of art.

4 POLICY STATEMENT

As a matter of policy, NSCAD University prohibits and will not tolerate acts of discrimination on grounds protected by human rights legislation, or any form of personal harassment committed by any member of, visitor to, or group within the university community. This policy applies to all students, employees, members of the Board of Governors, and visitors to NSCAD while engaged in university activities whether on or off campus.

5 DEFINITIONS

5.1 Discrimination:

Discrimination refers to intentional or unintentional treatment for which there is no bona fide and reasonable justification or other legally justifiable cause. Such discrimination imposes burdens, obligations, or disadvantages on specific individuals or groups as defined by the Nova Scotia Human Rights Act.

² FUNSCAD Unit I Collective Agreement, Article 8.01 (C).

Under s.5 of the Nova Scotia Human Rights Act the enumerated characteristics protected against discrimination are: age; race; colour; religion; creed; sex; sexual orientation; physical disability or mental disability; an irrational fear of contracting an illness or disease; ethnic, national, or aboriginal origin; family status; marital status; source of income; and political belief, affiliation, or activity.

5.2 Harassment

NSCAD will not tolerate any form of harassment (which includes sexual harassment).

Harassment is a form of discrimination. It is prohibited by law and may be related to any of the discriminatory grounds contained in the Human Rights Acts. Harassment is behaviour that a reasonable person would know to be unwelcome by the recipient(s) of the behaviour.

Harassment takes many forms, and includes any unwanted physical or verbal behaviour that offends, intimidates or humiliates another person in the course of employment or in the provision of a service and discriminates against him or her on the basis of personal characteristics described above.

Harassment can also be personal harassment, which is not related to discrimination, but involves repeated and deliberate behaviour which is intended to humiliate, intimidate or undermine another person.

Harassment between employees can occur at or away from the workplace. Harassment between an employee and a non-employee can occur within the course of employment; in the provision of goods, services or facilities.

5.3 Examples of harassment

While the following is not an exhaustive list, harassment may include:

- Verbal abuse or threats.
- Unwelcome remarks, jokes, innuendos or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, sex.
- Displaying of racist or other offensive or derogatory material.
- Practical jokes causing awkwardness or embarrassment.
- Intimidation.
- Condescension or paternalism which undermines self-respect.
- Actions or remarks intended to humiliate another person.
- Physical assault.

5.4 Retaliation

For the purpose of this policy, retaliation against an individual,

- (a) For having invoked this policy (on behalf of themselves or another individual),
- (b) For having participated or cooperated in any investigation under this policy,
- (c) For having been associated with the person who was involved in this policy or has participated in these procedures,

will be considered harassment. NSCAD considers retaliation or the threat of retaliation at any stage to be a serious offence because it prevents potential complainants and witnesses from acting on their concerns. Any employee found to have engaged in retaliation will be subject to disciplinary measures.

5.5 Sexual Harassment

Sexual harassment involves unwelcome sexually oriented conduct, comment, gesture, contact, correspondence (including electronic), or display (including internet access) that creates a working environment that is offensive, hostile, threatening or demeaning. Both males and females may be subject to sexual harassment. Acts of sexual harassment can take many different forms, some of which may not be apparent at first glance:

- (a) vexatious sexual conduct or a course of conduct that is known or ought reasonably to be known as unwelcome; or
- (b) a sexual solicitation or advance made by an individual where the other individual is in a position to confer a benefit on, or deny a benefit to, the individual to whom the solicitation or advance is made where the individual who makes the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- (c) reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance; or
- (d) sexually oriented remarks and behaviour which may reasonably be perceived to create a negative psychological and emotional working environment.

5.6 Examples of sexual harassment

While the following is not an exhaustive list, sexual harassment may include:

- explicit or direct invitations to engage in sexual activities;
- leering, staring, or other sexually oriented gestures;

- unwelcome or unsolicited remarks, jokes or innuendos about a person's gender, appearance or sexuality;
- sexist jokes or innuendos concerning sexual activities;
- the display of pornographic or lewd pictures or cartoons;
- unnecessary physical contact including touching, patting or pinching;
- continuing inquiries or comments about someone's sex life;
- physical assault.

6 Responsibilities Under this Policy

6.1 Individual Responsibility

All members of the NSCAD University Community have a general responsibility to adhere to and support this Policy.

6.2 Management Responsibility

Anyone who is a member of management or who has staff reporting to them has a responsibility to respond to a complaint of harassment or a known situation which may constitute discrimination or harassment.

6.3 NSCAD University Responsibility

NSCAD University will have the following responsibilities under this policy:

- to respond appropriately and without undue delay to all reports of discrimination or harassment, including seeking outside professional assistance to resolve complaints.
- the implementation and circulation of this policy.
- the designation of an individual responsible for the implementation of this policy, and the provision and training and resources for them to fulfill their responsibilities under this policy.

- the regular review of this policy and its procedures to ensure that they adequately meet the policy objectives.

7 COMPLAINTS

7.1 Complaints – Who to Talk to

- **Employees**

Complaints should be directed to the Director of Human Resources.

- **Students and Visitors**

Complaints should be directed to the Dean.

8 GENERAL PRINCIPLES

1. All complaints will be investigated without delay.
2. The President of NSCAD University will oversee the administration of this policy, the investigation and resolution of complaints.
3. Where disciplinary actions are imposed, Employees covered by collective agreements will have access to the grievance procedures outlined in their agreement.

9 CONFIDENTIALITY AND RECORDS

Records or reports of complaints, incidents, or investigations shall be maintained as confidential files and in accordance with federal privacy legislation and the terms and conditions of collective agreements or student record-keeping procedures.