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CAUT TO ADOPT REVISED SEXUAL HARASSMENT POLICY

"Faculty unions should be actively involved in educating their members about sexual harassment."

This is an excerpt from the following CAUT Policy Statement on Professional Ethics and Relationships now under review. Since CUASA's Constitution binds it to all CAUT policies, you should read the following and address your comments to: Chair, Academic Freedom and Tenure Committee
CAUT, 308 - 294 Albert Street, Ottawa, K1P 6E6

These amended policies will go to CAUT Council for adoption this fall.

POLICY STATEMENT ON PROFESSIONAL ETHICS AND PROFESSIONAL RELATIONSHIPS

1 PREAMBLE

The statement which follows is intended as a set of guidelines on ethically appropriate professional conduct for academic staff. It is intended to give guidance to academic staff at individual universities where ethical guidelines may be enacted, together with grievance procedures for dealing with problems which may arise from infractions of these guidelines. CAUT does not certify individuals as members of the profession, nor can it exclude them; neither has it the power to grant employment or withhold it. Therefore, implementation of any code of professional ethics must lie with individual colleges and universities. References in these guidelines to the use or exploitation of the work of other persons, they are not intended to interfere with the lawful use of published research or the lawful use of unpublished research with the informed consent of the researcher.

Insofar as librarians are engaged by universities as academic staff performing the teaching and research duties, working as colleagues with other librarians and faculty, and in relationship to the university and to the larger community, librarians carry the same responsibilities as other members of the academic staff.

2 ACADEMIC STAFF AS TEACHERS

2.1
The first responsibility of university teachers is the pursuit and dissemination of knowledge and understanding through teaching, research and creative artistic activity. They must devote their energies conscientiously to the development of their scholarly competence and their effectiveness as teacher.

2.2
They must be conscientious in the preparation and organization of their subject matter. The content of their teaching should correspond with approved course descriptions. They should ensure that their teaching is consistent with relevant university policies, including the declared aims of their academic unit, provided that their academic freedom is not infringed.

2.3
They must encourage the free exchange of ideas between themselves and their students.

2.4
They must always be fair to their students, particularly in evaluating them. Academic staff participating in processes that evaluate students, for admission to academic programs or scholarships, for example, should ensure that the procedures used are fair.

2.5

It is unethical for them to exploit students for their private advantage.

2.6

They should not act so as to prevent the fulfilment of these responsibilities by themselves or by other members of the academic community.

2.7

They must keep in confidence all information gained in confidence about students whether concerning their academic progress, their personal life or their political and religious views. This does not affect the normal use within an institution of information concerning academic progress for the purpose of making academic decisions.

2.8

Where a professor and a student are in close personal relationship such that there is, or may be perceived to be, a conflict of interest or possible favouritism (such as being spouses to one another, parent and child, or siblings) then the professor is advised to decline or terminate a supervisory or evaluative role with respect to the student in question, and, when necessary, to make appropriate alternative arrangements for the supervision and/or evaluation of the student's work.

2.9

Teachers may reveal information about the academic standing of a student in response to a request from a reputable source; they may refer to a student's character only insofar as this is relevant. When acting as a referee, they must strive to be fair and objective.

2.10

In cases where the reference has not been solicited by the student, teachers should inform the student prior to responding. If it is not possible to inform the student, or if the student objects, the teacher should consider the option of declining to respond.

3

ACADEMIC STAFF AS SCHOLARS

3.1

All scholarly activity conducted within the university must have as its primary objectives:

- (a) the increase of knowledge and understanding;
- (b) the improvement of the scholarly

competence of the teacher; and (c) insofar as possible, the initiation of students into the academic disciplines.

In view of the first objective, it is essential that university academic staffs be free to disseminate the results of their research through publication, lectures and other appropriate means. They should not accept funds from private sources where the donation of such funds is designed to accomplish predetermined objectives other than those which are consistent with an honest search for knowledge.

3.2

They should refrain from entering into any agreement that infringes their freedom to publish the results of research conducted within the university precincts or under university auspices. Notwithstanding this, they may agree to delay, for a specified period of time, publication of the results of sponsored or contract research, provided that this condition is agreed to by their university (see appendix I).

3.3

They have a responsibility to familiarize themselves with and to respect prevailing ethical guidelines regarding research involving human or animal subjects.

4

ACADEMIC STAFF AS COLLEAGUES

4.1

They should defend their colleagues academic freedom. It is improper for them to act deliberately so as to infringe that freedom.

4.2

They should refrain from denigration of the character and competence of colleagues. Unsolicited professional judgments on the work of colleagues must only be presented in an appropriate forum.

4.3

When presenting a professional judgement on a colleague at the request of an appropriate university committee or authority (e.g. a committee dealing with appointments, tenure, dismissal or research grants) they have the obligation both to the colleague and to the university to be fair and objective.

4.4 It is unethical to fail to respect the confidentiality of information about a colleague gained in confidence during participation in the work of committees such as those described in 4.3.

4.5 They have the responsibility to acknowledge in their scholarly lectures and publications academic debts to colleagues and students.

4.6 It is unethical for them to exploit the unpaid work of colleagues for personal gain.

5 ACADEMIC STAFF AND THEIR UNIVERSITIES

5.1 In accepting a university appointment, they assume obligations to the university in addition to primary duties as teacher and scholar. They have the responsibility to participate in the life of the university, in its governance and administration, through membership on committees and organizations at board, senate, faculty and departmental levels, provided that this participation is consistent with the discharge of their primary responsibilities and with their own abilities.

5.2 It is unethical for them to accept an academic appointment or an appointment to an administrative position unless they are satisfied that proper consultative procedures such as those recommended by the Duff-Berdahl report and other relevant CAUT documents have been employed in filling the post.

5.3 They have a responsibility to abide by the rules and regulations established for the orderly conduct of the affairs of the university, provided that these rules and regulations have been arrived at by proper procedures, are fair and reasonable, do not infringe the academic freedom of the faculty and students or the principles of conduct set forth in this policy statement or in codes properly established by recognized professional or academic societies. At the same time, they have a responsibility to seek reforms which would, in their judgement, improve the university.

5.4 It is unethical to fail to give proper notice of resignation of a faculty appointment, in accordance with the appropriate university regulations, or to accept another position involving conflicting obligations for a period covered under the terms of an existing appointment.

5.5 Staff members should avoid the following potential conflicts of interest unless, after full consultation, they have the approval of the university officer to whom they are responsible:

(a) authorize the purchase by the university of equipment, supplies or services from a source in which they or their family has a substantial interest

(b) hire a member of their immediate family as an employee or consultant for any project supported by funds administered through the university:

(c) be associated with the management of any undertaking which hires or proposes to hire university personnel.

5.6 Librarians have a particular responsibility for the development and maintenance of access to a cultural and intellectual heritage. They should devote their energies conscientiously to the development of the library's collection which, in the last analysis, is their responsibility in trust.

5.7 Librarians must be conscientious in the preparation of access to information in all formats and should revise such access periodically in light of developments in the profession.

5.8 Librarians have a responsibility for the development of appropriate standards of library service within individual universities.

6 ACADEMIC STAFF AND THE COMMUNITY AT LARGE

6.1 In their statements outside the university, they retain the responsibility of seeking the truth and of stating it as they see it. However, they should make clear that except when specifically authorized to do so, they are acting in their own name and not in the name of the university.

6.2

SECONDARY INCOME

The time involved in any consulting or related work and the nature of such work, involving payment to the professor by any person or organization other than the university should be disclosed to the appropriate university authorities if so requested by the university, provided that such a request conforms to the terms of the local collective agreement.

6.3

When they enter into a special relationship with some sector of the community at large, as when they are engaged as a consultant or when they conduct research under contract, they have a responsibility to ensure that these duties are consistent with their primary obligation to the university and in no way deleteriously affect their duties within the university.

APPENDIX I

SUGGESTED NORMS FOR UNIVERSITY POLICY ON RESEARCH & PUBLICATION

1

Since the dissemination of knowledge is one of the primary purposes of the university, all research conducted under the auspices of the university should be such that its results are freely publishable. In the case of sponsored (contract) research, the CAUT suggests that the following qualifications may be appropriate:

1.1

In cases where a sponsor may have industrial or commercial rights arising from a research project, the university will accept restrictions on publication of research results for a period not to exceed two years from the date on which the report of the research is transmitted to the sponsor.

1.2

In cases where a sponsor wishes to be given the opportunity of publishing the results of research independently of their publication by the university and prior to it, such rights may be given provided that:

(a) the university in any event is free to publish the results within two years of the final report having been submitted to the sponsor;

(b) the university's name not be used in connection with the publication by the sponsor or any

report that differs substantially from that originally prepared, without the written consent of the university;

(c) there be no delay in the presentation of a thesis by a graduate student as a result of the restriction stated in (a) above.

1.3

In cases where, by the terms of a contract or grant, the sponsor agrees to provide data essential for the research which at the time they are provided are considered confidential, and where the appropriate academic administrator judges the research to be of sufficient importance to warrant partial waiver of the general norms respecting free publication, the university should be prepared to accept the grant or contract for research and to respect confidentiality providing the results of the research may be published without any identifiable reference to the confidential data.

2

As part of its responsibility in matters of research, each university should undertake:

(a) to publish and circulate annually the titles of all research projects conducted under university auspices, with the names of the sponsoring agencies and

(b) to develop guidelines with respect to the amount of time university teachers may devote to remunerated consultation or research for outside agencies.

HOUSES FOR RENT

Glebe near canal, furnished 4 bedroom, family, dining, living rooms, 1-1/2 baths, 20 min. walk to Carleton. Available July/August 1990. \$900/m. Phone 238-7583.

Hunt Club Park, furnished or unfurnished 3 bedroom house, 2-1/2 baths, family, dining, living rooms, 5 appliances and garage. Quiet area, 20 min. drive to Carleton. Available August 1990. \$100/m. Contact Ed Lai 738-6475 (h).

APARTMENT FOR RENT

Ottawa South, near Carleton/Canal; 1 bedroom, renovated; air conditioned, washer/dryer, parking included; \$650 per month; available July. Phone 233-0087 or 231-7226.

APPENDIX II
ABUSE OF PROFESSIONAL AUTHORITY:
SEXUAL HARASSMENT

1 This policy statement on sexual harassment applies to professional or supervisory relationships of an academic, counselling or administrative character to which students, academic staff, support or administrative staff or other members of the university community are subject. Nothing in this document is intended to detract in any manner from the rights of academic staff to academic freedom.

2 Sexual harassment as defined herein is a violation of the Policy on Professional Ethics and Professional Relationships.

3 Conduct of a sexual nature such as, but not limited, sexual assault, verbal abuse or threats of a sexual nature, unwelcome sexual invitations or requests, demands for sexual favours, or unwelcome and repeated innuendos or taunting about a person's body, appearance or sexual orientation, constitutes sexual harassment when:

- (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic status or academic accreditation, or
- (b) submission to or rejection of such conduct by an individual is used as the basis for employment, or for academic performance, status or accreditation decisions affecting such individual, or
- (c) such conduct interferes with an individual's work or academic performance,
- (d) such conduct creates an intimidating, hostile or offensive working or academic environment.

4 It is the CAUT view that all sectors of the university community have a responsibility to cooperate in the creation of a climate in which sexual harassment does not occur. Therefore CAUT recommends the development of a cooperative educational program designed to sensitize members of the community to the unacceptability of such conduct. All constituencies within the university should be involved in the development of such a program. Faculty associations, where necessary, should take the initiative in securing the

cooperation of the other constituencies. Faculty associations/unions should be actively involved in educating their members about sexual harassment. This could include information sessions on sexual harassment at general meetings, discussion of sexual harassment in association mailings or working with other groups on campus to actively promote an environment free of sexual harassment.

5 Members of the academic community have a responsibility to cooperate in the creation of a climate in which sexual harassment does not occur. They should not engage in practices which appear to condone or do condone sexual harassment. Sexual harassment may be condoned through active encouragement of unacceptable behaviour or by implied acceptance of or support for offensive behaviour.

6 These principles are not intended to inhibit normal social relationships or freedom of expression which are in accord with professional ethics as set out in the CAUT Policy on Professional Ethics and Professional Relationships. An individual entering or involved in a sexual relationship with a consenting adult who will be or is subject to that individual for evaluation or supervision should decline or terminate the supervisory or evaluative role.

7 Every university should have clear procedures under which complaints of sexual harassment may be processed. The development of such procedures should involve other interested parties in the university, such as women's groups, student government, staff unions, etc.; however, such procedures must be bilaterally negotiated by the faculty association and the administration.

8 Every university should appoint a sexual harassment officer(s) whose duties should include educating the academic community, counselling complainants, receiving complaints, and administering the policy and procedures.

9 The procedures should include and encourage the opportunity for the informal resolution and/or mediation of complaints. Such processes should be held in confidence.

10

In order to facilitate informal resolution and/or mediation, no third party to either of these processes, including the sexual harassment officer, should be an adjudicator or a witness in any formal hearings of the complaint.

11

The procedures should include a mechanism for formal resolution of the complaint, in the event that informal resolution and/or mediation fail or are found to be inappropriate.

12

In all cases the procedures should be consistent with the principles of fairness embodied in the relevant policy statements of CAUT. The procedures should ensure that the principles of natural justice are honoured, including, but not limited to:

- (a) the right of the accused to be informed in writing of the specific charges that have been brought by the complainant;
- (b) the right to counsel; and
- (c) the right to hear the evidence and to cross-examine witnesses during a formal hearing.

13

The procedures should ensure that the complainant is protected from reprisals as a result of bringing a sexual harassment charge that is neither frivolous nor vexatious; and that witnesses are also protected from reprisals where the witness has testified honestly.

14

The procedures should ensure the prompt remedy of any harm or disadvantage suffered by the complainant or, where the complaint was unfounded, by the accused.

15

Both the decision and any disciplinary action imposed should be subject to grievance and arbitration.

1

In the special circumstances where university teachers are asked for information as part of a security clearance, they should be guided by the policy of CAUT, relating to such circumstances: CAUT (a) advises its members that they are not compelled to reply to questions of the security services respecting the political or religious beliefs, activities and associations of colleagues and students; (b) urges its members not to reply orally to such questions; (c) urges further that, if any member considers that a reply should be made, it should be given in writing, signed by the member, and dated; (d) encourages its members to consider whether copies of such information should be provided to the persons about whom it has been sought.

2

CAUT recommends to the attention of Canadian universities "The Policy Statement for the Staff on Supplementary Income and Related Activities" of the University of Toronto, University of Toronto Bulletin, 19 July 1972, with the proviso that the membership of any appeal body should be mutually agreed upon by the president and by the faculty association. See CAUT Information Service, Handbook, p.54.

APPENDIX III

ENFORCEMENT OF CODES OF PROFESSIONAL ETHICS

CAUT's "Policy Statement on Professional Ethics and Professional Relationships" is designed to help academic staff deal with the application of written and agreed upon codes of ethics at their respective institutions. However, the statement states that, CAUT does not certify individuals as members, nor can it exclude them; neither has it the power to grant employment or to withhold it. Therefore, implementation of any code on professional ethics must lie with individual colleges and universities (CAUT Handbook, 1986, p.37).

It is consistent with the policy statement that CAUT should not propose model clauses for dealing specifically with enforcement of codes of ethics. University administrators with evidence that individual academic have violated their institution's code of ethics must bear the burden of initiating appropriate remedial actions. The remedies should, of course, be consistent with the existing collective agreement or faculty handbook and must be subject to review under the grievance and arbitration procedure.

It is not appropriate for CAUT to endorse a model enforcement mechanism that could result in local associations negotiating greater restrictions on academic staff. Because local associations represent faculty as employees it is, however, appropriate for the local associations -- with support from CAUT -- to monitor the development and the application of codes of ethics and to stand ready to defend the substantive and procedural rights of members.

Approved by the Council, November 1970, revised, May 1973, May 1986, May, 1989; Appendix II approved, May 1981 (Interim) and May 1982 (Final), revised, May 1989; Appendix III approved, May 1987.