

This report covers the 1999 calendar year. It is the second report presented under the revised SFU Harassment Resolution Policy¹.

This calendar year was a near mirror image of the previous one in that we dealt with approximately the same number of cases² with approximately similar results. There were a few differences noted which will be discussed in later sections of this report.

The operational objectives of the Harassment Resolution Policy are:

- the implementation of a policy which responds to the University's obligations under the *British Columbia Human Rights Code* regarding the maintenance of a harassment-free environment;
- the delineation of procedures and initiatives by which to prevent harassment;
- the provision of procedures to handle complaints;
- the development of programs and resources by which to resolve and remedy workplace and educational issues related to harassment; and -
- the provision of appropriate education to the students, faculty and staff of the institution.

This report covers all of the aforementioned activities.

The 1998 Annual Report offered detailed descriptions with regard to the changes in policy and practice which resulted from the implementation of the new policy. Readers who wish to have in-depth procedural descriptions, along with comparisons of the former policy to the current one, may refer to the 1998 report. The 1999 report does not go into the same level of procedural detail as did the previous report.

¹ The policy can be accessed on the SFU web site at www.sfu.ca/harassment-policy-office/ or by calling 291-4446 or 291-3015 or by visiting the office at Academic Quadrangle (AQ) 3045. Should any part of this annual report differ from the policy, the latter shall prevail.

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There are two professional positions assigned to the Harassment Resolution Office. The Harassment Resolution Officer who has a Master's degree in Counselling, reports to the Harassment Resolution Coordinator, who is a lawyer.

At intake, the Complainant is asked to give a complete account of all of the behaviours that are alleged to constitute harassment. If the intent is that the case will remain as a consultation, the details of the complaint are documented by Harassment Resolution Office staff (hereinafter referred as HRO staff). If the case is complex or if the intent is that it will move beyond the consultation stage, the Complainant is asked to place his or her signature on a written version of the particulars of the complaint. Then, HRO staff makes the initial determination about whether the case falls within the jurisdiction of the policy. Staff applies the facts - as recounted by the Complainant - to the policy by answering the ethetesntins

Relative to the processing of complaints, the staff function is limited to the fulfillment of the following roles:

- providing assistance / advice to people who believe that they are the targets of harassment and who wish to deal with the matter on their own;
- conducting Management Consultations with supervisors who are dealing with allegations of harassment within their respective departments;
- rejecting complaints which fall outside the jurisdiction of the policy;
- providing mediation services to the parties or selecting and appointing an experienced mediator;
- referring matters for Formal investigation;
- providing educational opportunities (seminars and guest lectures and developing written material) for students, faculty and staff⁵.

The Harassment Resolution Office becomes, upon completion of a Formal investigation or an external mediation, the “office of record” (as repository) for all documents generated under the policy in a specific case.

Three types of harassment fall under the policy. They are:

defined as
behaviour directed towards a person which is abusive or demeaning, is based on a ground of discrimination enumerated in the *British Columbia Human Rights Code* and which would be viewed by a reasonable person as interfering with a University-related activity.

defined as sexual behaviour by a person who knows or ought reasonably to know that the behaviour is unwelcome and which either interferes with another person’s participation in a University-related activity or which leads to or implies employment or academic consequences for the person at whom it is aimed.

defined as behaviour directed at an individual which serves no legitimate purpose and which would create an intimidating, humiliating or hostile work or learning environment.

⁵ Faculty and staff are both employees of SFU. Where the term “employee” is used in this report, it refers to both faculty and staff.

Consultations do not involve direct intervention in a case on the part of Harassment Resolution Office Staff. There are three categories or types of Consultations: those which fall under the jurisdiction of the policy (Type One), those in which the policy has no jurisdiction (Type Two) and Management Consultations (Type Three).

A case is given a Type One Individual Consultation designation when the person who approaches the office to seek advice because they believe they are the target of harassment and the person who is alleged to be engaging in the harassing behaviour are both members of the University community.

A case is given the designation Type Two Individual Consultation when the person seeking advice from the office is a member of the University community but the person alleged to be engaging in the harassing behaviour is outside the jurisdiction of the Harassment Resolution Policy.

A Management Consultation (Type Three) occurs when a University manager or supervisor seeks advice on how to manage and resolve alleged harassment that is occurring in their department or area.

In terms of the time it takes to complete a Consultation, there is no typical case. The shortest time a Consultation could take might be one single meeting with the

In the 1999 calendar year, the office conducted 92 Consultations as follows:

- 64 Type One Consultations in which the would-be Respondent was a member of the University community;
- 11 Type Two Consultations in which the policy did not have the requisite jurisdiction because the would-be Respondent was not a member of the University community;
- 17 Type Three Management Consultations.

- 29 male, 35 female

- 7 APSA, 10 CUPE, 2 Polyparty, 25 SFSS, 15 SFUFA, 5 TSSU

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being revealed, and all professors suggested to the students that Health and Counselling would be a more appropriate venue in which to discuss personal information. However, it was evident that none of the professors was clear enough about setting firm limits about the amount and nature of contact he was prepared to accept. All of them expressed the wish that they did not want to hurt the student's feelings. In one case, the student brought food to her professor (he declined) and in another case, the student would turn up at the noon hour, asking her professor to join her for lunch.

In all cases, because the professors were under the impression that the students were soliciting their affection, the advice given by HRO staff was identical: it was incumbent upon the professors to inform the students, in a firm, clear and precise manner about where the interpersonal barriers were to be placed. It was suggested that they communicate this in writing to avoid either ambiguity or misunderstanding. With the assistance of HRO staff, two of the faculty members wrote and sent the letters, while in the third case, this advice was not taken.

In the fourth case, the unwanted contact escalated when the student began to target the professor's family by driving past and watching his house, and by making repeated threats to, "tell [your] wife". Because the behaviour appeared to have the hallmarks of criminal harassment (stalking), staff recommended that he refer the matter to police and take additional safety precautions for himself and his family. (The police do not accept third-party complaints; therefore, there was nothing office staff could do on the professor's behalf.) The behaviour described by the professor would also, if true, have constituted a policy violation. However, the professor did not want to lay an official complaint.

We heard nothing more from three of these cases, but in the matter that is described in the paragraph above, the professor contacted the office one month after the initial contact to report that the behaviour had continued. However, all we could do was to advise him as we had previously - to take the matter to the police. This office has no mandate to act on behalf of Complainants. We are not aware of whether or how the case concluded.

This Consultation involved allegations made by a female student against a Teaching Assistant (TA). The student claimed that a series of family problems caused her to seek a deferral in one of her courses. The TA advised her that the deferral had been approved and, in keeping with academic requirements that the deferral would change into a letter grade by the fifth day of the subsequent semester, he asked her to return to his office by a certain date when he would instruct her about the type of work she would need to do to complete the course work. She returned 59 days later than he asked, according to her, because there were additional (but unspecified) family problems. The TA informed her that she had returned far too late to "activate" the deferral, informing her that she had received an "F" in the course (a fact of which she ought to have been aware, absent the advice from the TA).

The student alleged that during the meeting, the TA, “stared at my breasts”. She was asked whether she said anything to the TA during this encounter and indicated that she had not. She was asked whether this was a single episode or whether there were other examples of what she would term as sexually-explicit (n) or asexually

suggestion that if the student wanted to be taken seriously, his work habits would need to change.

In this case, personal harassment was alleged. However, the test for personal harassment requires that there be “no legitimate purpose” served by the communication or the behaviour. A very legitimate purpose is served when a professor gives performance feedback to a student. Therefore, the test was not met in this case.

- 9 female, 2 male,
- 1 CUPE, 7 SFSS, 1 SFUFA, 1 Alumnus, 1 third party
- 3 personal harassment, 7 sexual harassment, 1 other human rights based harassment

A female student came to the office to discuss problems she was experiencing with

Therefore, staff cautioned this student that she should take the situation seriously by asking people at the wedding to keep a careful watch for this man and if seen in the vicinity, to phone the police immediately. So far as we are aware, the wedding took place without incident.

1. This was not a University-related activity. The relationship between the parties was that of a landlord / tenant. The fact that both of the parties had a connection to SFU would not bring the impugned behaviour within the scope of the policy.

2. On the face of this complaint, there was nothing to suggest that the behaviour was

commenced. For most of these files, the time spent in assisted dispute resolution or mediation, meetings, the preparation of correspondence and other administrative duties would normally exceed 40 hours per file.

Twenty-nine Informal files were opened in 1999⁹. The following table provides an overview of their disposition:

- 8 files are on-going; (The remaining 21 cases are closed.)
- 3 files were terminated by the Complainant;
- 3 files were rejected by the Harassment Resolution Coordinator; 1 because it was outside the jurisdiction of the policy, 1 because it was found to be malicious and 1 because it was out of time; (no appeals were initiated)
- 3 files were terminated when the Complainants resigned their employment at SFU; (one individual took early retirement)
- 2 files were closed as completed, but in one, a subsequent counterclaim was filed and the case could be on-going;
- 1 case declined mediation;
- 2 cases resulted in the implementation of departmental changes negotiated by HRO staff;
- 2 Complainants abandoned their complaints and went on “stress leave”;
- 2 cases were referred to police; charges were laid in 1 case and a criminal trial is pending and in the second case, police advised the suspect that any further attempts, whether direct or indirect, to contact the Complainant would result in the laying of charges for criminal harassment;

32 female, 14 male¹¹

- 6 APSA, 1 Excluded Administrator, 3 CUPE, 1 Polyparty, 10 SFSS, 20 SFUFA 1 other (off campus criminal complaint).

This case involved a foreign student who lives in residence at SFU. The student became acquainted with an elderly female resident of Vancouver following the student's move to B.C. from Mainland China to study. The elderly female came to believe that the SFU student was having an affair with her son-in-law. She made numerous phone calls to the SFU student admonishing her that the affair should cease forthwith because family honour was at stake.

The elderly female visited the student's residence on campus on at least three occasions and was removed twice by SFU Security, who eventually issued her with a "No Trespass Order"¹² which she failed to obey. The SFU student tape-recorded threatening messages which the elderly woman placed on the student's voice messaging system and she also had copies of thr

This case also raised an important issue with regard to record retention and disposal. The student in this matter took the position that the Harassment Resolution Office should not have retained records of old complaints. The fact that we did retain them allowed us to review what the student said at the time the original complaints were brought and compare it with what she was saying today. Also, we were able to determine that the student was cautioned, at the time in which she made the original complaint, that the time limitation period was running out.

For Informal files, the Harassment Resolution Office retains records for the current year¹⁴ plus two additional years in this office, plus three additional years in inactive status in the SFU Archives. However, a re-opened case (such as this one) would be treated as a new case for retention and disposal purposes because the old file information would be transferred to the new file.

As of this writing, this case remains open. It will be “closed” or when a twelve month period of inactivity has elapsed. The student did not apply to have the cases re-opened for investigation.

This case pertains to what some might consider to be a typical case of sexual harassment in higher education. While cases involving older male professors propositioning young female students still occur, both the 1998 and the 1999 Annual Reports of the SFU Harassment Resolution Office will confirm the fact that such cases are not the majority.

This case involved a female undergraduate student who complained about what she perceived as “over familiarity” by her male professor, who had been her teacher for only seven weeks. During a meeting held during office hours, the professor was reported to have opened the conversation by telling the student that she was “very bright” and should consider graduate school. The student said that she was perplexed by this because it was early in the term and the professor had not yet evaluated her work. He was said to have

The professor eventually sent the student an Email message in which he acknowledged receipt of the letter. He withdrew (in writing) his offer to pay the student's accommodations and airfare.

A Formal file is opened when either the Harassment Resolution Coordinator has authorized mediation or the Chair of the Harassment Resolution Board authorizes a Formal investigation. In exceptional circumstances, a decision of the Chair can be appealed to the Board sitting without the Chair. The Board can overturn the Chair's decision.

Exceptional circumstances arose this year in that a decision of the Chair Pro Tem was overturned by the Board and a case that was filed with the Harassment Resolution Office

- one seminar for library managers
- a Student Services Fair (January)
- two seminars for Harassment Resolution Advisors
- one seminar for APSA “Lunch & Learn”
- a presentation to the “Units In Distress” Working Group
- “New Student Recruitment Fair” (May)
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when they allegedly occurred. In all three cases, the students were invited to bring forward official complaints, but none materialized. The University does not act against any employee or student on the basis of rumour and innuendo. Therefore, no actions were initiated as a result of receiving the information.

As to statistical comparisons, in 1998, 76% (or 54 out of 71) of the people who sought consultative advice from the office were female. In 1999, 75 people sought consultative advice. Forty-four approximately 60% were female and 30 or 40% were male. This statistic would tend to support the notion that men may be feeling more comfortable using the services provided in the office. The reader may refer to Appendix B for a statistical breakdown for both calendar years. There, you will note that the number of Consultations for CUPE and SFUFA doubled in 1999.¹⁹ Otherwise, the 1999 calendar year mirrored 1998 in most other respects.

1999 was a productive, stable year in which the office continued to build trust with the

We welcome inquiries and comments from all members of the University community.