

**UNIVERSITY OF OTTAWA
FACULTY OF MEDICINE
POLICY ON SEXUAL HARASSMENT**

Introduction

The Faculty of Medicine is committed to a policy of zero tolerance of sexual harassment in all its forms.

As members of the University, the Faculty adheres to policy #67 dealing with sexual harassment.

Policy 67 adopted by the University provides that:

"Whereas the University of Ottawa Act, 1965, provides that one of the University of Ottawa's objectives is "to promote the advancement of learning and the dissemination of knowledge";

And whereas the Human Rights Code, (1981) provides inter alia that "every person who is an employee has a right to freedom from harassment in the work place because of sex";

And whereas, in recognition of its responsibility to have an appropriate environment for the discovery and sharing of knowledge, the University has made a commitment to create an atmosphere of reciprocal respect amongst all members of the University community;

And whereas the University recognizes as well that all members of the University community are entitled to a working and learning environment

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which is pleasant, professional, and promotes due respect and regard for the rights and feelings of all;

and whereas romantic or sexual relationships between faculty members and students or between supervisors and employees or students are ones in which a power differential may exist;

and whereas an abuse of that power differential creates a negative environment for work and study and casts doubt on the validity of the consent to such relationships;

the University therefore strongly disapproves of romantic or sexual relationships between faculty members and students or between supervisors and employees or students, and expects members of its community to refrain from engaging in them;

The University therefore affirms that sexual harassment is a negation of such reciprocal respect in addition to being a violation of the fundamental rights, dignity and integrity of the person and that it undermines the environment required for the advancement of learning and the dissemination of knowledge."

Definition

Sexual harassment is defined in Policy 67 as follows:

- a) unwanted sexual attention from a person who knows or ought reasonably to know that such attention is unwanted; or
- b) implied or expressed promise of reward for complying with a sexually oriented request; or
- c) implied or expressed threat of reprisal or actual reprisal for refusal to comply with the sexually oriented request; or
- d) a sexual relationship which constitutes an abuse of power in a relationship of trust; or
- e) Sexually oriented remarks or behaviour which may reasonably be perceived to create a negative psychological and emotional environment for work or study".

As the practice of medicine requires a high order of trust between physician and patient, the highest standards of ethical behaviour and integrity are mandated by the Faculty in order to provide an exemplary environment for the training of new physicians.

For these reasons, the Faculty affirms its commitment to a policy of zero tolerance for sexual harassment and to apply Policy 67 of the University of Ottawa to all students and trainees including

undergraduate, graduate and postgraduate students and residents, fellows and other trainees, support staff and faculty, regardless of whether such individuals are on the University payroll, it being understood that, for APUO members, Section 39.5 of the Collective Agreement also applies.

The faculty has established a conflict resolution policy to provide a readily accessible process within the Faculty to help resolve conflicts, including those involving sexual harassment. This policy provides a voluntary informal resolution of such complaints for students, trainees, faculty and support staff of the Faculty of Medicine. The process described by the conflict resolution policy was designed to be consistent with, and does not replace or over-ride existing University and APUO policies. At all times, the member has the option to lodge a complaint in accordance with these policies.

Procedures

Policy 67 provides for the establishment of a Committee on Sexual Harassment, a process for dealing with complaints, the appointment of a University Sexual Harassment Officer, a process for appeals and disciplinary action, requirements for confidentiality and a statement of the rights of the complainant and respondent. Certain parallel procedures are described in Section 39.5 of the APUO Collective Agreement and apply to APUO members.

Complaints are to be made to the Sexual Harassment Officer as soon as possible and apart from exceptional circumstances, "a complaint shall not be considered if it is made more than six (6) months after the alleged incident(s)".

" A complaint may be made by either an individual or individuals who have been directly affected by the alleged sexual harassment, or by any person who has actual knowledge that sexual harassment has taken place."

Policy 67 further provides for the handling of the complaint by the Sexual Harassment Officer and for the possible eventuality of a hearing before a Complaint Panel which may be established under the authority of the chairman of the committee on sexual harassment who is the Secretary of the University. The Complaint Panel shall determine and shall file a report setting out:

- a) "A summary of the relevant facts;
- b) A determination as to whether the acts complained of constitute sexual harassment as defined in Policy 67;
- c) Recommendations as to appropriate disciplinary action and other measures which in its opinion are necessary in the circumstances."

This report is then forwarded to the Administrative Committee and to the Dean of the

Faculty for action. Certain parallel procedures are described in Section 39.5 of the Collective Agreement and apply to APUO members.

Disciplinary Action

"Disciplinary action includes but is not limited to an apology, reprimand, transfer, suspension, expulsion, or dismissal, depending on the seriousness of the conduct, the respondent's connection to the University, the respondent's prior record and any mitigating factors, it being understood that any disciplinary action shall be undertaken in conformity with procedures set out in the relevant Collective Agreement or University policy."

Grievance

For purposes of grievance, procedures are set out in the Collective Agreement for APUO members. All trainees, support staff and members of the Faculty but not members of the APUO, are governed by Policy 32 which describes the appropriate grievance process.

It should be noted that where there is evidence of sexual harassment committed by a member of the Faculty, either admitted by the member or established by the investigative process provided for in the policy, such evidence may be considered in the evaluation of a faculty member's performance in respect to promotion and tenure where such conduct is relevant to performance. In

the case of trainees and faculty members engaged in the practice of medicine, such behaviour will be reported to the College of Physicians and Surgeons of Ontario in accordance with the regulations of the College.

*Approved by
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