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# Discrimination on Campus

Where to  
Turn for Help



The **League for Human Rights**, an agency of B'nai Brith Canada, is dedicated to combating antisemitism and racism. The objectives of the League include advocating for human rights for all Canadians, building bridges between communities, and fighting racial discrimination and bigotry in all its manifestations. The League accomplishes these goals through educational outreach programs, anti-racism initiatives, community action and legal/legislative interventions.

The *League* operates a twenty-four-hour, seven-day-a-week Anti-Hate Community Hotline (1-800-892-BNAI [2624]) offering assistance to victims of antisemitism and hate-motivated crimes. *League* members interact on an ongoing basis with the community, the police, synagogues and schools, legal and legislative experts, and government agencies that deal with racism.



### ***Discrimination on Campus***

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# Introduction

All too often, a university campus becomes a site for discrimination or hate mongering. A place of learning and academic discovery is transformed into a forum for extremist views that single out students based on their religion, ethnic origin, colour, or sexual orientation.

In some cases, such behaviour is a criminal offence. Under the *Criminal Code of Canada*, hate crimes involve specific acts involving “hate propaganda”, and should immediately be reported to the university and the police.

In other cases, the offending behaviour might not meet the legal criteria of a “hate crime” under the *Criminal Code*, but the act may still be considered discrimination or harassment under the university’s human rights policies, as well as by the provincial *Human Rights Code*, and a remedy may be available. This pamphlet primarily addresses this latter eventuality, and describes what avenues of help are available to Canadian university students who have experienced discrimination or harassment on campus.



# Discrimination and Harassment

## What is Discrimination?

Under Canadian human rights laws, discrimination consists of treating a person or group of persons negatively or differently based on a prohibited ground of discrimination. Discrimination may be direct or indirect, intentional or unintentional.

The prohibited grounds of discrimination are listed in each province's *Human Rights Code*. For instance, the *Ontario Human Rights Code* lists the following prohibited grounds of discrimination: race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, sex, sexual orientation, disability, perceived disability, age, marital status, family status, same-sex partnership status, and record of offences.

The *Code* applies in the following settings: the workplace; housing; goods, services and facilities; contracts; vocational services and trade unions.

The *Canadian Charter of Rights and Freedoms* provides further protection from discrimination. Listings of the definitions given by other provincial or federal codes are accessible online.

## What is Harassment?

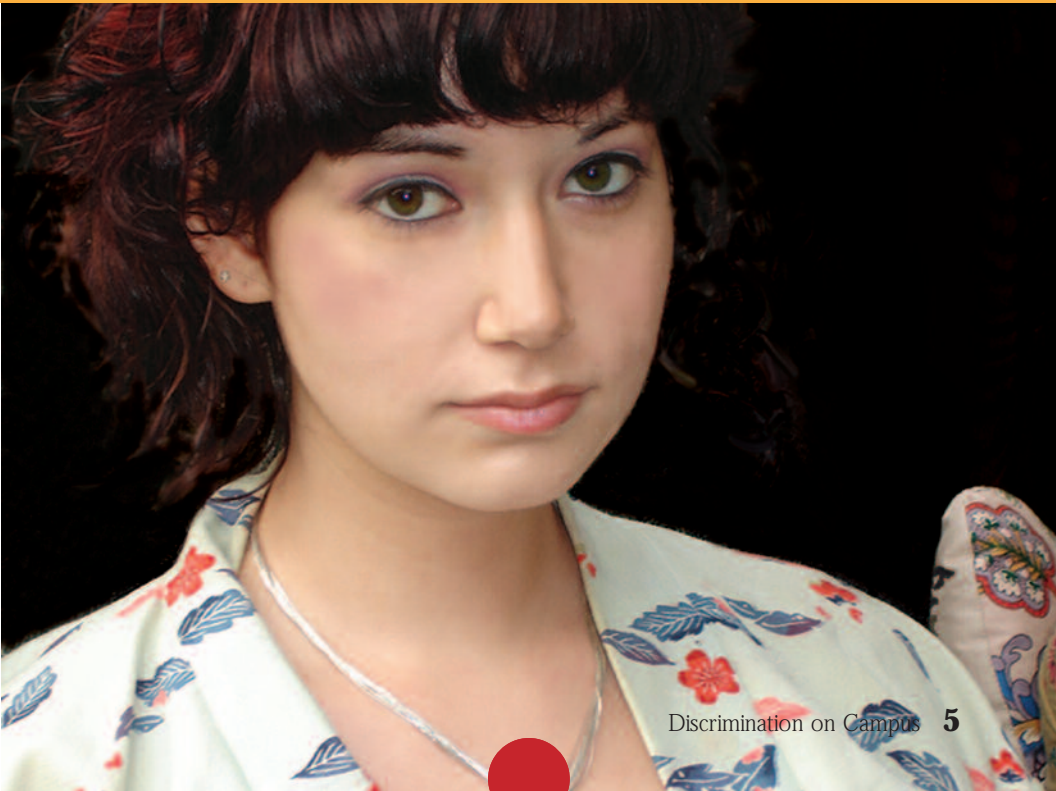
Harassment is a form of discrimination, and therefore illegal. Harassment includes any physical or verbal behaviour that derogates or humiliates an individual based on a protected ground.

# Where Can You Go For Help?

## (A) University Human Rights Policy

Inform yourself about your university's human rights policy. Often these will be accessible through the university's website. Canadian universities are committed to creating an environment in which members of the campus community are free to learn, teach and work without discrimination or harassment based on protected grounds.

If the human rights policy of your university is not being followed on campus, bring this to the attention of the department in which the offending behaviour occurred. The university may take such disciplinary measures as suspension, expulsion or discharge for faculty or staff.



# Where Can You Go For Help?

If the department is not able to resolve the complaint successfully, the next step is to turn to the Ombudsperson or Equity Office on your campus.

## (B) Office of the Ombudsperson

The Office of the Ombudsperson, located on your campus, is a good place to turn if you have experienced or witnessed harassment or discrimination on campus.

Many universities across Canada have such an office. Their human rights policy may be found online, along with contact information for the Ombudsperson or Equity office.

The Ombudsperson is independent and will not take the side of either the complainant or the respondent. The Ombudsperson promises confidentiality, and your name will not be disclosed without consent.

The Ombudsperson follows the *Human Rights Code* to solve complaints through early resolution, mediation, or investigation if necessary. In the case of an investigation, the Ombudsperson's role is to make a recommendation, which may then be enforced by the university's governing body.

Once you have exhausted the complaint procedure within the university setting, a complaint to the provincial human rights commission may be the next step.

# Assert Your Rights

## Protection from Reprisal

Every student has the right to bring a complaint to the Ombudsperson's Office without fear of reprisal from any other student, staff or faculty member of the university. University policies state that disciplinary action will follow any such act of reprisal.

## Some Examples

- If a professor makes unwelcome jokes based on your religion or ethnic origin - *that is discrimination.*
- If an office on campus refuses to provide you with a service based solely on the colour of your skin - *that is discrimination.*
- If a professor's grading of students is impacted by their place of origin - *that is discrimination.*
- If posters carrying a racist message are displayed on university bulletin boards - *that is discrimination.*
- If a university-sanctioned student club refuses to admit potential members based solely on their citizenship - *that is discrimination.*

# Assert Your Rights

## What to do

Write down the offending comments. Then, bring a complaint to the department to which the professor belongs. If the university's internal human rights policy fails to successfully resolve the complaint, turn next to your Ombudsperson or Equity office. Should these channels fail, then the next step is to launch a provincial human rights complaint.



# Hate Propaganda Versus Free Speech

As a student you may be concerned about activities on campus. The administration will generally tell you that speeches, rallies or other events, no matter how repugnant, are protected by the right to free speech. Here is what you should be aware of:

## *Hate Propaganda*

Hate propaganda promotes hatred against certain groups of persons based on such factors as their ethnicity, colour, race or religion. Hate propaganda may be written or oral, and may take the form of flyers, posters, telephone messages, graffiti, pamphlets or Internet messages.



# Hate Propaganda Versus Free Speech

It is against the policies of Canadian universities to allow the distribution or posting of hate propaganda on campus. As such, it should be reported to your campus Ombudsperson or Equity office.

In addition, hate propaganda is illegal under the *Criminal Code of Canada*. Section 318 criminalizes “Advocating genocide”, while Section 319 criminalizes the “Public incitement of hatred” against an identifiable group. If you find a racist poster on the door or your residence, for example, you should immediately notify university security and the police.

## *Free Speech*

All too often, universities provide a forum for guest speakers whose material is bigoted or racist. Such events are often justified by the assertion that they fall under the rubric of academic freedom or free speech, and are therefore not hate propaganda. Providing a platform for Holocaust deniers is just one example.

In such cases, a proactive step is to let your university administration know that you are offended by such a speaker in order to encourage the university to refrain from providing a platform to such individuals in the future.

Consider networking with campus groups and organizations dedicated to protecting the human rights of minorities, such as B'nai Brith Canada's League for Human Rights, to put additional pressure on the administration to take action.

# Hate Propaganda Versus Free Speech

## Remember

Whether your complaint falls under the university's human rights policy, the provincial *Human Rights Code*, or the *Criminal Code of Canada*, it is crucial that you keep and document all evidence. Save any e-mails or phone messages received, write down any oral evidence, and take photographs of any offensive posters, flyers or acts of vandalism.

