

Offenses of Conduct: Discrimination and Harassment

13.0 Offenses of Conduct: Discrimination and Harassment

13.1 Carleton University's Human Rights Policy

The University has in place policies and procedures to deal with allegations of discrimination and harassment, including sexual harassment. These are outlined in detail in the Carleton University Human Rights Policies and Procedures, effective May 1, 2001. The policy is available at: carleton.ca/equity.

13.2 Unacceptable Conduct

Unacceptable conduct is outlined in the policy and includes discrimination or harassment based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, political affiliation or belief, sex, sexual orientation, gender identity, age, marital status, family status, or disability/handicap within the meaning of the Ontario Human Rights Code. Unacceptable conduct also includes threatening, stalking and unwelcome communication either in person or through electronic or other means. For the three policy sections below, the definition of prohibited behaviour is described in the italicized section that follows.

From the *Anti-Racism and Ethnocultural Relations Policy*

1. The University prohibits discrimination and harassment, including conduct on the basis of race, ancestry, place of origin, colour, ethnic origin and citizenship that:"

From the *Gender Equality Policy*

1. The University prohibits discrimination and harassment, including conduct on the basis of sex, gender or gender identity that:"

From the *Sexual Orientation Equality Policy*

1. The University prohibits discrimination and harassment, including conduct on the basis of sexual orientation or perceived sexual orientation that:
 - 5.1 Is abusive, demeaning or threatening including behaviour such as name calling; derogatory remarks, gestures and physical attacks; or display of derogatory or belittling pictures and graffiti; or
 - 5.2 Biases administrative and appointment decisions, employment and workplace practices, tenure, promotion, appointment, leave and salary determinations; or
 - 5.3 Biases academic decisions such as admissions, grading, the application of Regulations and scheduling of academic activities; or
 - 5.4 Misuses power, authority or influence; or

5.5 Discriminates in the provision of goods and services, or access to premises, accommodation and other facilities."

From the *Sexual Harassment Prevention Policy*

1. Sexual harassment occurs when an individual engages in sexually harassing behaviour or inappropriate conduct of a sexual nature that is known, or ought reasonably be known, to be unwelcome, and that:
 - 6.1 Interferes with the academic or employment performance or participation in a University-related activity for the person harassed; and/or
 - 6.2 Is associated with an expressed or implied promise of employment-related or academic-related consequence for the person harassed (including reward, reprisal or condition of study or employment); and/or
 - 6.3 Provides a basis for academic or employment decisions affecting the person harassed; and/or
 - 6.4 Creates an abusive, demeaning, or threatening study, work or living environment for the person harassed; and/or
 - 6.5 Excludes the person harassed from rights and/or privileges to which they are entitled.
2. Sexually harassing behaviour may be physical, verbal or psychological. It may be conveyed directly or by telephone, writing or electronic means. Examples of inappropriate sexual conduct include:
 - 7.1 Unwelcome sexual solicitations or advances; sexually suggestive comments, gestures, threats or verbal abuse;
 - 7.2 Unwarranted touching or physical contact of a sexual nature, coerced consent to sexual contact, or sexual assault;
 - 7.3 Inappropriate display or transmission of sexually suggestive or explicit pictures, posters, objects or graffiti;
 - 7.4 Leering, compromising invitations, or demands for sexual favours;
 - 7.5 Degrading, demeaning or insulting sexual comment or content, including unwelcome remarks, taunting, jokes or innuendo about a person's body, sexuality, sexual orientation or sexual conduct;
 - 7.6 Misuse of position or authority to secure sexual favours;
 - 7.7 Persistent, unwanted attention or requests for sexual contact after a consensual relationship has ended; or
 - 7.8 A course of sexualized comment or conduct that interferes with the dignity or privacy of an individual or group."

13.3 Enforcement

Enforcement of this policy is carried out according to the procedures established in the policy. The procedures include the provision of advice and information to

complainants and respondents and allow for various methods of informal resolution, including mediation.

Students with concerns regarding discrimination, harassment, stalking, sexist or racist behaviour, or any other prohibited action as outlined in the Human Rights Policy, should call or meet with a member of Equity Services for advice and guidance on how to handle the situation. This service is confidential and does not compel the student to take any further action.

Formal complaints must be made in writing and directed to the Dean or Vice President responsible for the area where the complaint took place. Staff in Equity Services are available to assist with the preparation of a formal complaint. Complaints must be made within 12 months after the last alleged incident of discrimination or harassment unless exceptional circumstances apply in which case the University Secretary may grant an extension of up to an additional 12 months.

13.4 Formal Procedures

The procedure for formal complaints is outlined below:

1. An allegation shall be made in writing to the Dean of the Faculty in which the program to which the respondent has been admitted belongs or, in the circumstances where the respondent has not been admitted to a program, to the Dean of the Faculty where the majority of courses in which the respondent has registered are administered. An allegation against a student in residence when made by another student in residence which involves the complainant's enjoyment of her/his accommodation shall be made to the Vice-President (Academic). The Dean, or the Vice-President (Academic), as the case may be, shall cause to have an investigation conducted and, upon receipt of the report of the investigation, shall either 1) dismiss the allegation on the grounds of insufficient evidence or lack of jurisdiction by the university, or 2) accept that the allegation is founded and seek the agreement of the respondent to a remedy, or 3) refer the matter to the President. A Dean's dismissal of the allegation may be appealed, within ten working days, to the Vice-President (Academic) who may, in turn, either 1) again dismiss the allegation, or 2) accept that the allegation is founded and propose a remedy to the respondent, or 3) refer the matter to the President. In the case of students in residence, where the original allegation has been made to the Vice-President (Academic) and is dismissed, appeal shall be directly to the President who may either 1) again dismiss the allegation, or 2) accept that the allegation is founded and propose a remedy to the respondent, or 3) refer the matter to a tribunal appointed by the Senate.
2. In the instance where the matter has been referred to the President, the latter shall decide whether the university shall conduct a hearing before a tribunal appointed by the Senate. If the allegation is proven, the tribunal shall decide upon one of the following sanctions: The student may be:
 - a. expelled;
 - b. suspended for a period of time from all studies at the university;
 - c. restricted in his/her use of University facilities; and/or
 - d. given a reprimand.

Should the President decide not to conduct a hearing before a tribunal, the allegation shall be deemed to have been dismissed, but the President shall give written reasons for such a decision, and these reasons shall be communicated to the parties involved.

1. In the instance where the complainant wants redress from the university without the involvement of the respondent, or where the respondent is unknown or is not a member of the university community, and/or where there is a claim that the university has failed or has been negligent in providing a safe, non-hostile environment, the allegation of an offence shall be made in writing to the President, who shall cause an investigation to be conducted. Upon receipt of the report of the investigation, the President may order any relief he/she deems fit, and shall give written reasons for the decision; which reasons shall be communicated to the complainant.

Information about procedure governing tribunals is available from the Clerk of Senate, senate@carleton.ca.