

## 4.H-2023 Human Rights Policy

### 1. Overview

- 1.1 This policy applies to all St. Mary's University (the university) practices and community members working, acting as volunteers, or acting as representatives for the university share the responsibility and expectation of fair and equitable practices.
- 1.2 The university is committed to providing a respectful and inclusive campus free of discrimination for all current and prospective individuals of our community in alignment with the requirements of the *Human Rights Act (Act)*. Violations of human rights shall not be tolerated at the university. Achievement of a barrier-free environment within the limits of undue hardship requires the cooperation and dedication of everyone at the university. Individuals from the university community who are aware of acts of discrimination are encouraged to take appropriate steps in the Identifying, Responding and Reporting section of the [Respectful & Inclusive Community Policy](#) to prevent discriminatory behaviour.
- 1.3 Individuals at the university are also able to file a complaint if they believe they have been discriminated against in specific protected areas or specific protected ground under the *Act* with the aim of returning the complainant to the position or status they would have held if the discriminatory act had not occurred.

### 2. Scope

- 2.1 This policy applies to all current and prospective members of the university. For current members, this includes those in employment and the provision of services, as well as volunteers. This policy will be used to support any decisions made arising from other university policies, wherever the *Act* applies.

Approval Authority	Responsible Office	Effective Date	Date Last Revisited
President's Council	Human Resources	May 24, 2023	

- 2.2 This policy is not intended to limit academic freedom. Freedom of expression is an integral part of education at the university, while maintaining the dignity of others in the campus community.

### **3. Protected Areas**

- 3.1 Discrimination on campus, or during university-affiliated activities is prohibited under the Act. This includes, but is not limited to:

- Services
- Accommodations
- Employment practices
- Advertisements
- Committees
- Associations

### **4. Protected Grounds**

- 4.1 The definition of discrimination is unjust or prejudicial treatment of an individual based on protected grounds i.e., race, colour, ancestry, place of origin, religious beliefs, sex, sexual orientation, gender, gender expression, physical disability, mental disability, age, marital status, family status, source of income, or a conviction for which a pardon has been granted or a record suspended.
- 4.2 In addition to the areas and grounds discussed above, the Act protects Albertans in the area of equal pay pertaining to gender.

### **5. Guidelines & Procedures**

- 5.1 The university has a duty to provide reasonable accommodation up to the point of Undue Hardship. Undue Hardship refers to unreasonable and excessive challenges for the institution, which may include but are not limited to financial cost that would hurt the viability of the institution, significant interference with others' rights, health and safety concerns, or an accommodation that would compromise a bona fide educational or occupational requirement.

- 5.2 In situations where accommodations would cause Undue Hardship, the university will be responsible for assessing whether the protected ground would be a bona fide occupational requirement.

## **6. Process**

- 6.1 Individuals are free to choose the course of action that they wish to take to address their complaint. Some of the options include:

- deciding not to take any action
- raising concerns directly with the offending party
- requesting assistance with resolution by reporting the matter to a leader and relevant Human Resources personnel
- filing a complaint with Campus Integrity based on the situation

- 6.2 Cases that require accommodation for employees with disabilities can be referred to Human Resources, whereas cases involving students with disabilities shall be referred to Academic Access.

## **7. Confidentiality**

- 7.1 Confidentiality will be maintained at all times, to the fullest extent possible. The university pledges to respect the privacy of all concerned as much as possible, and will not disclose the circumstances related to an incident or the names of the complainant, the individual alleged to have committed the violence, and any witnesses, except where necessary:

- i. to investigate the incident or to take corrective action
- ii. to inform the parties involved in the incident of the results of the investigation and corrective action taken
- iii. to inform individuals of a specific or general threat of violence or potential violence
- iv. as required by law

- 7.2 Although employees may make anonymous complaints, the ability to address such complaints may be limited if there is insufficient information to determine the

appropriate next steps. Employees are encouraged to identify themselves when making complaints to help ensure that the requisite details are obtained to address their complaint appropriately.

- 7.3 In the instances of 7.1 in this policy, the university will disclose only the minimum amount of personal information required to inform relevant individuals of a specific or general threat of violence or potential violence.

## **8. Resources**

### **8.1 On-Campus Support Resources:**

- Human Resources personnel for all employees who experience discrimination i.e., faculty, administrative staff, independent contractors, and volunteers – [campus.integrity@stmu.ca](mailto:campus.integrity@stmu.ca)
- StMU Cares for students experiencing discrimination who require assistance and support - [cares@stmu.ca](mailto:cares@stmu.ca)
- Campus Security – 403-671-HELP (403-671-4357)

### **8.2 Off-Campus Support Resources:**

- Emergency Services – 911
- Calgary Police non-emergency services - 403-266-1234
- Employee Assistance Program (FSEAP) - 1-800-661-8246
- Distress Centre 24 hour crisis line (call or text) - 403-266-HELP (403-266-4357) or email [help@distresscentre.com](mailto:help@distresscentre.com)
- [Alberta Human Rights Act](#)
- [Alberta Human Rights Commission](#)

## **9. Definitions**

- 9.1 **Academic Freedom** – means “academic freedom” as defined in the St. Mary’s University Collective Agreement.
- 9.2 **Age** – an age that is 18 years of age or older, which means that individuals 18 and older are protected from age discrimination. Individuals under the age of 18 are

protected from discrimination in all the protected areas and on all of the protected grounds except the grounds of age.

- 9.3 **Ancestry** – belonging to a group of people related by a common heritage.
- 9.4 **Colour** - colour of a person's skin. Discrimination based on colour may include, but is not limited to, racial slurs, jokes, stereotyping, and verbal and physical harassment.
- 9.5 **Discrimination** - an action or decision that treats a person or a group badly based on the protected grounds under the *Human Rights Act*.
- 9.6 **Employee** – an individual who is a worker as defined under the *Occupational Health and Safety (OHS) Act*. See item 9.19 for definition of Worker.
- 9.7 **Family Status**: the status of being related to another person by blood, marriage, or adoption.
- 9.8 **Gender** - refers to the socially constructed roles, behaviours, expressions and identities of girls, women, boys, men, and gender diverse people. It influences how people perceive themselves and each other, how they act and interact, and the distribution of power and resources in society. Gender is usually conceptualized as a binary (girl/woman and boy/man) yet there is considerable diversity in how individuals and groups understand, experience, and express it. The ground of gender also includes pregnancy and sexual harassment.
- 9.9 **Gender Expression** - refers to varied ways in which a person expresses their gender, which can include a combination of dress, demeanour, social behaviour and other factors.
- 9.10 **Marital Status** - the state of being married, single, widowed, divorced, separated, or living with a person in a conjugal relationship outside marriage.
- 9.11 **Mental Disability** - any mental disorder, developmental disorder or learning disorder regardless of the cause or duration of the disorder.
- 9.12 **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.

- 9.13 **Place of Origin** – place of birth and usually refers to a country or province.
- 9.14 **Race** - includes belonging to a group of people, usually of a common descent, who may share common physical characteristics, such as skin colour.
- 9.15 **Religious Beliefs** - system of belief, worship, and conduct (includes Indigenous spirituality).
- 9.16 **Sex** - refers to a set of biological attributes in humans and animals. It is primarily associated with physical and physiological features including chromosomes, gene expression, hormone levels and function, and reproductive/sexual anatomy. Sex is usually categorized as female or male but there is variation in the biological attributes that comprise sex and how those attributes are expressed.
- 9.17 **Sexual Orientation** - as per the federal government definition, this includes protection from differential treatment based on a person's physical, romantic and/or emotional attraction to, and/or intimate relations with, individuals of a different gender, the same gender, no gender, or more than one gender.
- 9.18 **Source of Income** - lawful source of income and includes any income that attracts a social stigma to its recipients, for example, social assistance, disability pension, and income supplements.
- 9.19 **Worker** – any person that engages in campus activities for the employer including those who do work for no monetary compensation (ex. volunteers) but not including students.