

## Human Rights Policy

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Category: Human Rights

Authority: The Provost and Vice-President  
(Academic)

Sponsor: Vice Provost EDI-AR delegated by The  
Provost and Vice-President (Academic)

### 1. Purpose

The purpose of this Policy is to support the consistent application of Human Rights principles across Memorial University's policies, procedures, and practices, and to provide education, consultation, and guidance to the University community regarding its Human Rights obligations. This Policy is intended to foster and maintain an inclusive, respectful, and diverse environment across all campuses of Memorial University. It reflects the University's commitment to ensuring that all individuals, regardless of background, identity, or characteristics, are treated with dignity and equitably.

In particular, the Policy aims to:

- I. Promote awareness of Human Rights and the impacts of discrimination, and to contribute to the prevention of discrimination and Human Rights infringements through institutional and educational initiatives;
- II. Support the consistent application of fair and equitable procedures for addressing Human Rights concerns and complaints through related University policies;
- III. Provide education, consultation, and capacity-building to members of the University community and administrators responsible for implementing related policies, to support the application of a Human Rights and Equity, Diversity, Inclusion, and Anti-Racism (EDI-AR) lens in the handling of concerns and complaints;
- IV. Ensure that the Office of the Vice Provost (EDI-AR), and the Human Rights Advisor, provide education, consultation, and guidance to support the consistent application of Human Rights principles and the fostering of an inclusive and discrimination-free learning and working environment across the University.

### 2. Principles

The following Guiding Principles reflect Memorial University's institutional commitment to upholding Human Rights and advancing equity, diversity, inclusion, and anti-racism. These principles guide the interpretation and implementation of this Policy and support the realization of its purpose.

2.1. This policy reaffirms the University's strategic vision, understanding that all individuals within the University Community should engage fully and openly in an environment devoid of discrimination. As an academic institution, the University is committed to advancing teaching, scholarship, and the free exchange of ideas, all grounded in upholding human rights and respecting individuals' dignity.

2.2. The University recognizes the varied impacts of discrimination, shaped by members' diverse social identities, vulnerabilities, and their positions within the organizational hierarchy. Discriminatory impacts are uniquely shaped by the confluence of protected identities under the [Human Rights Act 2010](#) with other non-enumerated factors such as migration status, linguistic, *racial* and Indigenous identities, socio-economic background, and historical traumas of racial, religious, and ethnic discrimination. The University is dedicated to maintaining a supportive, secure, and inclusive environment that fosters

proactive programs, focuses on inspired learning, dynamic research, commitment to communities and promotion and pride.

2.3. The University is committed to ensuring that all the University Community members—including those who self-identify as Black, Indigenous, Racialized People of Colour, Gender Diverse, members of the 2SLGBTQIA+ community, persons with disabilities, individuals from various nationalities and ethnic backgrounds, and those with diverse religious and political beliefs and opinions—enjoy equitable access to opportunities free from any form of discrimination including Racism, anti-Indigenous racism, anti-Black racism, Sexism, Ageism, Transphobia, Homophobia, Antisemitism, and Islamophobia. This commitment extends to Accommodations (Academic and Workplace), racial justice, academic programs, employment, community and public engagement and recreational activities, including games, sports, and related facilities. For Indigenous-specific opportunities, identification is verified by established University processes.

2.4. The University recognizes that Power Differentials may disproportionately affect members of our community based on their race, colour disability status, gender identity and sexual orientation and expression, ethnic origin and nationality, and other individual characteristics enumerated in NL *Human Rights Act 2010*. The University is committed to actively identifying and addressing these disparities to ensure equitable treatment and opportunities for all. This commitment is foundational to fostering an environment where every individual, regardless of their background or identity, can thrive without bias or prejudice.

2.5. The Human Rights Policy fosters an institutional commitment to embedding a trauma-informed approach across the University's related policy frameworks. Recognizing that individuals who experience discrimination or harassment may have trauma histories, the policy supports training and capacity-building to ensure that all personnel involved in addressing Human Rights complaints and concerns—within policies such as the [Respectful Workplace Policy, Sexual Harassment and Sexual Assault Policy, and Student Code of Rights and Responsibilities \(SCRR\)](#), [The Respectful Learning Environment Policy](#) are equipped to respond in ways that are respectful of and sensitive to the potential impacts of trauma. This includes promoting understanding of trauma responses, avoiding re-traumatization, and prioritizing the physical, psychological, and emotional safety of all individuals throughout institutional processes.

### 3. Scope

All members of the University Community.

### 4. Definitions

**Accommodation** — accommodation as viewed as a protection of human rights— can include any technical aid or device, personal support, disability-related support or additional accommodation a person may require. Accommodation is provided, including the following:

- a. **Academic Accommodation** — refers to a change to teaching or evaluation procedures, which is designed to accommodate the particular needs of a student with a (dis)ability without compromising the academic integrity of the course, program, or assignment; or a change to University activities and supports, which is designed to accommodate the particular needs of a

student with a (dis)ability which includes but not limited to environmental control units  
See [Examples of Academic Accommodations](#).

- b. **Workplace Accommodation**—accommodation by the University as employer to an employee or job applicant to ensure full participation in their role. It is any temporary or permanent measure used to remove barriers which prevent an otherwise qualified individual from performing or fulfilling the essential duties of a job. The University attempts to accommodate the employment needs of job applicants and employees who are protected under the *Human Rights Act 2010*, up to the point of undue hardship.

**Advisor** — Human Rights Advisor as designated by Vice provost office of EDI-AR

**Ageism** — stereotypes and differential treatment based on a person's age

**Anti-Racism** — the active process of identifying and eliminating conscious/unconscious racism by changing institutional systems, organizational structures, policies, practices and attitudes so that power is redistributed and shared equitably among all interest groups in the University Community.

**Antisemitism** — is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

**Colour** — a person's skin colour.

**Discrimination based on prohibited grounds** —discrimination on the basis of the grounds enumerated in the Newfoundland and Labrador *Human Rights Act, 2010* unless the treatment is justified as a Bona Fide Occupational Requirement (BFOR), where specific standards are essential for job functions and cannot be adjusted without undue hardship.

**Disability** — as defined by the *Accessibility Act 2021* of Newfoundland and Labrador and the *Human Rights Act 2010*, (dis)ability includes a physical, mental, intellectual, cognitive, learning, communication, or sensory impairment, or a functional limitation that is permanent, temporary, or episodic in nature, that, in interaction with a barrier, prevents a person from fully participating in society. This includes, but is not limited to:

- i. Any degree of physical disability.
- ii. Conditions of mental impairment or developmental (dis)abilities.
- iii. Learning (dis)abilities or dysfunctions in any of the processes involved in understanding or using symbols or language.
- iv. Mental disorders.

**Disfigurement**— burns, scars or other disfiguring conditions that are visible but that do not cause any functional limitations. This does not include piercing or tattooing.

**Diversity**—refers to the acknowledgment and celebration of the multifaceted spectrum of human characteristics that encompass but are not limited to race, ethnicity, gender, sexual orientation, age, abilities, religious beliefs, socioeconomic backgrounds, and other dimensions of identity within the University Community.

**Ethnic Origin** — refers to sharing an origin or background, culture and tradition or language with a group of people.

**Equity**—embodies the principle of fairness and justice in the treatment of all individuals, recognizing and addressing historical and systemic barriers that have resulted in unjust outcomes. It is about ensuring that every member of the University Community has access to the resources, opportunities, and support they need to thrive, regardless of their background or circumstances.

**Nationality** —a person born outside Canada and/or a citizen or resident of a foreign country.

**Harassment** — refers to comments or conduct that are abusive, offensive, demeaning, or vexatious and which should reasonably be understood to be unwelcome and unwanted. This can occur regardless of the intent to harm. Harassment includes actions based on prohibited grounds of discrimination. Harassment may occur during a single incident or a series of incidents. Whether or not a single incident constitutes Harassment is dependent on the nature and type of incident(s).

**Human rights** —encompass the inherent dignity and equal and inalienable rights of all people, which form the foundation of freedom, justice, and peace in the world. In alignment with the principles set forth in the Universal Declaration of Human Rights as proclaimed by the United Nations and as recognized by *Human Rights Act 2010*.

**Gender Identity**—a person’s internal and individual experience of gender. A person’s gender identity may or may not correspond with social expectations or with the sex they were assigned at birth. Since gender identity is internal, it is not necessarily visible to others.

**Homophobia**— the fear/and or hatred, or aversion of people who are attracted to or in relationship with persons of the same sex.

**Inclusion** — the commitment to fostering an environment where all individuals feel welcomed, respected, and valued at the University. This involves the adoption of measures to ensure accessibility and the tailoring of systems, structures, and programs to promote justice, a sense of belonging and active engagement regardless of their background or abilities, so that all members of the university’s diverse community can thrive and contribute.

**Islamophobia** —Racism, stereotypes, prejudice, fear or acts of hostility directed towards individual Muslims or followers of Islam in general. In addition to individual acts of intolerance and racial profiling, Islamophobia can lead to viewing and treating Muslims as a greater security threat on an institutional, systemic and societal level.

**Marital status** — refers to a person’s status of being single, engaged to be married, married, separated, divorced, widowed or in a common law relationship. The prohibited grounds of marital status also protect persons from discrimination because of the identity of the individual with whom they are in a relationship.

**Political Opinion** — refers to a person’s political belief or support of a political party. This also includes non-partisan or politically neutral beliefs.

**Race** — a socially constructed system of categorizing humans largely based on observable physical features (phenotypes), such as skin colour and ancestry. There is no scientific basis for or discernible distinction between racial categories.

**Racism** — overt or systemic discrimination, oppression, and exploitation of specific groups of people based on perceived physical (for example, skin colour) and/or cultural characteristics.

**Racialized** — refers to a person or group of people categorized according to ethnic and/or racial characteristics and experiences of colonization and subjected to discrimination on that basis.

**Religious creed** —a person's spiritual beliefs.

**Religion** — a person's belief in a particular faith or religious beliefs.

**Self-Identify** — For the purposes of this Policy, self-identify means that an individual voluntarily discloses their membership in one or more equity deserving groups, based on their own personal identification. This may include, but is not limited to, identifying as Black, Racialized, Gender Diverse, a member of the 2SLGBTQIA+ community, a person with a disability, or as belonging to a particular nationality, ethnic background, religion, or political belief. For Indigenous-specific opportunities, identification is verified by established University processes.

**Sex** — A person's classification as male, female or intersex based on biological attributes, such as external genitalia, reproductive organs, chromosomes and hormones. Generally, individuals are assigned a sex at birth by a medical professional, often on the basis of their external genitalia. The prohibited ground of sex also includes those that are pregnant or breast-feeding.

**Sexism** — prejudice or discrimination based on sex and gender.

**Sexual Orientation** — refers to how a person describes their sexuality. For example, a person may describe their sexuality as heterosexual, lesbian, gay, bisexual or pansexual.

**Sexual Assault** — Is a criminal offence under the Criminal Code R.S.C., 1985, c. C-46 of Canada. It is any type of unwanted sexual act characterized by the use of force, threat(s), or control of a person or carried out in circumstances where the person has not freely consented (see definition of Consent.) [Memorial's Sexual Harassment and Sexual Assault Policy.](#)

**Sexual Harassment**— Conduct or comments of a sexually-oriented or gender-oriented nature based on gender expression, gender identity, sex or sexual orientation directed at a person or group of persons by another person or persons, who knows or ought reasonably to know that such conduct or comments are unwelcome or unwanted. It includes Sexual Assault and assisting in Sexual Harassment. Conduct or comments which constitute harassment are outlined in [Memorial's Sexual Harassment and Sexual Assault Policy.](#)

**Spirituality**— refers to an individual's personal sense of meaning, purpose, and connection in life, often encompassing faith, hope, and a sense of peace or transcendence.

**2SLGBTQIA+** — the acronym used to refer to the community of people includes 2S: recognizes Two-Spirit is a term used within Turtle Island (North American) Indigenous Nations/communities to encompass the numerous genders, gender identities, and cultural roles within the various Nations and communities, L: Lesbian; G: Gay; B: Bisexual; T: Transgender; Q: Queer or questioning; I: Intersex; A: aromantic/asexual/ally considers sex characteristics beyond sexual orientation, gender identity and gender expression; the + denotes the numerous additional sexual orientations and gender identities among human beings.

**Transphobia** — a baseless fear and/or hatred of transgender people. It is often exhibited by name-calling, bullying, exclusion, prejudice, discrimination or acts of violence. Anyone who is

trans, Non-binary, gender non-conforming and/or gender diverse or perceived to be can be the target of transphobia.

**University** — Memorial University

**University Community**— any person who teaches, studies, or conducts research; workers at the University; any other person while they are acting on behalf of or at the request of the University; and visitors to the University.

## 5. Legal Framework

This policy is informed by key legal and regulatory frameworks, including the [Human Rights Act, 2010](#), [Accessibility Act 2021](#), [the Employment Equity Act 1995](#); [Labour Standards Act](#); [Access to Information and Protection of Privacy Act 2015](#); [Occupational Health and Safety Act 2024](#), and [Criminal Code](#). These Acts are grounded in the principle of ensuring equitable rights and opportunities for all, without discrimination, and fostering a climate of belonging and mutual respect for the dignity and worth of each person.

# Policy

## 6. Roles and Responsibilities

6.1. Any infringement of Human Rights, as defined in the Human Rights Act, 2010, or as articulated in this Policy, by any member of the University Community, is prohibited. The University is committed to taking proactive steps to prevent, where possible, or otherwise minimize, Human Rights infringement, and to addressing such behaviour promptly and appropriately through the procedures established under related University policies, including the [Respectful Workplace Policy](#), [Sexual Harassment and Sexual Assault Policy](#), and [Student Code of Rights and Responsibilities \(SCRR\)](#), [The Respectful Learning Environment Policy](#), [Policy for Prevention and Resolution of Medical Learner Mistreatment in the Faculty of Medicine](#), the [Procedure for the Resolution of Medical Learner Mistreatment in the Faculty of Medicine](#), and the [Anonymous Disclosure of Learner Mistreatment](#).

6.2. The Vice Provost (EDI-AR) holds functional responsibility for the administration of this Policy and ensures that the Office of the Vice Provost (EDI-AR) leads the University's efforts to implement the Policy through education, consultation, and capacity-building across the University community. In this capacity, the Office provides expertise and guidance to support the consistent integration of Human Rights principles and an EDI-AR lens in the development, interpretation, and application of related University policies and practices.

6.3. The Human Rights Advisor, designated within the Office of the Vice Provost (EDI-AR), serves as the primary point of consultation for providing education, guidance, and a Human Rights and EDI-AR lens to the handling of complaints and concerns addressed through related procedures and non-procedural University policies. The Human Rights Advisor supports the application of trauma-informed, equitable, and rights-based approaches throughout formal and informal investigative processes and in the determination of outcomes. This includes providing guidance in situations where the experiences of multiple individuals involve intersecting or differing forms of oppression, ensuring that responses are balanced, free from bias, and grounded in principles of equity, dignity, and contextual understanding.

6.4. Prevention of infringements of Human Rights is a shared responsibility of:

6.4.1.) All Members of the University Community and;

6.4.2.) Those members of the University community with academic or administrative authority bear the responsibility to maintain work and learning environments free from Human Rights infringements by initiating proactive measures and taking prompt action should such infringements occur. This responsibility includes but is not limited to: educating themselves and those in their units on Human Rights principles and obligations; addressing incidents of possible Human Rights infringements in a timely, confidential, and fair manner; participating, as required, in the resolution of complaints and concerns; and implementing recommendations arising from resolution processes, where feasible and consistent with applicable legal, regulatory, or institutional frameworks.

6.5. In fulfilling these responsibilities, those administering related University policies—such as the Respectful Workplace Policy, Sexual Harassment and Sexual Assault Policy, and Student Students Code of Rights and responsibilities and Respectful Learning Environment —shall consult with the Human Rights Advisor, situated within the Office of the Vice Provost (EDI-AR) as needed. The Human Rights Advisor serves as the institutional focal point to provide education, consultation, and an EDI-AR and Human Rights lens to the handling of Human Rights complaints and concerns. This consultation shall inform the investigation processes as well as in resolving concerns and/or engaging in any of the informal processes under the related University policies, including mediation, and the determination of outcomes or recommendations, helping ensure that responses are trauma-informed, equitable, and consistent with the University’s commitment to Human Rights.

6.6. All Members of the University Community should:

6.6.1. Be aware of what constitutes an Infringement of Human Rights;

6.6.2. model respectful behaviour and refuse to engage in or condone behaviour contrary to this Policy;

6.6.3. Encourage an environment which is free of Human Rights Infringement and Concerns;

6.6.4. Participate in and facilitate participation in education and training about this Policy.

## **7. Reporting of Human Rights Infringement**

The University encourages members of its community to bring forward concerns or complaints related to potential Human Rights Infringements. Individuals are encouraged to report concerns or complaints through the relevant University policies and established procedures, in accordance with the nature of the issue. The Office of the Vice Provost (EDI-AR) through the Human Rights Advisor, offers education, consultation, and guidance to support individuals navigating these processes and to assist the University in applying an EDI-AR and Human Rights lens throughout its responses.

The following policies and frameworks may be applicable, either as procedural pathways for addressing concerns or as supportive frameworks guiding institutional responses:

### **7.1. Procedural and related University policies:**

- [Respectful Workplace Policy](#)
- [Sexual Harassment and Sexual Assault Policy](#)
- [The Respectful Learning Environment Policy](#)
- [Student Code of Rights and Responsibilities \(SCRR\)](#)
- [Protected Disclosure Policy](#)
- [Policy for Prevention and Resolution of Medical Learner Mistreatment in the Faculty of Medicine](#)
- [Procedure for the Resolution of Medical Learner Mistreatment in the Faculty of Medicine](#)
- [Anonymous Disclosure of Learner Mistreatment](#)

### **7.2. Policies supporting Human Rights, accommodation, and inclusion:**

- [Accessibility for Students with Disabilities Policy](#)
- [Equity, Diversity and Inclusion in Employment Policy](#)
- [Workplace Accommodation Policy](#)
- [Examples of Academic Accommodations](#)
- [Supporting and Accommodating Breastfeeding Policy](#)
- [Privacy Policy](#)

### **7.3. External legal frameworks**

Nothing in this Policy, nor in any related University policy or procedure, restricts or prohibits members of the University community from seeking advice on, consulting, or pursuing remedies under applicable external legal frameworks including any applicable collective agreements. Individuals are free to access and rely upon external avenues for recourse, including those provided by provincial or federal legislation, at any time. The University acknowledges and respects the right of all individuals to pursue such legal remedies as they deem appropriate.

- [Human Rights Act, 2010](#)
- [Accessibility Act 2021](#)
- [Employment Equity Act 1995](#)
- [Labour Standards Act](#)
- [Access to Information and Protection of Privacy Act 2015](#)
- [Occupational Health and Safety Act 2024](#)
- [Criminal Code](#)

## **8. Conflict of Interest**

Members of the University community are subject to and must comply with the University's [Conflict of Interest](#) policy and procedures. See the Conflict-of-Interest Situations section of the [Conflict of](#)

[Interest](#) policy. Members should also refer to any conflict of Interest provisions and relevant clauses in the appropriate collective agreement, University [Guide for Non-Bargaining, Management and Professional and Senior Administrative Management Employees](#) or other applicable documents.

## **9. Confidentiality**

9.1. All persons involved in any process related to this Policy are required to maintain confidentiality. Confidential matters are handled in accordance with the [Access to Information and Protection of Privacy Act, 2015, cA-1.2](#) (the "Access to Information and Privacy Act"), other privacy legislation to which the University is subject, and University policies. Nothing in this section shall be construed so as to prevent a University Community from seeking advice and guidance.

9.2. Only persons with a *bona fide* need to know the details of a situation will have access to such information and access is limited to the scope of their responsibilities. Third parties attempting to gain or gaining access to personal information with respect to a Concern or Complaint, where such information is not needed to perform the scope of their responsibilities, do so in Infringement of this Policy and may be in Infringement of the [Access to Information and Protection of Privacy Act, 2015](#).

9.3 A breach of confidentiality by persons involved in any process related to this Policy may be subject to discipline or other appropriate action.

9.4. Confidentiality may not apply to persons subject to extra-University judicial processes, where disclosure is permitted or required by law or where the well-being, safety and security of a person or persons is a concern. In such circumstances, information, as appropriate, would only be shared with those with a *bona fide* need to know.

## **10. Review**

This Policy will be reviewed in accordance with the University Policy Framework, as per the University Policy Framework, by a committee of not less than five (5) people appointed by the Vice-President (Academic), Head of Campuses and Vice Provost EDI-AR. The committee shall include at least two (2) students from Graduate and Undergraduate Sections representing all Campuses. The committee may make recommendations to the Board of Regents for amendments to the Policy where incidental changes are required or where inconsistencies with other related University policies are identified.

## **11. Records and Retention**

- 11.1. All records are handled in accordance with the University's [\*Information Management\*](#) policy, the [\*Privacy\*](#) policy, the [\*Access to Information and Protection of Privacy Act 2015\*](#) and other applicable legislation.
- 11.2. The Advisor keeps a confidential record of consultations, any advice given and any outcome achieved. Any reports of a general nature generated by the Advisor will only include non-identifying information, for statistical purposes only.
- 11.3. Record retention is in accordance with the [\*Procedure for Record-Keeping\*](#) in the University-Wide Procedures for Human Rights Infringement Complaints and Concerns.