



UNIVERSITY OF  
SASKATCHEWAN

USASK GUIDE TO

# DISCRIMINATION AND HARASSMENT PREVENTION

BE WHAT THE WORLD NEEDS



**Discrimination Harassment and Prevention Services acknowledges that it is situated on Treaty Six Territory and the Homeland of the Métis. We pay respect to the First Nations and Métis ancestors of this Territory and Homeland and re-affirm our relationship with each other.**

# Discrimination and harassment

As members of the USask community, everyone shares the responsibility for creating and maintaining a supportive and inclusive environment. We share a joint responsibility to model a respectful and inclusive work and learning climate and culture. While we all share a responsibility, leaders in particular are expected to model and demonstrate respectful and tolerant behaviour. Health-harming behaviour, such as discrimination and harassment, is not tolerated.

We are living and working in a time when open discourse about human rights is paramount. This open dialogue is critical as we work to prevent discrimination and harassment. As a result, USask openly acknowledges that discrimination and harassment are pressing safety issues that require a robust response. Leaders are particularly essential in establishing civil and inclusive environments where employees and learners feel like they belong and are included, where their dignity is acknowledged, and they can thrive.

The University aims to ensure a respectful, healthy, and safe environment which is free from discrimination and harassment which are deemed to be unlawful under provincial legislation. This requires more than compliance with laws and policy – it involves commitment and enacting necessary values such as: encouraging trusting relationships, demonstrating fairness and kindness, and setting a high standard for moral behaviour. All members of the USask community have a responsibility to live USask's values and reflect them back in daily interactions and decisions.

## What are discrimination and harassment

Pursuant to the Saskatchewan Employment Act, employees have a right to a healthy and safe work environment free from discrimination and harassment. The Act includes the following categories of harassment:

### Harassment

Harassment includes any inappropriate conduct, comment, display, action, or gesture by an individual toward another individual or others that is either:

- made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, or place of origin (also referred to as Discrimination under *The Saskatchewan Human Rights Code, 2018*); or,
- adversely affects the worker or learner's psychological or physical well-being and that the person knows or ought reasonably to know would cause the worker or learner to be humiliated or intimidated; and,
- that constitutes a threat to the health or safety of the worker or learner
  - for this type of harassment to be established, the following must exist
    - repeated conduct, comments, displays, actions, or gestures;
    - a single, serious comment, display, action, or gesture that has a lasting, harmful effect on the worker or learner

### Sexual harassment

Any conduct, comment, display, action, or gesture by a person towards a worker or learner or learner that:

- is of a sexual nature; and,
- the person knows or reasonably ought to know is unwelcome.

### Some situations of sexual harassment may include:

- any implied or express threat of reprisal for refusing to comply with a sexually-oriented request
- unwelcome remarks, lewd jokes, innuendos, propositions, or taunting about a person's body, attire, sex, or sexual orientation
- displaying or sending pornographic or sexually explicit or offensive pictures or materials via text, hardcopy, video, or other multimedia platforms
- unwelcome physical contact/touching
- unwelcome invitations or requests, direct or indirect, to engage in behaviour of a sexual nature; and/or
- refusing to work with or have contact with an individual because of their sex, gender identity, or sexual orientation

## Discrimination and harassment are not:

- day-to-day management or supervisory decisions, like directing the workforce and assigning work. However, managerial action(s) must be carried out in a manner that is reasonable and not abusive;
- job assessment and evaluation (feedback and dialogue regarding performance);
- demands for academic excellence and/or reasonable quality of work;
- workplace inspection and/or investigations;
- organizational changes;
- implementation of appropriate dress codes;
- progressive and/or just-cause disciplinary action;
- physical contact necessary for the performance of the work using accepted industry standards;
- conduct which all parties agree is inoffensive or welcome; and,
- debate, conflict or disagreements in the workplace that do not meet the threshold of discrimination and/or harassment.



# Prevention

## Reducing and eliminating discrimination and harassment

Psychological harm experienced by employees or students may result in discrimination and/or harassment complaints. Preventing psychological harm means that members of the USask community engage in a duty of care to create a work and learning culture that embraces equity and is safe and supportive for all.



**The foundation of prevention is respect for others, even when we don't understand or agree with their opinions, beliefs, or values. Behaviours that help eliminate and reduce discrimination and harassment include:**

- taking respectful action to resolve interpersonal problems at the onset of problems arising
- when experiencing someone's behaviour as problematic, let that person know how you feel and ask them to stop the behaviour. If you are not comfortable with that approach, speak to your people leader, a Human Resource Business Advisor, or, contact Discrimination and Harassment Prevention Services
- being sensitive to the impact you have on others and being willing to alter or eliminate problematic behaviours
- consider offering an apology if your actions have had a negative impact on someone
- avoid being a bystander by reporting harassing behaviours, words, gestures, or actions to your people leader
- students may reach out to Student Affairs and Outreach for support
- explore the many opportunities to learn about prevention from an anti-racism and anti-oppression lens



**If you are not able to confront the individual/s directly, respectfully, and safely, speak with your people leader about accessing support. If that is not feasible, Discrimination and Harassment Prevention Services offers other avenues for resolution such as:**

- providing an overview of your rights, responsibilities, and potential avenues under relevant USask policies and applicable legislation (in the employment context)
- identifying a variety of options for possible informal resolutions
- pursuing or addressing the issue or concern through relevant USask policies or procedures
- filing a formal complaint based on USask's Discrimination and Harassment Prevention Policy
- pursuing the complaint with the Saskatchewan Human Rights Commission and/or employment legislation, seeking the assistance of an Occupational Health Officer (in the employment context), and/or exercising any other legal rights pursuant to the law

# Workplace culture makes a difference for everyone

Positive work and learning climates do not just happen. Leaders must role model and demonstrate courageous, compassionate, constructive, positive, and reliable leadership. When they do, employees and learners are more likely to demonstrate dependability, higher engagement, and responsibility in the work and learning space.



Proactive, trustworthy, and vision-oriented leadership frequently mitigates employee frustration, overwhelm and confusion. Responsive leaders who notice tension, stress, confusion, and conflict in their workplace can intervene so that psychological harm is less likely to occur. These leaders are more likely to retain their employees and see ongoing successes in their workgroup because of the positive culture they are creating.



When leaders at every level lead from the perspective of creating a positive, safe, respectful, and civil work and learning space, the viability and success of workgroups often increases, and individual professional growth is enhanced. When individuals experience professional growth and success, they tend to be more dedicated to their work and their learning space. A positive and civil climate is known to elevate morale, enhance teamwork, and increase innovation.



When people feel safe and supported, they are more likely to have the energy and focus to contribute with the full capacity of their skill, ability, and creativity. Finding fulfillment at work, with one's colleagues and peers contributes to more life satisfaction and contentment.



By genuinely living USask's values on a day-to-day basis, individuals are more likely to create a safe, caring, supportive and meaningful work and learning environment.



A positive work and learning culture happens when individuals take the initiative to embrace equity and intentionally engage and role model positive work and learning space practices.

## People leaders: Take responsibility for employee conflict you observe in the workplace

Address conflict between employees early before it becomes difficult to moderate.

Intervention and support are required when conflict escalates to discriminatory and/or harassing conduct (like racism or oppression). In psychologically safe workplaces, individuals perform best when they feel safe to take risks, sharing their perspectives and ideas, including:

- when employees require guidance or coaching, provide such in a confidential and emotionally safe environment.
- pursue your own learning and invite your workgroup to help you hone the skills you're seeking to incorporate
- use compassion and empathy to engage with others, even when constructive conversations or discipline is warranted. Empathy is making a conscious choice to avoid judging another's perspective, and making a genuine effort to understand another person
- if you do not yet have skills for helping employees navigate conflict, speak with your own people leader about opportunities to develop those skills, or speak to your Strategic Business Advisor (SBA) about options to reduce or eliminate divisive conflict

To return to a safe, psychologically healthy workgroup climate, leaders must capably address conflict that causes churn and discord in the workgroup. Leaders who model and promote psychologically safe workplace interactions, create environments where employees feel supported, feel safe to take risks, and share their perspectives and ideas.

# Intentional, positive workplace and learning practices

**Demonstrate genuine respect for others' beliefs, values, perspectives, and ideas**

- Avoid assuming people have the same life-experiences, personality, or temperament to you. Others' individual history, experiences, and make-up contributes to how they see their world and engage with it.
- Use compassion and empathy to engage with others. Empathy is making a conscious choice to avoid judging another's perspective, and making a genuine effort to understand that individual.
- Avoid divisive and acrimonious disputes or arguments.
- Emphasize shared values and perspectives rather than ideals and ideas that divide.
- Remain inclusive with all no matter their position, experience, or developing skills.

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**Interact with intentional respect, consideration, and civility**

- Demonstrate value for all individuals, not just their roles.
- Attentively listen to show care and concern to others.
- Listen without judgement.
- Listen for understanding rather than listening to come up with a response or rebuttal.

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**Seek the wellbeing of the work and learning group as well as your own growth**

- Notice what would make the work or learning group better and take the initiative to model positive steps toward betterment.
- Encourage others in the work or learning group as they pursue their own growth and development.
- Avoid antagonism or divisive competition.
- Notice the gains, successes, and advances made by your work or learning group and showcase those.

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**Demonstrate consistently trustworthy and dependable behaviour in all relationships and duties**

- Own your own actions and reactions.
- Notice how your presence and responses affect others, and adjust so others feel safe and connected.
- Apologize when you hurt someone, even if it was unintentional.
- Take responsibility for your own mood and do not allow it to negatively impact on others. Access support from Employee Wellness. If your mood struggles get in the way at work, there are also online resources available including, **Bounce Back, Reclaim Your Health**.

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**Conflict occurs when individuals are unable to resolve their differences and engage in behaviours that create unhealthy discord. Conflict that results in workplace churn may have some of these observable qualities:**

- gossip, slander, and rumors
- barbed comments directed at one or more of the workgroup
- put-downs and sarcasm
- labelling or name calling
- exclusion of members of the workgroup
- withdrawal from the workgroup
- unmitigated tension at meetings
- lower productivity for some workgroup members



# Discrimination and Harassment Prevention Services Office

USask offers a safe and confidential environment to raise and discuss matters of discrimination and harassment through the office of Discrimination and Harassment Prevention Services (DHPS).

Discrimination and Harassment Prevention Services supports USask principles:

- academic freedom
- collaboration
- commitment to community
- different ways of knowing, learning, and being
- diversity, equality, and human dignity
- excellence
- a healthy work and learning environment
- innovation, curiosity, and creativity
- openness, transparency, and accountability
- reconciliation
- sustainability

We know it can be difficult to report discrimination and/or harassment for fear of retaliation. Please be aware that all complaints of discrimination and/or harassment in good faith are protected acts and strict protocols are in place to prevent you from being penalized or retaliated against in any manner.

Inform yourself about **USask's Discrimination and Harassment policy**. Contact DHPS to confidentially discuss concerns that may involve discrimination or harassment occurring at USask.

If you believe you have been subject to discrimination and harassment know that there are options for resolution, including:

- pursue informal resolution with the person of concern
- request the assistance of your people leader, Human Resources, your union and/or DHPS to assist with additional ideas for informal resolution
- if you are a student, reach out to Student Affairs and Outreach for support, and contact DHPS to understand your rights under the policy"
- seek awareness and understanding of relevant policies, procedures and options through DHPS
- if other avenues do not address your concerns, file a formal complaint through the DHPS
- request a consultation with the OH&S Division of the province of Saskatchewan

# Reporting an incident

Discrimination and harassment are preventable. USask strongly believes that raising awareness – along with a proactive and supportive reporting culture – is the best road to prevention, but no institution can do this alone. It will take all of us — staff, faculty, and students — to create positive change.

All staff, faculty, and students who experience or witness an act of discrimination and harassment have an obligation to report the situation. Doing nothing is not a neutral act as it puts targets at a disadvantage. You can avoid being a bystander by reporting harassing behaviours, words, gestures, or actions to your people leader.

Protecting human rights – through proactive health, safety, and wellness measures – on our campus requires serious commitment and a strong internal responsibility system where all staff, faculty, and students understand they have a shared role to play.

## WAYS TO REPORT

### DISCRIMINATION AND HARASSMENT PREVENTION SERVICES

If an employee or student is experiencing or witnessing acts of discrimination and/or harassment, they can report the incident, in confidence, by email, phone or online.

✉ [DHPS@usask.ca](mailto:DHPS@usask.ca)

☎ 306-966-4936

🌐 [wellness.usask.ca/safety/discrimination-harassment.php](http://wellness.usask.ca/safety/discrimination-harassment.php)

### CONFIDENCE LINE

Report of alleged discrimination and harassment can be made, anonymously, to USask's Confidence Line, which offers safe disclosure reporting.

🌐 [www.usask.confidenceline.net](http://www.usask.confidenceline.net)

☎ 1-844-966-3250

Formal complaints against members of the USask community may occur by completing a Discrimination and Harassment Complaint ticket, and by providing all of the detailed information required for the ticket. . It is imperative that complaints follow the guidelines provided on how to make a fulsome a complaint.

## Independent third-party support service

DHPS seeks to create a safe and confidential space for reporting discrimination and harassment. Together with our consultants from 360 Workplace Solutions we use a mindful and compassionate approach to inquiries and complaints and seek to offer clarity and transparency on what to expect from our services. Coralee Pringle-Nelson is the primary USask contact from **360 Workplace Solutions, Ltd.**

Offering an array of specialized services, 360 Workplace Solutions is comprised of experienced investigators, lawyers, mediators, trainers, policy developers and psychologists.

USask works with 360 Workplace Solutions to provide three main services to DHPS:

- respond and support to inquiries about discrimination and harassment

- respond and support formal complaints alleging discrimination and harassment
- provide awareness and education about discrimination and harassment

Employees and students may lay a formal complaint (when having experienced actions, comments, displays, and gestures of discrimination and harassment) using the DHPS Complaint Ticket.

- DHPS/360 Workplace Solutions will respond without delay indicating receipt of the complaint
- DHPS/360 will complete a pre-assessment of the formal complaint which will be provided to a Senior Administrator (along with the formal complaint) for consideration and determination of next steps as per DHPS's policy and policy procedures



# Resources

## ON-CAMPUS

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<b>USask Confidential Harassment Reporting</b>	☎ 306-966-4936 ✉ <a href="mailto:DHPS@usask.ca">DHPS@usask.ca</a>
<b>Confidence Line</b>	🖥 <a href="http://www.usask.confidenceline.net">www.usask.confidenceline.net</a> ☎ 1-844-966-3250
<b>Student Affairs and Outreach</b> (mental health intake)	☎ 306-966-5757 ✉ <a href="mailto:intake@usask.ca">intake@usask.ca</a>
<b>Employee and Family Assistance Program</b>	🖥 <a href="http://wellness.usask.ca/help.efap.php">wellness.usask.ca/help.efap.php</a>
<b>Protective Services</b>	☎ 306-966-5555
<b>Wellness Resources</b>	☎ 306-966-4580

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## OFF CAMPUS

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<b>Crisis Intervention Services (Mobile Crisis)</b>	☎ 306-933-6200 (24/7 confidential crisis support line)
<b>Sexual Assault and Information Centre</b>	☎ 306-224-2224 (24/7 confidential crisis line)
<b>Saskatoon Police Service</b>	☎ 306-975-8300 (non-emergency calls)
<b>The Listen Project (free legal advice for survivors of sexual assault)</b>	☎ 1-855-258-9415 or 306-974-3333 📱 306-500-6430 (text) ✉ <a href="mailto:listen@plea.org">listen@plea.org</a> 🖥 <a href="http://listen.plea.org">listen.plea.org</a>

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## Education and awareness opportunities

DHPS offers scalable education and awareness training for employees. Please contact the DHPS Office to inquire about training for your staff. You may also speak to your HR SBA about your training needs and they, along with DHPS, will assist you in selecting education and awareness that suits the needs of your staff.

☎ 306-966-4936  
✉ [DHPS@usask.ca](mailto:DHPS@usask.ca)

### USask Discrimination and Harassment Prevention Services Awareness self-guided course

This course provides definitions of discrimination and harassment per the Saskatchewan Employment Act. It also reviews the DHPS policy and policy procedure. Participants will learn how to be involved in prevention of discrimination and harassment, and how prevention can increase feelings of safety, security and belonging at USask. This course will also describe how to make a formal discrimination or harassment complaint. Finally, it will overview the current USask DHPS model, which involves a third party support service to assist with intakes and inquiries, complaints, and education.

🖥 [usask.ca-central.catalog.canvaslms.com/browse/wellness/courses/dhps](http://usask.ca-central.catalog.canvaslms.com/browse/wellness/courses/dhps)

# Terms

**BURDEN OF PROOF:** When an individual (complainant) makes a discrimination or harassment complaint, it is up to them to provide the compelling evidence. It is not up to the individual (respondent) who has been accused of discrimination or harassment to provide a defense. The concept of “innocent until proven guilty” is noteworthy here.

**BALANCE OF PROBABILITIES:** The balance of probabilities refers to whether there is sufficient evidence, or proof to substantiate the allegations of discrimination or harassment against an individual.

**COMPLAINT:** A complaint is initiated when a complainant decides to lay a formal complaint alleging discrimination or harassment against a USask employee (respondent). The complaint form must accompany the complaint and can be found on the **DHPS webpage**.

**COMPLAINANT:** The complainant is the individual making the complaint against another person, alleging they have experienced discrimination or harassment from that person.

**DOCUMENTARY EVIDENCE REVIEW:** For the purposes of a pre-assessment, documentary evidence is the written (or other) content the complainant provides with their complaint form. This is used to make an initial determination about the veracity of a discrimination or harassment complaint. This evidence should be organized and detailed with dates, times, places and names. It can include email, text or social media messages, a detailed accounting of incidence/s, audio recordings and other evidence.

**REASONABLE PERSON STANDARD:** The term “reasonable person” is legal in nature. It removes bias or personality from making judgements about discrimination and harassment. The reasonable person standard is applied as per the policy. It refers to how a hypothetically reasonable person would reasonably interpret or react to actions, comments, displays or gestures of discrimination and harassment. A reasonable person is deemed to have average capacity in judgement, care and skill.

**RESPONDENT:** When a complaint alleges discrimination or harassment, the respondent is the individual purported to have engaged in the inappropriate conduct, comment, display, action or gesture toward the complainant.

**SENIOR ADMINISTRATOR:** The Senior Administrator is the senior responsible leader (President, Vice-Presidents, Associate Vice-Presidents, Board of Governors, Provost, Vice-Provosts or designates). The Senior Administrator receives the formal complaint and the pre-assessment (for guidance and considerations) from the Discrimination and Harassment Prevention Services office (DHPS) third party provider. The Senior Administrator follows the DHPS policy and policy procedures to address the complaint.

**POLICY:** The “policy” refers to the USask Discrimination and Harassment Prevention policy that has been authorized and approved by the USask Board of Governors for use when discrimination and harassment complaints are made against USask employees.

**PRE-ASSESSMENT:** A DHPS pre-assessment is conducted by a third-party provider and begins when a formal complaint is laid against a USask employee alleging discrimination or harassment. The third-party uses the documentary evidence provided by the complainant for the pre-assessment. The third party determines whether the evidence provided would meet the *prima facie* test, if it was corroborated.

**PROCEDURES:** The DHPS procedures refer to how the USask Discrimination and Harassment Prevention policy will be enacted when a discrimination or harassment complaint is made.

**THIRD-PARTY:** USask has contracted the third-party, 360 Workplace Solutions to respond to discrimination and harassment inquiries and complaints. 360 Workplace solutions completes pre-assessments on formal complaints and forwards the formal complaint and pre-assessment to Senior Administrators as per the policy. 360 Workplace Solutions provides education and awareness about discrimination, harassment and prevention.