

Summary of Mount A's Sexual Harassment Policy and Procedures

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540-7427

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WHAT IS SEXUAL HARASSMENT?

Sexual harassment can be hard to identify because it can take many forms. It can be verbal, physical or demonstrated visually through offensive material or sexual behaviour. Sexual harassment makes you feel uncomfortable. You might be unsure of whether or how to act. SHARE, Mount A's Victim Assistance Programme, can help you figure out whether you are experiencing sexual harassment. If you are, SHARE can explain the choices available to deal with this problem.

Some examples of sexual harassment include:

- Remarks or gestures with sexual connotations
- Inappropriate sexual advances
- Sexually offensive material
- Unwelcome and/or intrusive questions about a person's sex life or sexual orientation
- Unwelcome flirtations or sexual behaviour
- Discrimination on the basis of sex or sexual orientation
- Solicitation of sexual activity by promise of threat or reward.

WHY IS SEXUAL HARASSMENT NOT OK AT MOUNT A?

At Mount Allison University sexual harassment **IS NOT TOLERATED**. This is the first and most important policy statement in the Mount Allison University *Policy with Respect to Sexual Harassment*. (link). Because Mount Allison is dedicated to the free and equal participation of all of its members, sexual harassment is not be tolerated and corrective action will be taken if, after an investigation, there is reason to believe that sexual harassment has happened. This commitment to the maintenance of a healthy environment -- free of sexual harassment and discrimination -- is essential to ensuring that every member of the Mount Allison community reaches their full potential.

WHO CAN HELP?

Melody Petlock, Coordinator of the S.H.A.R.E. Programme is Mount Allison's Sexual Harassment Advisor (SHARE). . If you have any questions, or inquiries, Melody can help. Everything that you discuss with her is completely confidential, and no action will be taken until YOU give her permission to act.

WHERE? The SHARE Office is located in the Student Health Centre at 15 Salem Street. You can call SHARE, 24 hours a day, at 540-7427

COMPLAINT PROCEDURES

A complaint of sexual harassment may be made by any member of the university community who has been affected by sexual harassment, or by any person who has reasonable cause to think that harassment has taken place. Normally, complaints should be brought forth within one calendar year of the alleged incident(s). If there are extenuating circumstances, complaints may be considered outside of this time frame. SHARE is available to provide information, assistance and support to complainants (persons making complaints of sexual harassment). Another trained staff person will provide the same support to respondents (alleged harassers).

There are three ways in which to resolve complaints of sexual harassment at Mount Allison University: informal, mediation or formal.

The intent of the **INFORMAL PROCEDURE** is to obtain an acceptable resolution of the concern without mediation or formal investigation. Your options include, but are not limited to: advice from SHARE; direct verbal or written communication asking that the harassment stop; a conciliation meeting facilitated by SHARE; an apology from the respondent; and/or voluntary relocation within the University of either party. Other options that are suited to the specific complaint can be discussed and explored with SHARE. At any time, a complainant may withdraw the concern or choose to pursue a formal procedure.

The aim of **MEDIATION** is to have the complainant and respondent reach a mutually acceptable resolution with the assistance of an outside party. This procedure begins with a formal written complaint ([link to form](#)) and the delivery of the complaint to the respondent. It must include the names of the parties, a detailed description of the behaviour(s) which forms the basis of the complaint and a request to initiate the mediation procedures. The respondent can choose to respond in writing to SHARE and agree to enter into mediation, acknowledge or deny the validity of the complaint, provide new information or propose resolution. This written response is delivered to the complainant. The complainant then has to notify SHARE, in writing, of her/his decision to: a) accept the response as full resolution; b) request mediation; c) request an investigation; or d) withdraw the complaint. If mediation is agreed upon by both parties, a mutually acceptable mediator will be appointed. The mediator then has a responsibility to bring about a resolution in a format that is agreeable to all parties. Resolutions are binding on both parties and, if broken, the matter will be forwarded to University Judicial through the Dean of Students.

The objective of the **FORMAL** procedure is to decide whether the respondent's conduct has fallen within the University's definition of sexual harassment and, if so, to decide upon the appropriate course of action. The formal procedure entails a *written complaint* ([link to pdf of complaint form](#)) that includes the names of the parties, a detailed description of the behaviour(s) which forms the basis of the complaint and a request to initiate the formal procedures. The complaint form is filed with SHARE and delivered to the respondent and to that person's Administrative Officer with Authority (for student cases, the Dean of Students; for faculty- the Vice President Academic) The respondent's Administrative Officer with Authority is responsible for investigating the complaint in a

timely manner and determining whether there is a reasonable basis for proceeding with disciplinary action and/or remedial measures. If there is evidence of harassment, student cases will be referred to University Judicial. If University Judicial finds in favour of the complainant, disciplinary action will be taken including, but not limited to, fines, removal of privileges, reprimand, relocation, suspension, expulsion or dismissal.

CONFIDENTIALITY

Filing a complaint of sexual harassment can be intimidating, but it is important to remember that information about your case will be kept private. The only people who will know about your case, or be allowed to see your complaint or related materials, are the complainant, respondent, SHARE, administrative officers, mediator and/or members of the University Judicial Committee. SHARE will not discuss your case, or disclose written information, without your permission. The only exception would be where disclosure is required by law (court subpoena) or in cases where the University has a legal responsibility to act to ensure the physical safety of any member(s) of the university community.

YOUR RIGHTS UNDER THE POLICY

Complainant (person making a charge of sexual harassment):

- To have the complaint pursued under the policy
- To be accompanied by another member of the university community during any proceedings under the policy.
- To have the complaint and any references to the complaint excluded from any personal file, unless it is frivolous or vexatious.
- To be kept informed of the status of proceedings under this policy.
- To receive the results of any investigation and/or Judicial Hearing in writing.

Respondent (individual who is being charged with sexual harassment):

- To receive a copy of the complaint without undue delay.
- To reply to a complaint before any decision adverse to respondent's interest is made.
- To be accompanied by another member of the university community during any proceedings under the policy.
- To have the complaint and any references to the complaint excluded from any personal file, unless found to have committed an offense under this policy.
- To be kept informed of the status of the proceedings under this policy.
- To receive the results of any investigation and/or Judicial hearing in writing.

“FRIVOLOUS OR VEXATIOUS” COMPLAINTS & RETALIATION

A **frivolous or a vexatious complaint** is false accusation that is made thoughtlessly or with the intent to hurt another party. Corrective action will be taken against those who file frivolous or vexatious complaints.

Retaliation is a form of vengeance and is forbidden under this policy. Corrective action will be taken against anyone who retaliates or threatens to retaliate against anyone who

files a complaint, or who is witnessing or cooperating with an investigation procedure related to a complaint