

# Sexual Harassment

## A Guide for Students, Faculty, and Staff

### WHAT IS SEXUAL HARASSMENT?

Sexual harassment is a form of discrimination under the Ontario Human Rights Code, and is defined as “a course of comment or conduct based on an individual’s sex or gender that is known, or ought reasonably to be known to be unwelcome.”

That means:

- A person is experiencing unwanted sexually suggestive comments or actions.
- The person making the comments or conduct knows, or should know, that the person who experiences them may find the comments or conduct unwelcome.

Sexual harassment falls on the continuum of sexual violence. Sexual violence is defined by the World Health Organization as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work”.

While sexual harassment usually involves repeated actions or statements, one incident can be serious enough and may be considered harassment under the Ontario Human Rights Code.

**A person does not have to verbally object to sexual harassment for it to be harassment.**

### EXAMPLES OF SEXUAL HARASSMENT

- Unwanted sexual or sexually suggestive comments including jokes and name-calling
- Unwanted or unnecessary touching or physical contact
- Making gestures or touching oneself suggestively in front of others
- Staring
- Stalking/Cyberstalking
- Bragging about sexual prowess
- Using social media or texting to post pornography, images, words etc.
- Spreading sexual rumours
- Demanding dates or hugs
- Making threats
- Using derogatory or insulting language about a person’s gender, gender identity, gender expression or sexual orientation

#### Sexual Harassment can:

- Happen in any space, including the classroom, public areas, workplace and “virtual” space such as the internet.
- Be experienced or perpetrated by any person - regardless of gender, gender identity, sexual orientation, position of power and/or other defining characteristics

*There are groups who are more vulnerable to experiencing sexual harassment including young people, people with disabilities, and women. Furthermore, women who are trans, racialized, Aboriginal, or marginalized in other ways experience higher rates of harassment and violence.*

### YORK UNIVERSITY POLICY

York University is committed to maintaining safe and respectful spaces for learning, teaching, working, and visiting free from all forms of harassment and discrimination. York’s policy on sexual harassment incorporates the definition in the Ontario Human Rights Code and elaborates that sexual harassment is:

- Unwanted sexual attention of a persistent or abusive nature, made by a person who knows or ought reasonably to know that such attention is unwanted;
- The making of an implied or express promise of reward for complying with a sexually oriented request;
- The making of an implied or express threat of reprisal, in the form of actual reprisal or the denial of opportunity, for refusal to comply with a sexually oriented request;
- Sexually oriented remarks and behaviour which may reasonably be perceived to create a negative psychological and emotional environment for work and study.

Both the Ontario Human Rights Code and York University policy are explicit that **sexual harassment includes harassment based on gender, gender identity, gender expression and sexual orientation.**

## WHAT CAN YOU DO IF YOU THINK YOU ARE BEING SEXUALLY HARASSED?

York University takes sexual harassment very seriously. The policy covers all students, faculty, and staff. That means that as a member of the York University community, you have a right to be free from sexual harassment on all of York's campuses.

When experiencing harassment, you may be in a vulnerable situation and afraid to speak out or remain silent for fear of reprisal. You do not have to verbally object to an act of harassment for it to be considered harassment. These situations are still sexual harassment and contravene the Ontario Human Rights Code and York University Policy.

If you or someone you know is being harassed and you are able to do so safely:

- Ask the person to stop their comments or behaviour.
- Ask a person in a position of authority (such as a professor, a supervisor, a course director, or a manager) to step in and stop the comments or behaviour from happening.
- If the harassment continues or is not being dealt with appropriately, or you are uncomfortable approaching someone in a position of authority, call the Centre for Human Rights for free and confidential information and guidance.

Managers and other administrative staff and faculty have a responsibility to intervene and act on complaints of harassment. Please contact the CHR for guidance on appropriate steps to deal with a sexual harassment complaint or investigation.

## WHAT IF SOMEONE DISCLOSES THEY HAVE BEEN OR ARE BEING SEXUALLY HARASSED?

- Believe the person and take them seriously
- Ask what resources or supports they might need
- Maintain the confidentiality of the person disclosing
- If the situation requires the involvement of Security Services or a senior administrator, the person who has disclosed should be informed
- Refer to links and resources in this brochure for support

### LINKS TO YORK RESOURCES

Sexual harassment concerns and complaints should be directed to the Centre for Human Rights.

You may also refer to:

#### Counselling and Disability Services

<http://cds.info.yorku.ca/>

#### Office of Student Conflict Resolution

[www.yorku.ca/oscr](http://www.yorku.ca/oscr)

### LINKS TO YORK POLICY

#### Sexual Harassment Policy

<http://secretariat-policies.info.yorku.ca/policies/sexual-harassment/>

### EXTERNAL RESOURCES

#### Ontario Human Rights Commission

[http://www.ohrc.on.ca/en/news\\_centre/sexual-harassment-and-ontario-human-rights-code](http://www.ohrc.on.ca/en/news_centre/sexual-harassment-and-ontario-human-rights-code)

#### Ontario Women's Directorate

<http://www.women.gov.on.ca/>

### SOURCES

#### World Health Organization

[http://www.who.int/violence\\_injury\\_prevention/violence/global\\_campaign/en/chap6.pdf](http://www.who.int/violence_injury_prevention/violence/global_campaign/en/chap6.pdf)

## MAKING YORK UNIVERSITY REDI

The Centre for Human Rights (CHR) contributes to York University's vision of social justice and accessible education. We strive to build a respectful, equitable, diverse and inclusive (REDI) community at York by advancing, promoting, and upholding human rights at York in accordance with provincial human rights legislation and the University's policies.

### Contact the Centre for Human Rights if you:

*Have questions or concerns about human rights on campus*

*Are seeking human rights education*

*Are interested in human rights research*

#### CENTRE FOR HUMAN RIGHTS

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*This fact sheet provides general information about human rights related accommodation to York University students, staff, and faculty members and should not be construed as legal advice.*