



KNOW YOUR RIGHTS

A Guide for Muslim
Post-Secondary
Students





This guide was produced as a result of collaboration between the National Council of Canadian Muslims (NCCM) and the Canadian Federation of Students (CFS).

TABLE OF CONTENTS

ABOUT THIS GUIDE	3
Who this guide is for	3
How to use this guide	3
PART 1: DEFINING ISLAMOPHOBIA	4
What is Islamophobia?	4
Who does Islamophobia affect?	4
What does Islamophobia look like on campus?	5
Discrimination	5
Religious accommodations	6
Poisoned environment	6
Student rights on campus according to the law	7
Academic freedom	7
What campus policies say	7
PART 2: LAWS, CAMPUS POLICIES AND RESOURCES	7
The anatomy of a campus: where you can find support and resources	9
Asking for religious accommodations	11
PART 3: WHAT YOU CAN DO WHEN YOU ARE FACED WITH ISLAMOPHOBIA	13
Filing a report	13
Examples of some common scenarios and advice on what you can do	15
Islamophobia in the classroom	15
Bullying, hate crimes, threats, harassment and abuse on campus	17
Exclusionary spaces	18
Events and posters	18
Alcohol on campus	18
What to do if you are approached by CSIS or the RCMP	19
What to do when stopped by police or security on campus	20
Privacy	21
Who to call for legal support: some quick resources	22
Acknowledgment	23



ABOUT THIS GUIDE

WHO THIS GUIDE IS FOR

This guide is for you if you identify as Muslim, regardless of your race, ethnicity, sect, gender, sexual orientation or any other identity marker or social status. This guide is also for you if you are sometimes (or often) perceived by others as being Muslim.

HOW TO USE THIS GUIDE

This guide is intended to empower you as an individual with knowledge of your rights and information about what you can do if you experience discrimination or harassment based on being Muslim, or being perceived as Muslim, at a Canadian college or university. The information in this guide is divided into three sections:

- i. **Defining Islamophobia:** This section provides some information on understanding what Islamophobia is and what it can look like in everyday life in the form of discrimination or harassment.
- ii. **Laws and campus policies:** This section outlines both the legal framework and the policies in place on college and university campuses that deal with Islamophobia and religious accommodation.
- iii. **What you can do:** This section provides you with constructive tips about some options that you have in situations where you are faced with Islamophobia on campus.

DISCLAIMER

The information found in this guide is not legal advice and is also not a substitute for legal advice from a qualified and knowledgeable lawyer. Consult a lawyer if you are seeking advice about a particular case.

PART 1: DEFINING ISLAMOPHOBIA

WHAT IS ISLAMOPHOBIA?

Islamophobia refers to stereotypes, bias or acts of hostility towards individual Muslims or followers of Islam in general. Islamophobia can take the form of individual acts of discrimination or violence against Muslims or those who are perceived to be Muslim. Islamophobia can also produce systemic targeting or exclusion, as well as structural obstacles to equal opportunity for Muslims in employment, education, housing and other areas of public life.¹

WHO DOES ISLAMOPHOBIA AFFECT?

Islamophobia mostly affects Muslims. It also affects people who are mistaken to be Muslim simply because their race, ethnicity, language, name and/or clothing is perceived as Muslim. Islamophobia also affects mosques and other religious institutions that can be mistaken for Muslim gathering places, such as Arab churches, Sikh Gurdwaras, as well as community centres of various types.

WHAT DOES ISLAMOPHOBIA LOOK LIKE ON CAMPUS?

Bullying, threatening behaviour, and violence

Bullying can include the use of insulting language and slurs, intimidation, ridicule and threats. Threatening behaviour refers to the use of language (and body language) that causes fear of violence. Violence refers to the intentional use of physical force to cause harm. Verbal threats, assault and sexual assault constitute criminal offences and may also constitute hate crimes if the perpetrator engages in the willful promotion of hatred against an identifiable group.

Discrimination

Discrimination is defined as unequal treatment or the denial of access to services, facilities, housing or employment based on personal identity markers including (but not limited to) your religion, race or sex. On campus, discrimination can take place in classroom environments, in interactions with students, faculty or staff, or online. It may also take the form of inadequate religious accommodations.

*NOTE

Islamophobia, racism and sexism often happen at the same time. At times, racism or sexism is justified by Islamophobic beliefs. At other times, Islamophobia is justified by racist or sexist beliefs. Just because the form of discriminatory treatment does not fit neatly into one category or another does not make the experience any less discriminatory. Most Muslims have intersecting identities and, as a result, experiences with hate and discrimination can vary considerably from person to person.

¹ Ontario Human Rights Commission, "Policy and guidelines on racism and racial discrimination", http://www.ohrc.on.ca/sites/default/files/attachments/Policy_and_guidelines_on_racism_and_racial_discrimination.pdf

RELIGIOUS ACCOMMODATIONS

Post-secondary institutions have a duty to provide educational services without discrimination. This means that they are expected to provide equal opportunities, benefits and treatment to all students, regardless of the student's religion. Educational institutions will generally accommodate students' religious observances unless accommodation causes "undue hardship" (a legal test that considers the cost and health and safety implications of accommodation).

Accommodations are necessarily tailored to the individual's needs and circumstances and, as such, are decided on a case-by-case basis. Post-secondary institutions publish policies and procedures for documenting and processing accommodation requests. Such processes vary from institution to institution. Find out what the process is at your campus before you make a request. See page 11 for tips on making a request for religious accommodations.

POISONED ENVIRONMENT

A poisoned environment is the product of unchecked discrimination. It is a professional or academic space where some members of the community feel unwelcome due to attitudes and treatment that exclude or stigmatize specific groups of people.

*NOTE

"A poisoned environment is a form of discrimination that can arise from even a single incident. It may be created by the comments or actions of any person regardless of his or her status. The comments or conduct do not have to be directed at a particular individual. Ongoing jokes, comments and derogatory statements can create a poisoned environment and may also constitute harassment."

- Ontario Human Rights Commission²

2 <http://www.ohrc.on.ca/en/policy-discrimination-against-older-people-because-age/8-harassmentpoisoned-environment>

PART 2: LAWS, CAMPUS POLICIES AND RESOURCES

STUDENT RIGHTS ON CAMPUS ACCORDING TO THE LAW

The Canadian Charter of Rights and Freedoms³ (“the Charter”) and provincial human rights codes protect you from discrimination based on religion, race, national or ethnic origin, colour or sex, among other listed grounds. The Charter applies only to “government action”, while human rights codes apply to any employer, landlord or service provider.

ACADEMIC FREEDOM

Academic freedom is fundamental to the mandate of universities in the pursuit of truth, knowledge and education.⁴ It refers to the freedom to create spaces of curiosity, inquiry and learning through investigation, speculation and unfiltered conversation. Academic freedom allows researchers and educators to take intellectual risks, ask difficult questions and raise controversial topics. However, these risks have to meet the professional standards of integrity and rigour at their institution. At most campuses, this means that academic freedom must be used for the purpose of broadening the scope of academic knowledge.⁵

In turn, for students, academic freedom means that you also have the right to challenge educators and criticize your college or university. You should also feel that the classroom, and campus at-large, are spaces where you are free to express challenging, innovative or unsettling ideas.

⁴ Academic Freedom, The Faculty Association of Simon Fraser University, <http://www.sfufa.ca/agreements-and-policies/quick-answers/collective-bargaining>
⁵ Universities Canada, “Statement on Academic Freedom”, <https://www.univcan.ca/media-room/media-releases/statement-on-academic-freedom/>



WHAT CAMPUS POLICIES SAY

Every university and some colleges have a Student Code of Conduct outlining what is considered acceptable and unacceptable behaviour. Unacceptable student behaviour can include discriminatory or hateful speech or action.

Some campuses have a “Workplace Civility” or “Staff Code of Conduct” policy, or some similar document that outlines the rules and standards of interaction, by which staff and faculty are fully notified of their duty to positively contribute to an inclusive and respectful campus community.

Campus policies do not replace criminal law or human rights codes, which still apply on college and university campuses. Rather, campus policies govern the investigation of behavioural complaints, and provide remedies for violations where appropriate. Remedies include removing, banning, suspending or expelling any student or staff member from campus, or issuing a warning.

Here are some key rights and responsibilities you enjoy on university or college campuses:

- ① The right to openly express your religion and religious identity.
- ① The right to wear religious symbols and attire. See page 12 for information on what to do if you need to remove religious clothing (e.g. a niqab) to verify your identity before or during an exam.
- ① The right to organize student-led prayers on campus so long as the service is not disruptive to the functioning of the school and does not present a demonstrable health and/or safety hazard.
- ① The right to request religious accommodations to attend Friday prayers and to observe religious holidays even during examination periods. You must inform the school in advance of the accommodations you are seeking and be flexible in exploring solutions. There is no absolute right to a particular form of accommodation.

See Page 11 for tips on making requests for religious accommodations.

- ① The right to request accommodations for athletic uniforms.

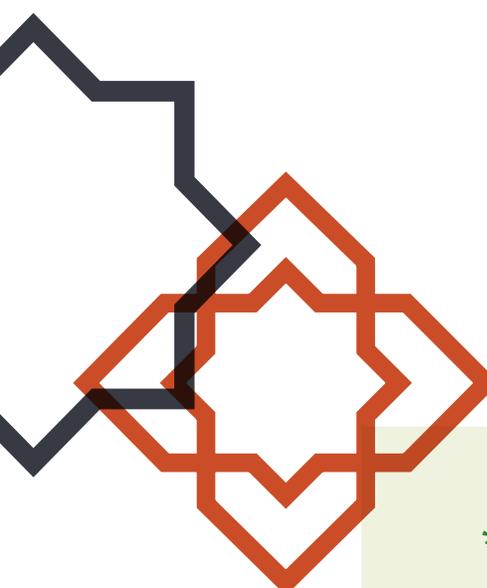


THE ANATOMY OF A CAMPUS: WHERE YOU CAN FIND SUPPORT AND RESOURCES

- a.** The student union: An independent body of student representatives led by student-elected individuals. The purpose of the student union is to advocate for students and engage with the administration to address student issues through negotiations, campaigns and programming. Often student unions have a dedicated staff member or student representative to advocate on behalf of students.
- b.** The administration: The body of staff that oversees all aspects of campus activity. The administration is run by the president of the university or college who answers to the university's Board of Governors. The Board of Governors, Governing Council or similar body sets the priorities of the college or university, manages logistical matters and oversees academic matters.
- c.** The ombudsperson: The mandate of the ombudsperson is to provide students with independent, impartial and confidential advice. This might include facilitating informal resolutions when concerns and complaints are brought up by students, directing students to on-campus resources or helping students through processes such as appeals. The ombudsperson works at arm's length from the administration and who they report to and how they are run varies from campus to campus.
- d.** Security on campus: Security personnel on campus are lightly armed, sometimes uniformed, campus employees whose purpose is to monitor and maintain safety on campus by patrolling to prevent criminal activity, and by responding to breaches of safety and security on campus. Security personnel on campus work for the university or college. See page 20 for more information on what security on campus can and cannot do.
- e.** Campus police: Campus police are different from campus security staff. Campus police are armed, sometimes-uniformed government employees. Their purpose is to monitor the campus, manage disruptive and criminal activities and to discipline criminals on campus by detaining, arresting, fining or disciplining them. Campus police are permitted to use force. They are subject to provincial or municipal policies, laws and governance. See page 20 for more information on what police on campus can and cannot do.
- f.** Student service groups and clubs: Organizations on campus that serve the purpose of meeting student needs and building community on campus. These groups might serve equity-seeking students or religious, ethnic or cultural student communities. Student clubs are run by the student union, and student service groups are run by either the student union or at arm's length from the administration.



- g.** Mental health services on campus: Every university and college has an office that can provide mental health services including active listening and counseling. They can also help you obtain accommodations on compassionate grounds or if you have a disability and can provide resources to help you in situations where you require mental health support. Some student service groups can also provide students with access to community mental health services.
- h.** Teaching staff: Professors, course instructors, teaching assistants and graders are all considered teaching staff. Teaching staff report to the head of their department.
- i.** Departments and faculties: A department is comprised of all courses in a specific subject within a specific discipline, for example Political Science, Biology and Business. Departments are run by the chair or head of the department. A faculty is a division of the university and college that is responsible for the delivery of courses within a discipline, for example, the Faculty of Liberal Arts, Faculty of Design and Faculty of Engineering. Faculties can be made up of several departments.
- j.** Labour unions: These are organizations that promote the interests of unionized faculty and staff such as being assigned fair workloads, fair wages and employee benefits. Some unions also work on issues related to discrimination based on race, religion, sex or sexual orientation. If you are a Research Assistant, Teaching Assistant or Graduate Assistant, you may be able to seek representation from both your labour union and your student union.



*NOTE

The NCCM can provide you with more information on where you can find support or resources off-campus.

E Call NCCM at 1-866-524-0004, email us at info@nccm.ca or visit www.nccm.ca.



ASKING FOR RELIGIOUS ACCOMMODATIONS

You may request religious accommodations as an individual or as a group. Individual accommodations are one-time arrangements such as an accommodation made by your course instructor to schedule a make-up exam for an exam that was scheduled on Eid. Group accommodations are arrangements for accommodations that affect several students such as requesting a designated clean and safe prayer space on campus.

How to request accommodations:

- ① Note that each college or university has its own process for considering accommodations. If you require an accommodation, find out what the process is at your institution. If the accommodation is classroom-based, your course instructor or teaching assistant can likely tell you what you need to do. If not, you may be able to find more information on your campus website, or at your department or faculty offices. Some campuses also have on-campus offices that address human rights and equity services.
- ① Make a clear request in writing or in person. Keep a record of any related correspondence.
- ① Make requests for religious accommodations as early in the school year as possible. Depending on the nature of the accommodation, consider the benefits of approaching the administration as an individual or as a group.
- ① Find out ahead of time if you need to submit a special form to request accommodations. Most forms will ask you for personal information such as your name, student number and program in addition to information about when and where your accommodation is needed and the nature of the accommodation. Some forms will ask you for an “agreed upon accommodation” reached between you and your professor.
- ① Keep copies of any forms, written requests or emails related to accommodations.
- ① It might be helpful to provide your educational institution with information about religious observances. You may wish to provide them with a copy of *An Educator’s Guide to Islamic Religious Practices* by NCCM, available at www.nccm.ca



How to have your identity verified for an exam if you wear a face covering or niqab:

- 1 Approach your professor at the beginning of the year and let them know that you need accommodations to have your identity confirmed for exams.
- 2 You can request to have a woman confirm your identity and to have extra time before the exam to have your identity verified. You can also ask for extra time after the exam to make up for time lost.
- 3 It is a good idea to keep a record of all correspondence related to your request for accommodations.

General options when requesting accommodations or if you are denied accommodations:

- 1 Speak to your student union. They can connect you to further resources or student representatives who can approach the administration on your behalf.
- 2 You may also choose to contact the office of your campus ombudsperson. They can facilitate a dialogue between students and the administration to reach informal resolutions.
- 3 If you have been denied accommodations without reasonable grounds or if lack of access is a long-term or ongoing problem, you might be able to take legal action. Keep in mind that legal action can be both time-consuming and costly, so it is wise to explore other options first.

PART 3: WHAT YOU CAN DO WHEN YOU ARE FACED WITH ISLAMOPHOBIA

Throughout this guide, we stress the importance of saving evidence and documenting what happened, when it happened and who was involved. Accurate and detailed information is a powerful tool in acting against harassment, discrimination, hate crimes and violations of rights.

Facing Islamophobia can be a difficult and isolating experience. It is important to seek support through counselling, helplines, your peers, or other individuals you can trust.

Some options available to you if faced with Islamophobia include seeking advocacy support, filing a report, filing a complaint or consulting a lawyer for further legal action.

FILING A REPORT

Filing a report is important because it can help responders such as security, police, administration and communities understand the challenges you and other students are facing. This can help them tailor and improve their responses to Islamophobia. Having detailed and concise records is also important for students seeking legal counsel.

If you do not feel comfortable filing a report, call NCCM at 1-866-524-0004, or email us at info@nccm.ca to explore your options.

General pointers for filing a report:

- ① Write down what happened as soon as possible
- ① Make sure you write down what happened in the order that it happened and focus on the facts of the incident
- ① Try to note the exact words used if the incident was verbal
- ① Include dates, times, places, names, titles, and badge numbers (where applicable)
- ① Make requests and complaints in writing and keep copies

Saving evidence

- ① Save correspondence such as letters, emails, copies of forms and voicemails
- ① Save any other written materials given to you such as warrants, court orders and informational pamphlets
- ① Take photos, videos or screenshots of any relevant evidence, where applicable
- ① Note the presence of witnesses and, if possible, get their names and contact details



Logging correspondence

- ① Make a note of your case or file number where given
- ① Keep a detailed log of related meetings, emails and phone calls
- ① Include details such as names, titles and/or badge numbers of individuals involved
- ① Note any information on actions or next steps that will be taken

Where to file a report:

a. The NCCM: If you have experienced harassment, discrimination, a hate crime or a violation of your rights, you can report it. Reporting can be empowering but it can also be difficult. NCCM is here to guide and support you through the process and help you explore your options. Contact us at 1-866-524-0004, info@nccm.ca, or visit us at www.nccm.ca and fill out an *Incident Report Form*.⁶

- b.** Filing a report with campus security or police: Police and security on campus are responsible for your safety and well-being. If you have been threatened with violence or physically attacked, file a report with security or the police. Filing a report can be valuable in maintaining a paper trail in case you decide to pursue further legal options.
- c.** Filing a report with Human Rights and Equity Services on Campus (where available): Human Rights and Equity Services can intervene if you require mediation to address your complaint. What this looks like is a facilitated conversation between you, the offending party and a mediator. Human Rights and Equity Services can also change policies to enhance inclusivity. File a report with Human Rights and Equity Services so that the administration has a sense of your needs and how they can meet them. Some student organizations can provide a staff member to escort you when filing a report with Human Rights and Equity Services, the police and security.

***NOTE**

See page 9 for more information on the Student Union and Ombudsperson if you want to address an issue involving the administration. They both act as mediating bodies between students and the administration, and they can be an excellent resource to consult for advice or information.

⁶ File an incident report form at: <https://www.nccm.ca/programs/incident-report-form/>

NOTE ON COMMUNITY-BASED INTERVENTIONS

As a student, you can take action to empower your peers and yourself. Important alternatives to filing a report that students have access to when individuals or groups are targeted is the development of safety plans, safety strategies and accountability strategies. You can do this with your student union, student service groups or clubs and peers. A community-based intervention might look like a conversation with members of the campus community, a buddy system when walking to classes, a series of training sessions for student groups or a completely different intervention altogether. This largely depends on the issues you are seeking to address. Student services and student clubs can support the development of such plans.

EXAMPLES OF SOME COMMON SCENARIOS AND ADVICE ON WHAT YOU CAN DO

Islamophobia can take many forms. While some of the incidents listed below don't meet the threshold of Human Rights Code violations, they can still have an impact on your ability to equally and meaningfully participate as a student on campus. The following examples are based on common experiences faced by Muslim students and the advice provided is based on what is available through policy and services on campus.

Islamophobia in the classroom

Islamophobia in the classroom can take many forms including discriminatory statements, and the unfair denial of accommodations. It is important to remember that it is normal to encounter ideas or materials in the classroom that make you feel uncomfortable. This is a crucial part of post-secondary learning experiences that you should be prepared for. However, while instructors have the academic freedom to introduce challenging ideas, they must refrain from stereotyping or making discriminatory remarks.



A Canadian Federation of Students study on Muslim student experiences found that several educators made uninformed comments about Muslims and Islam in the classroom that could not be grounded in academic sources. The research found that the prevalence of stereotyping in classroom content and discussions created a space where Muslim students often felt excluded and targeted.⁷

If you have experienced Islamophobia in the classroom, you can seek support and recourse.

What you can do:

- a.** Document the incident (see pages 13 and 14).
- b.** If you feel comfortable doing so, talk to your professor or teaching assistant.
- c.** If talking to your professor or teaching assistant is not possible or unsuccessful, talk to the head of the department or the dean of the faculty that offers the course.
- d.** File a complaint with the Office of Equity and Diversity/Human Rights if available. The Office of Equity and Diversity/Human Rights might ask you to fill a form elaborating upon your experience. If your school does not have an Office of Equity and Diversity/Human Rights, you can lodge a complaint with the Human Resources office on campus.
- e.** Alert your student union representatives. They can redirect you to the appropriate student service or advocacy group.
- f.** If the administration does not follow-up with you or you do not see a change in your professor’s behaviour, you can seek legal counsel. You can access free legal resources at the Student Union office or the legal clinic on campuses that have a law school.
- g.** Your mental health is a priority. See page 10 for information on mental health services that you can access for support.
- h.** Contact NCCM at 1-866-524-0004, email us at info@nccm.ca or visit www.nccm.ca

7 Canadian Federation of Students (2007), “Final Report of the Task Force on the Needs of Muslim Students”.

Bullying, hate crimes, threats, harassment and abuse on campus

Campus administrations are committed to providing a safe and secure environment. Most university campuses in Canada are members of an organization called Universities Canada. As such, they must comply with the Universities Canada Action plan on equity, diversity and inclusion, which is a strategy that seeks to create “equitable diverse and inclusive campuses” and facilitate the culture change needed to achieve “inclusive excellence.”⁸

Many universities and colleges have an Office of Equity and Diversity, or a similar office, with resources dedicated to facilitating more inclusive campuses. An important feature of inclusive spaces includes mechanisms to address bullying, hate crimes, threats, harassment and abuse on campus.

Bullying, hate crimes, threats, harassment and abuse on campus can take many forms including:

- ① Verbal attacks
- ① Threats of violence
- ① Physical abuse or assault
- ① Sexual abuse or assault

What to do:

- a. Your safety is a priority. As soon as you can, remove yourself from the situation, and call 9-1-1 if you are in immediate danger.
- b. Find a safe space.
- c. Document the incident (see pages 13 and 14 for tips on how).
- d. Alert your student union. They can redirect you to the appropriate student service or advocacy group.
- e. File a report with campus security or campus police.
- f. File a report with the Office of Equity and Diversity/Human Rights on Campus.
- g. If the behaviour is ongoing, you might want to consider filing a restraining order. For more information on how to file a restraining order visit www.legalline.ca or call the Legalline helpline at 1-866-524-0004.⁹
- k. Your mental health is a priority. See page 22 for mental health services that you can access for support.

8 Action plan on equity, diversity and inclusion. Universities Canada.

<https://www.univcan.ca/priorities/action-plan-equity-diversity-inclusion/>

9 Restraining Orders, Protection Orders and Peace Bonds, Legalline.ca, <https://www.legalline.ca/legal-answers/restraining-orders-and-peace-bonds/>

Exclusionary spaces

Many Muslim students have a mixed experience on campus. It can be an invigorating space for learning and trying new things, building networks, and challenging yourself to think critically; but it can also be a space that leaves students feeling alienated, excluded and unsafe. Addressing these feelings is challenging but necessary in order to make the most of your post-secondary experience.

Events and posters

You may encounter events on campus that promote racism, sectarianism, or Islamophobia. While academic freedom and dialogue are encouraged on campuses, some Muslim students may feel that overtly Islamophobic events limit their participation on campus for fear of their safety. Researchers have found that overtly racist events make campuses less conducive to open inquiry and dialogue because they encourage students to leave campus and consequently to have no part in the conversation.¹⁰

What you can do if you find a racist, sectarian or Islamophobic poster or event advertised on campus:

- 1 If the event is run by a student club or a student service group, you have the option of reaching out directly to the executive committee of the group that is organizing the event, if you feel that it will be safe and productive to do so. If the executive committee is unresponsive, or if the group has a non-hierarchical structure, reach out to your student union. The student union can act as a third-party mediator.
- 1 File a report with the Office of Human Rights/Equity Services where available or alert the administration or the ombudsperson, who can provide confidential advice.
- 1 If the event or material is inciting violence, alert campus police or security who can act as first responders.
- 1 If the event is hosted by a third party, a faculty, a department or an on-campus office, contact the organizers and voice your concerns.

¹⁰ Yosso, Smith and Solorzano (2009). "Critical Race Theory, Racial Microaggressions and Campus Racial Climate for Latino/a Undergraduates". Harvard Educational Review.

Alcohol on campus

Many Muslim students have historically avoided student orientation and networking events on campus that include the consumption of alcohol in the programmes of these events.¹¹ These events are a central part of campus life and missing them or not having any alternatives can have a negative impact on student experience.

What you can do to create space for Muslim students to get involved in informal campus events:

- 1 Ask your student union to organize alternative “dry” orientation events that do not include alcohol
- 2 Participate in event organizing committees
- 3 Organize your own networking events through student groups
- 4 Attend events where alcohol is being consumed and exercise your freedom not to consume alcohol. Find others (or bring friends) who abstain from alcohol.

WHAT TO DO IF YOU ARE APPROACHED BY CSIS OR THE RCMP

CSIS stands for the Canadian Security Intelligence Service. It is Canada’s dedicated intelligence service responsible for identifying threats to public safety and national security.

The **RCMP** stands for the Royal Canadian Mounted Police. It is Canada’s national police force, responsible for investigating potential breaches of the Criminal Code, including the commission of terrorism offences.

These agencies often work closely together to investigate activities suspected of constituting threats to national security and are tasked with reporting these to the Government of Canada. Muslim and Middle-Eastern students have reported being approached, both on campus and off campus, by CSIS and/or RCMP officers with questions about events or incidents that the student may or may not be associated with.

If you are approached by CSIS:

- 1 You are **not obliged** to meet with CSIS unless you are a foreign national and an immigration officer has asked you to meet with them.
- 2 If you choose to meet with CSIS, the NCCM recommends you have a lawyer present. Even if you feel that you have nothing to hide and haven’t done anything wrong, NCCM recommends you have a lawyer present.
- 3 CSIS cannot enter your place of residence unless they possess a warrant.

- ❶ CSIS agents cannot arrest you, subject you to bodily harm, or kill you. RCMP officers can arrest you and sometimes accompany CSIS agents for this purpose.
- ❷ They cannot confiscate your electronic devices unless they possess a warrant.
- ❸ They can take actions for “threat reduction” such as spreading disinformation about you, interfering with your online presence and interfering with your local and international travel plans.
- ❹ If you think your rights may have been violated by CSIS, contact NCCM at 1-866-524-0004, email us at info@nccm.ca or visit www.nccm.ca for confidential advice or to learn more about your rights.
- ❺ File a complaint with the Director of CSIS. You can reach CSIS at 1-613-231-0100. Ask for the Director when you call. If you do not hear back from the director within 30 days or are unsatisfied with their response, file a complaint with the Security Intelligence Review Committee (SIRC). You can reach SIRC by phone at 1-613-907-4407 or by email at info@sirc-csars.gc.ca.

WHAT TO DO WHEN STOPPED BY POLICE OR SECURITY ON CAMPUS

Campus security can ask you to leave a space on campus, ban you from campus, conduct a citizen’s arrest on you for some offenses and/or search and detain you.¹² They are permitted to use as much force as necessary as long as they are acting on “reasonable grounds.” They are criminally responsible for any excess use of force. After arresting you, they can temporarily detain you until the police arrive.¹³

Campus police have the right to arrest you, detain you and apply force against you. They can arrest you for criminal offenses, restrain or handcuff you, and use assault weapons.

If you encounter police on campus note that:

- ❶ If you are stopped by police or security on campus, you have the right to ask why you are being stopped. You can cooperate, but you also have the right to cooperate or to walk away, unless you are being arrested.
- ❷ You are not obliged to answer any questions when stopped by police.
- ❸ If you are being arrested, you do not have to answer any questions. You have the right to request a lawyer.
- ❹ If police show up at your home or office, they can only enter your home or office if they possess a warrant, if you give them permission, or if they are in hot pursuit. Even so, you are not obliged to answer any questions.
- ❺ You have the right to request the name and employee identification number (or badge number) of the police or security staff involved.

What to do if you are stopped by police:

- ❶ Breathe. Do not panic.
- ❷ Co-operate and act predictably. Do not express that you will press charges at this point.
- ❸ If you are being physically handled by police or security and need medical attention, draw their attention to it.

¹² Arrest in Legal Rights Wiki, Justice for Children and Youth, <http://jfcy.org/en/?s=arrest>

¹³ Making a citizen’s arrest, What You Need to Know About Making a Citizen’s Arrest, <https://www.justice.gc.ca/eng/rp-pr/other-autre/wyntk.html>

- ❶ When you are released, make a detailed record of exactly what happened (see page 13 and 14 for tips on how to document incidents).
- ❶ If you feel that you have been mistreated, file a report with the Office of Human Rights/Equity and Diversity on campus where available, campus security, and the police to give them information about what happened, and to maintain a paper trail.
- ❶ Contact NCCM at 1-866-524-0004, email us at info@nccm.ca or visit www.nccm.ca.

PRIVACY

Many students face challenges in maintaining their digital privacy. Some examples include:

- ❶ A photo is taken of you without consent
- ❶ A photo of you is published without your consent
- ❶ False information about you is published

General pointers:

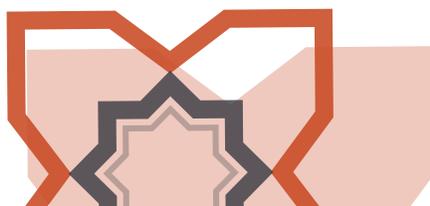
- ❶ The publisher is subject to the law that applies in the geographical location that the person posting the information is in.
- ❶ It is not illegal to repost publicly-shared photos unless they are intimate photos.
- ❶ It is not illegal to share content such as Facebook posts and Tweets on social media pages.
- ❶ It is illegal for organizations to share your personal information that they collected without your consent.

*NOTE

If you believe you are being stalked, harassed or unfairly targeted by security or police, in addition to the options listed above, you can consider some non-legal options to ensure your immediate safety. These can include changing the times that you routinely visit spaces on campus, alternating the routes that you take. It is a good idea to develop a community-based strategy with people you trust to ensure that you feel safe on campus. This might look like a simple solution, like walking to class with a friend, or it might entail a more elaborate strategy involving your union, student services or student clubs.

*NOTE

Profiling is the practice of arbitrarily requesting information from individuals including, but not limited to, carding, questioning and arresting individuals based on their race, ethnicity and/or religion. If you feel that you have been profiled based on your race, ethnicity and/or religion, contact your campus administration, student union, student services, or ombudsperson. The NCCM is also available to provide you with information and support if you believe you have been profiled as a Muslim.



What you can do:

- ❶ If a person is taking your photo without your consent, if it is safe to do so, ask them to stop and/or delete the photo.
- ❷ If a photo or information posted online is being used to incite violence, report the page to the police immediately.
- ❸ Alert the Office of Equity and Diversity/ Human Rights where available if the person sharing your information is employed by your campus. Staff can facilitate a process of mediation.
- ❹ If your professor or the administration shares your personal information, your ombudsperson can provide you with information on what to do including mediation or other legal options.
- ❺ If your photo or information is posted online without your consent:
 - Email the web host/ publisher to take the content down
 - Email search engines to clear the cache
 - If the content is shared on social media, utilize the “ask a question” or “help” functions to ask the social media company to take the content down, send a warning to the person posting, or suspend or delete the person’s account.
- ❻ If published content is defamatory, seek legal advice.

WHO TO CALL FOR LEGAL SUPPORT

Toll Free 24/7 Support Centres

Muslim Youth Services:

1-866-NASEEHA

Canadian Resource Centre for Victims of Crime:

1-877-232-2610

Assaulted Women’s Hotline:

1-866-863-0511

Post-Secondary Students’ Hotline:

1-866-925-0511

Legal Assistance:

British Columbia Legal Services Society:

1-866-577-2525

Alberta Legal Aid:

1-866-845-3425

Legal Aid Saskatchewan:

1-800-667-3764

Legal Aid Manitoba:

1-800-261-2960

Legal Aid Ontario:

1-800-688-8258

Legal Aid Quebec /

Commission Des Services Juridiques:

1-514-873-3562

Newfoundland & Labrador

Legal Aid Commission:

1-800-563-9911

Legal Aid Nova Scotia:

1-877-777-6583

New Brunswick Legal Aid Services

Commission:

1-506-444-2776

Prince Edward Island Legal Aid:

1-902-368-6043

Yukon Legal Services Society:

1-800-661-0408 x 5210

Legal Services Board of Nunavut;

1-866-240-4006 (Cambridge Bay);

1-800-606-9400 (Rankin Inlet),

1-866-202-5593 (Iqaluit)

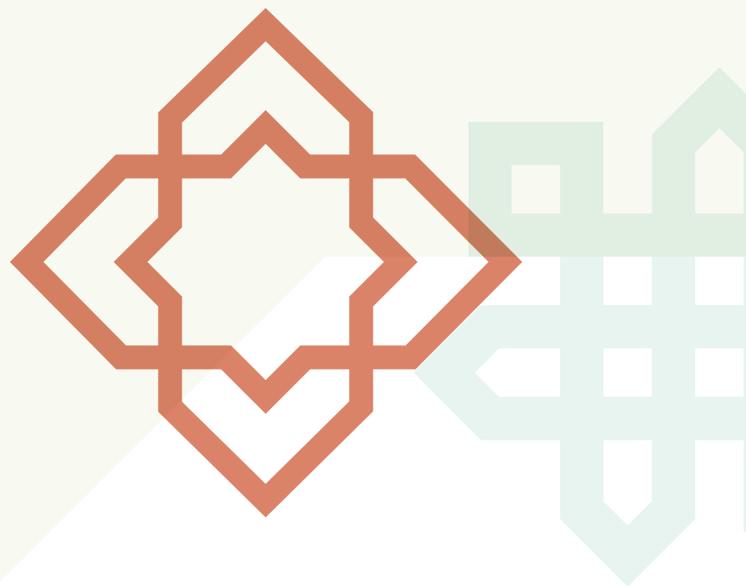
Northwest Territories Legal Aid Commission:

1-844-835-8050

ACKNOWLEDGEMENT

We acknowledge that the NCCM's work takes place on the traditional territories and ancestral lands of indigenous peoples occupied by Canada, and our head office is located on the traditional lands of the Algonquin peoples. As we work to challenge the discrimination Canadian Muslims face, we acknowledge that our work is interconnected with indigenous struggles, past and present, in many ways.

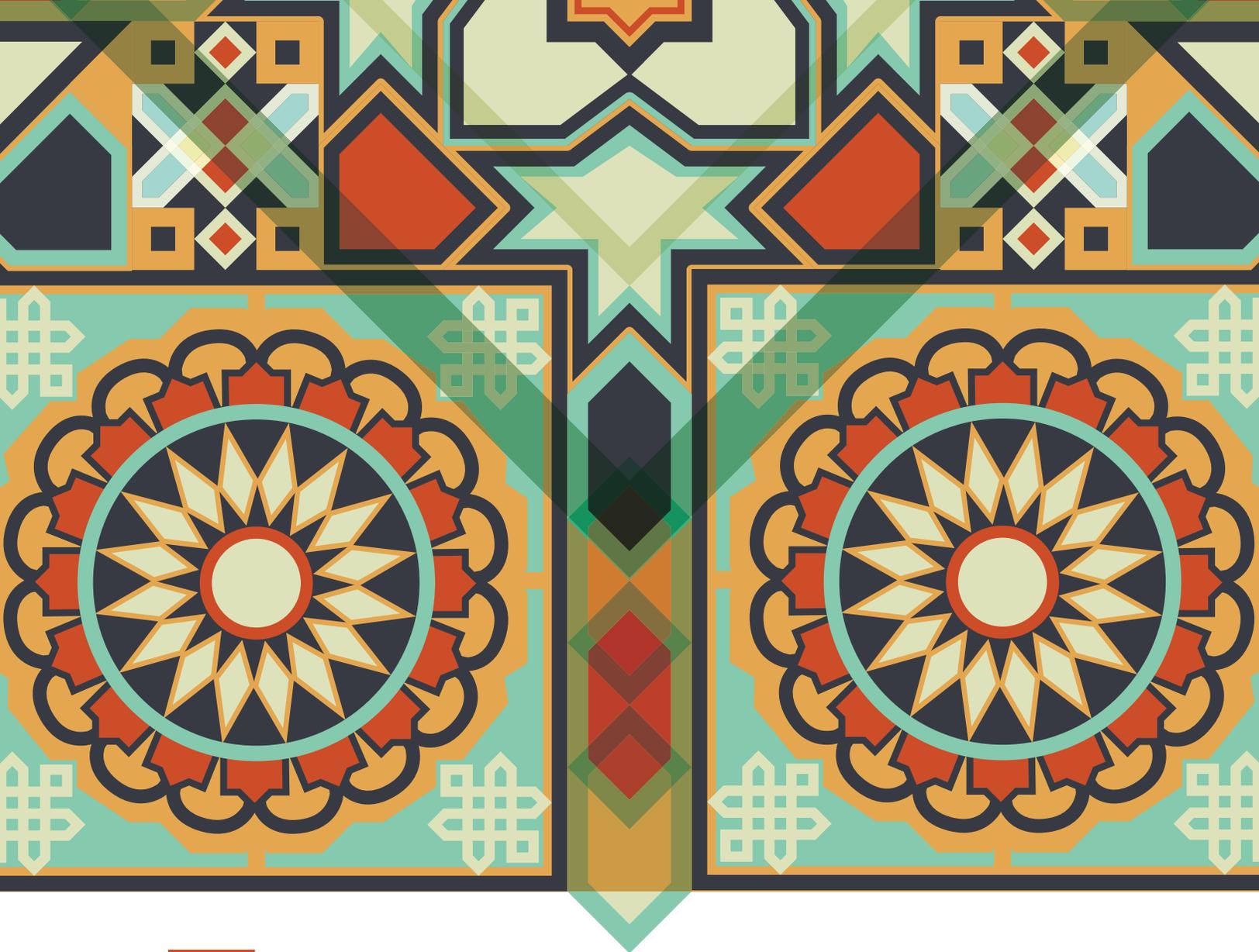
This guide was produced in collaboration with of the Canadian Federation of Students. The content of this guide was greatly enriched by the input of many Muslim students across Canada and experts on student rights, discrimination, hate crimes and Islamophobia. The NCCM would like to thank all those who took the time to provide their feedback to create this resource for Muslim post-secondary students.



*NOTE

"Defamation is communication about a person that tends to hurt their reputation. It causes people who read or hear the communication to think less of the person. The communication must be made to other people, not just to the person it's about. If defamation is spoken, then it is called slander. If it is written, it is called libel."

- Canadian Bar Association¹⁴



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Tel: 1-866-524-0004 Fax: 613-254-9810 E-mail: info@nccm.ca

The National Council of Canadian Muslims (NCCM) is an independent, non-partisan and non-profit organization dedicated to protecting the human rights & civil liberties of Canadian Muslims (and by extension of all Canadians), promoting their public interests, building mutual understanding and challenging Islamophobia and other forms of xenophobia. Built from within the Canadian Muslim community, the NCCM is a leading voice enriching Canadian society through Muslim civic engagement and the promotion of human rights.

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The Canadian Federation of Students is the oldest and largest national student organization in Canada, representing over 500,000 college, undergraduate, and graduate students across the country. The Canadian Federation of Students and its predecessor organizations have represented students in Canada since 1927 in their call for fully accessible public post-secondary education.