

York University Online Harassment Guide for Faculty and Staff

Overview

Students, staff, and faculty at York are working, learning, teaching, and collaborating online and in virtual spaces more and more.

Many forms of unacceptable behaviour, including personal harassment and harassment based on the grounds listed in the *Human Rights Code (Ontario)* (which includes sexual harassment), can take place online much the same as they might take place in person.

If you believe you are experiencing harassment online or in virtual spaces, you have options for taking action to ensure the harassing behaviour ends and that York Community members are held accountable for their conduct or comments.

This guide will assist staff and faculty members in understanding when workplace harassment protections apply, where those protections are codified, what type of harassment is at issue, and where to go for recourse.

In the Course of Duties

Faculty and staff members can still be considered to be acting in the course of their duties even when they are not physically present on campus. This can include:

- While engaged in remote teaching, whether by video, phone, message board, internet chat, or some other mode of communication;
- When corresponding with York Community members including: students, faculty, or staff, whether by email or another method, electronic or otherwise;
- When attending Zoom or Skype video meetings or calls with students, colleagues, or staff;

- When using Moodle or other similar online learning platforms;
- At conferences or other off-campus events or meetings;
- While at working lunches or dinners.

The common feature of the examples listed above is that there is some real connection to the faculty or staff member's work for York University at the time and in the context when the alleged harassment occurred.

The alleged harasser (the person(s) you believe is harassing you) must be a York Community member. A “**York Community member**” is a broadly defined but generally refers to students, staff and faculty. There are other categories of people, who have special and unique relationships to York, that may also be covered by some or all of these policies. If you are uncertain you may contact the [Centre for Human Rights Equity and Inclusion](#) for summary advice and direction.

Law and Policy

Alleged harassment taking place in any of these virtual or off-campus work contexts may be defined and prohibited under the following laws or policies:

- *Human Rights Code (Ontario)*
- *Occupational Health and Safety Act (Ontario)*
- Collective Agreements (where applicable)
- *Policy on Racism (York University)*
- *Workplace Harassment Prevention Policy* and *Workplace Violence Prevention Policy* (York University)
- *Code of Student Rights and Responsibilities* (York University)
- *Policy on Sexual Violence* (York University)

You may wish to consult the policies above to confirm the specific definition of harassment which might apply to your situation.

Two Kinds of Harassment

- The law recognizes two kinds of harassment, and there are some differences in policy and procedure depending on what is happening.

- “**Personal harassment**” refers to harassing conduct or comments generally.
- “**Code-based harassment**” is specific to harassing conduct or comments in which a person’s protected identity or characteristics are a factor which is defined by the *Human Rights Code (Ontario)*.
- “**Sexual harassment**” is a type of *Code*-based harassment, but for public policy reasons, it is addressed in a separate and specific policy and by a dedicated office at all Ontario universities, including York University. At York University this is the *Policy on Sexual Violence* and the *Centre for Sexual Violence Support, Resources and Education* (“the Centre”).
- For purposes of identifying your next steps, it is advisable to give some thought to which kind of harassment you are experiencing. If you are unsure, the *Centre for Human Rights Equity and Inclusion* can provide summary advice which may help clarify the question for you.

Recourse

An individual staff or faculty member’s recourse for alleged harassment (online, off-campus, or in-person) depends on two factors:

- the category of the York Community member who has engaged in the alleged harassing conduct
- whether the concern is about personal harassment, *Code*-based harassment, or *Code*-based sexual harassment.

Harassment

Alleged behaviour by a York Student:

- If the person is a student, the *Office of Student Community Relations (OSCR)* oversees the *Code of Student Rights and Responsibilities* which governs student conduct. OSCR can assist the staff or faculty member to engage the dispute resolution and/or complaint process under the *Code*. All complaints about student conduct or comments, whether *Code*-based or not (with the exception of sexual harassment), begin with OSCR.

Alleged behaviour by a Staff or Faculty Member

Option 1 – *Occupational Health and Safety Act*

- The **Occupational Health and Safety Act (OHSA)** addresses workplace harassment and violence.
- The definition of workplace harassment and violence is broad.
- OHSA requires workplaces to have a process to investigate complaints of workplace harassment or violence.
- If the person is a staff member or faculty member, the **Human Resources Department** oversees the ***Workplace Harassment Prevention Policy*** and the ***Workplace Violence Prevention Policy***.
- Human Resources can initiate an investigation into concerns about the conduct or comments of any staff or faculty member, including both personal harassment and *Code*-based harassment.

Option 2 – using the *Human Rights Code*

- The ***Human Rights Code (Ontario)*** also addresses harassment (and discrimination) based on a protected identity or characteristics.
- Complaints against staff or faculty members can also be brought through the **Centre for Human Rights Equity and Inclusion**, but only in cases involving *Code*-based harassment (except sexual harassment, see below).
- Contact the **Centre for Human Rights Equity and Inclusion** for assistance.

Option 3 – through a Collective Agreement

- Certain harassment concerns may also be addressed through the labour relations regime, as a grievance brought through the appropriate bargaining unit (where applicable). This applies to both personal harassment and *Code*-based harassment.
- Contact your Union for assistance (see links below in Resources).

Sexual Harassment

- All sexual harassment complaints must first be brought to the **Centre for Sexual Violence, Response, Support and Education**. From there, other University offices including the Centre for Human Rights Equity and Inclusion may become involved as necessary, but the Centre is the initial point of contact. The Centre

can provide information about procedural options, and other forms of support.

- You can always reach out to your Union as well.

Further Guidance

York University is a large institution with a broad and diverse community of staff, students, and faculty. As summarized above, there are a number of policies and procedures which have been developed to ensure the needs of this community are met and to comply with legislative requirements. This network of policies can appear confusing or daunting when someone is faced with a harassing situation.

The [Centre for Human Rights Equity and Inclusion](#) is available for confidential consultations to provide summary advice and information regarding the workplace harassment protections and procedures in place at York University.

Resources

Centre for Human Rights Equity and Inclusion (REI)

416-736-5682, Fax: 416-650-4823

2070 Victor Phillip Dahdaleh Building

rights@yorku.ca

www.yorku.ca/rights

The Centre for Sexual Violence Response, Support and Education (the Centre)

416-736-5211 (24/7)

301 York Lanes

thecentre@yorkuca

<http://thecentre.yorku.ca/>

Office of Student Community Relations (The OSCR)

416-736-5231, Fax: 416-736-5565

W128 Bennett Centre for Student Services

oscr@yorku.ca

<http://oscr.students.yorku.ca>

Employee Wellbeing Office (Human Resources)

416-736-5491

Kinsmen Building, 8 Chimneystack Road

ewb@yorku.ca

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

Union

If you are an employee represented by a Union you may also contact your Union for support.