

SPECTRUM

Sexual harassment - how to deal with a tricky issue

Would you know when and if you have been the victim of sexual harassment? Sexual Harassment has begun to attract considerable attention. One of the reasons for its predominance is the increased number of women in the workplace. More importantly, however, sexual harassment has become a problem that people are willing to talk about. As awareness of the problem grows, so does the potential for solutions. The University of New Brunswick has, for example, adopted a new **Policy and Procedure on Sexual Harassment**. This new manual can be obtained at Personnel Services (Room 102, Physics and Administration Building, 453-3638). For a summary of the policy refer to **Tackling the System** (1991).

LEGAL EASE

harassment as taking place in an employment situation with the victim being female. This is not always true. There are other situations in which sexual harassment may occur. For example, the victim may be a male and the harassment may take place at a university library or a bar.

Sexual harassment can be defined as unwelcome sexual advances, requests for sexual favours or any other verbal or physical conduct that interferes with an individual's academic or work performance. It is

behaviour that is intimidating, hostile and offensive. Some examples of sexual harassment are: verbal harassment or abuse of a sexual nature; pressure for sexual activity; sexist remarks about your clothing, body, sexual activities, unwanted touching, patting or pinching; repeated brushing against your body; demands for sexual favours accompanied by implied or overt threats concerning your job, grades, letters of recommendation and physical assault. Sexual harassment may exist between you and a person in a higher position, or between you and a peer. Whatever the level, sexual harassment destroys the trust and security necessary for university life.

Have you been or are you presently the victim of such behaviour? You have the

fundamental right to protect yourself from sexual harassment. A complaint of sexual harassment brought to the University's attention will be acted upon promptly while protecting the confidentiality of all parties concerned.

The new University policy offers you three options to choose from if you believe that you are the victim of sexual harassment. Before you decide to follow one of these routes, you should consult with a Sexual Harassment Advisor who can provide information, advice and support to all students and faculty. A complete list of available advisors may be found at Personnel Services. Your sexual harassment advisor can help you to decide which route to follow:

Complaint Procedure: UNB has two Personnel Officers (one male and one female) who are responsible for handling complaints of sexual harassment and will arrange an appointment with you in order to discuss your personal case. He or she will not judge, but merely ensure that you are fully aware of your options under the University policy.

Informal Resolution: You may wish to take the direct approach by speaking to the person who is harassing you and try to resolve the problem yourself. If this does not work or if you are uncomfortable with this method, you may take your written complaint to the Personnel Officer who will start the Facilitation Procedure in which a neutral third person (facilitator) will help you and the person perceived as the harasser to find a solution that is mutually acceptable.

Formal Procedure: If the case is so serious that informal resolution is not helpful, you should follow the complaint procedure to start the formal

procedure. The Personnel Officer will take your written complaint to the appropriate University Administrator and will notify the individual accused of harassment that a formal complaint has been filed against him or her. An extensive investigation will take place with all its results and final recommendations passed on to the Vice-President who will review all the material, possibly hold a formal hearing and make a decision on the matter. The Vice-President will decide upon appropriate disciplinary measures for remedying or mitigating any academic or employment harm suffered by any person(s) as the result of the sexual harassment.

The existence of the University policy does not stop you from taking other courses of action. You may take legal action, contact the police, or file a formal complaint with the New Brunswick Human Rights Commission. The Commission will hold a thorough and formal investigation to determine if the complaint has merit. If it so finds, it may issue an order which could include compensation for financial loss, or injury to dignity, feelings or self-respect. If you wish to lodge a complaint with the New Brunswick Human Rights Commission you may contact: New Brunswick Human Rights Commission, P.O. Box 6000, 103 Church Street, Fredericton, N.B. Telephone No. 454-2301.

THIS COLUMN IS INTENDED TO BE USED AS A GUIDE ONLY. IT IS NOT MEANT TO BE A REPLACEMENT FOR PROFESSIONAL LEGAL ADVICE. IF YOU REQUIRE FURTHER LEGAL INFORMATION OR LEGAL COUNSELLING, PLEASE CONTACT A LAWYER.

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