



Annual Report, 2001

## Annual Report, 2001: Human Resources

### 1. Introduction

This report covers the 2001 calendar year, and is the fourth report presented under the revised SFU Harassment Resolution Policy.<sup>1</sup>

The SFU Harassment Policy has been in effect for four years, having been approved by the Board of Governors and implemented in 1998. The policy is reviewed every three years. During the 2001 calendar year, Dr. John Waterhouse, Vice President, Academic, appointed a three-person committee<sup>2</sup> to review the policy. As of this writing, the work of the Committee continues.

The operational objectives of the SFU Harassment Policy are:

- the administration of a policy which responds to the University's obligations under the *British Columbia Human Rights Code* to provide 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 regarding these issues to students, faculty and staff.

The Vice President, Academic, Dr. John Waterhouse, supervises the Harassment Resolution Office (HRO). I would like to take this opportunity to offer my thanks to him for his insight, support and leadership.

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<sup>1</sup> The policy can be accessed on the SFU web site at [www.sfu.ca/harassment-policy-office/](http://www.sfu.ca/harassment-policy-office/) or by calling 604-291-4446 or by visiting the office at AQ 3045. Should any part of this Annual Report differ from the policy, the latter shall prevail.

<sup>2</sup> The committee consisted of Dr. Nicholas Blomley, Chair, Dr. Joan Brockman and Ms. Sarah Dench.

## 2. HARASSMENT RESOLUTION OFFICE

### 2.1 Introduction

Previously, two professional positions were assigned to the Harassment Resolution Office. The Harassment Resolution Officer reported to the Harassment Resolution Coordinator (HRC) who is this author. Because of workload demands, I made a decision in January 2001 to eliminate the position of Harassment Resolution Officer. This resulted in greater flexibility with regard to the allocation of funds that had been used to support the previous position. These funds were redirected to two projects. Refer to Section 5, page 16 of this Annual Report.

### 2.2 Introduction

The majority of people who come to the Harassment Resolution Office (HRO) are looking for advice. They are either people who believe they are or have been targets of harassment, or people (such as managers and supervisors) who believe that harassment is occurring in their environment. In the former category, they want advice about how to deal with what they perceive to be harassing behaviour, while in the latter category, they want advice about how to manage such behaviour. Such cases are categorized as "Consultations".

The next major category of cases are "Informal Files" in which I am asked to act on a complaint. Typically, this involves assisting the parties with informal resolution, or mediation.

The final and least frequent category of cases is "Formal Files". These are cases in which the complainant requests the appointment of a formal investigator.

On intake, the individual is asked to give a full account of the behaviours that are alleged to fall within the policy. Depending on the complexity of the case, case notes are taken during the initial meeting. These notes might be transcribed and the Complainant asked to place his or her signature on the written version of the particulars of the complaint. To bring a particular complaint within the scope of the policy, all of the following factors must be present:

- the impugned activity or behaviour is University-related;
- both parties are members of the University community (students, faculty, employees,

All of the foregoing conditions must be met to establish proper jurisdiction. However, if a member of the University community is complaining about harassment by someone who is not a member of the community, I can still offer assistance such as advice and referring the matter to the proper authority (such as police or the Human Rights Commission).

## 2.3 **Members of the University Community**

Several categories of individuals comprise the University Community:

- students, represented by the Simon Fraser Students Society (SFSS);
- certain administrative staff, represented by the Administrative and Professional Staff Association (APSA);
- clerical and support staff, represented by the Canadian Union of Public Employees (CUPE);
- trades people, represented by POLYPARTY, a master collective agreement which applies to all on-campus trades;
- faculty, represented by the Simon Fraser University Faculty Association (SFUFA);
- teaching support staff, represented by the Teaching Support Staff Union (TSSU);
- senior non-academic managers, and staff excluded from union or association membership because they deal routinely with labour relations material, and some administrators, referred to as “Excluded Employees” who are not represented by any employee group.

### 2.4.1 **Role of the Human Rights Office**

It is mandatory for the HRO to remain impartial in carrying out all functions of the policy. These functions include:

- providing assistance and advice to people who believe they are the targets of harassment;
- conducting management consultations with supervisors;
- rejecting complaints that fall outside the jurisdiction of the policy;
- providing conflict resolution services on the request of the parties;
- referring matters for formal investigation;
- providing guest lectures and seminars for faculty and staff<sup>3</sup>.

The HRO is the “office of record” for all harassment cases, including those that undergo formal investigation.

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<sup>3</sup> Faculty and staff are both employees of the University. Where the term “employee” is used, it refers to both.

## 2.5 Types of Harassment

Three types of harassment fall under the policy.

- (i) **Harassment Based on Grounds of Discrimination**. This is 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.
- (ii) **Sexual Harassment** 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.
- (iii) **Intimidating, Humiliating or Hostile Harassment** 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.

## 2.6 The Harassment Resolution Policy Board

This seven person body consists of a Chair, who is appointed following the recommendation of a search committee, two faculty members (appointed to three-year terms), two staff members (each of whom serves a three-year term), and two students (each of whom serves a one-year term). The Harassment Resolution Policy Board provides policy advice to the Vice President, Academic, who has the ultimate authority for the administration of the policy. The Board also performs other functions, such as authorizing Formal Investigations, and hearing appeals, if and when the Board chair has refused to authorize one. As well, the Board approves the Annual Report of the HRO.

## 3. HELIC I AC ICE

### 3.1 Overview

Over the twelve-month period covered by this report, I dealt with 153 cases of alleged harassment. This is up by 20% from the last calendar year when the office dealt with 126 cases in total. The majority of these cases, totaling 119, were Consultations, 30 were Informal Cases and 4 were formal cases<sup>4</sup>.

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<sup>4</sup> In 2000, the office handled 88 Consultations, 35 Informal cases and 3 Formal cases.

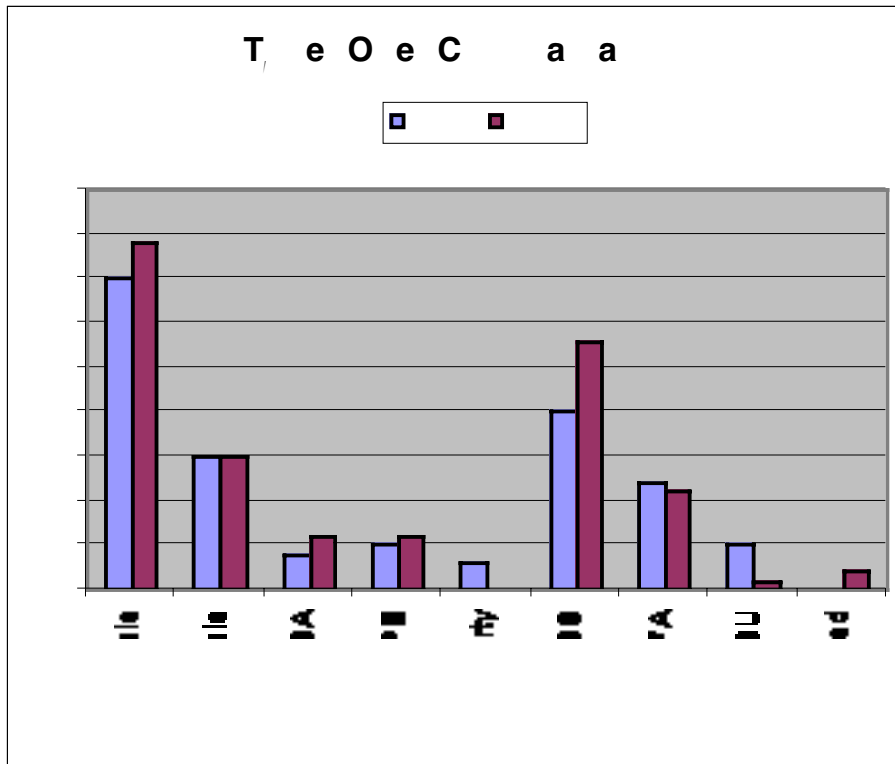


staff conducted 17 Management Consultations. That number increased by 70% to 29 Management Consultations in 2000. And that number increased by 83% to 53 in 2001. I hope that the increase in numbers may be indicative of confidence in the work of the HRO.

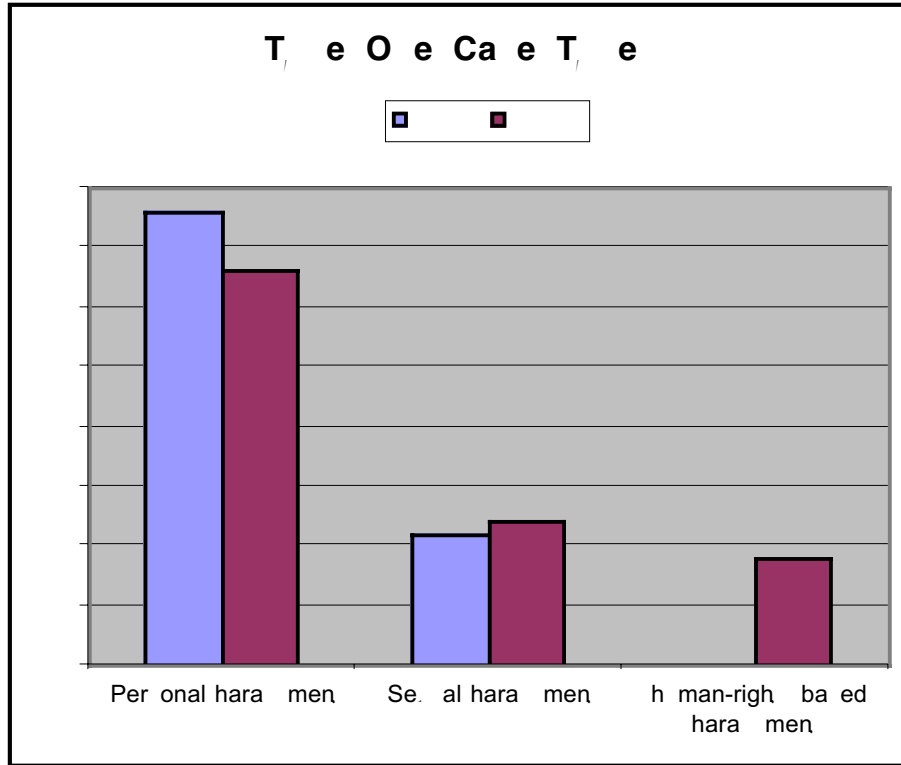
3.4 **Management Consultations : =54**

**C 1 2 3 4 5 6 7 8 9**

- 39 female, 15 male
- 6 APSA, 6 CUPE, 0 Polyparty, 28 SFSS, 11 SFUFA, 1 TSSU, 2 Excluded

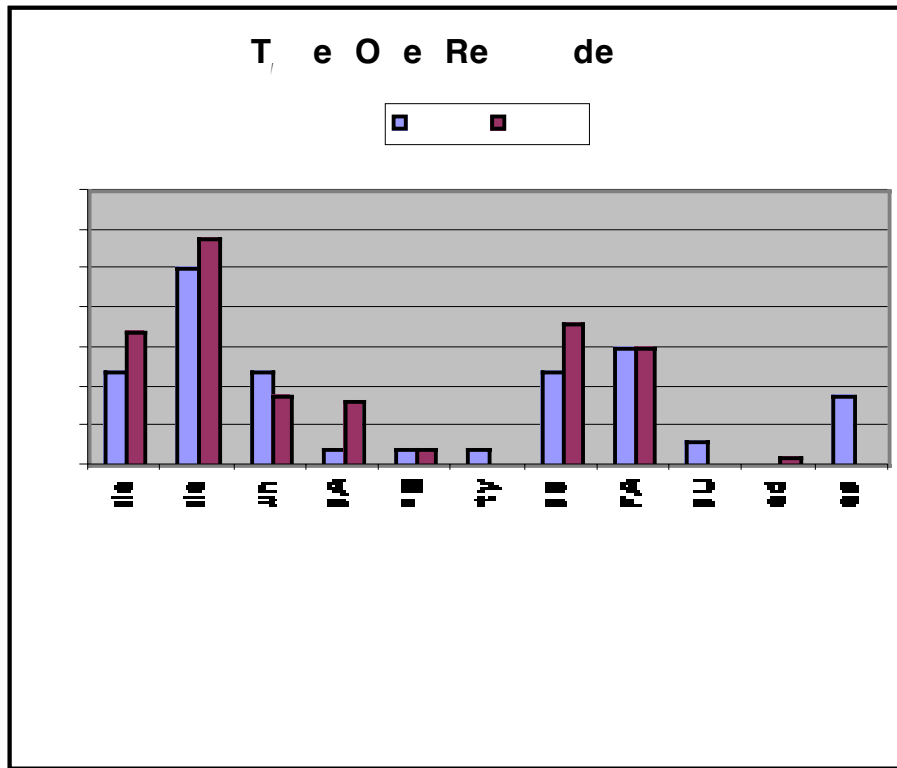


- Type of harassment alleged: 33 personal, 12 sexual, 9 human rights based



**Table 1**

- 17 female, 29 male, 6 multiple both genders, 3 unknown (the identity of the respondent, and hence, his/her gender was not known).
- 8 APSA, 2 CUPE, 0 Polyparty, 18 SFSS, 15 SFUFA, ) 0 TSSU, 1 Excluded

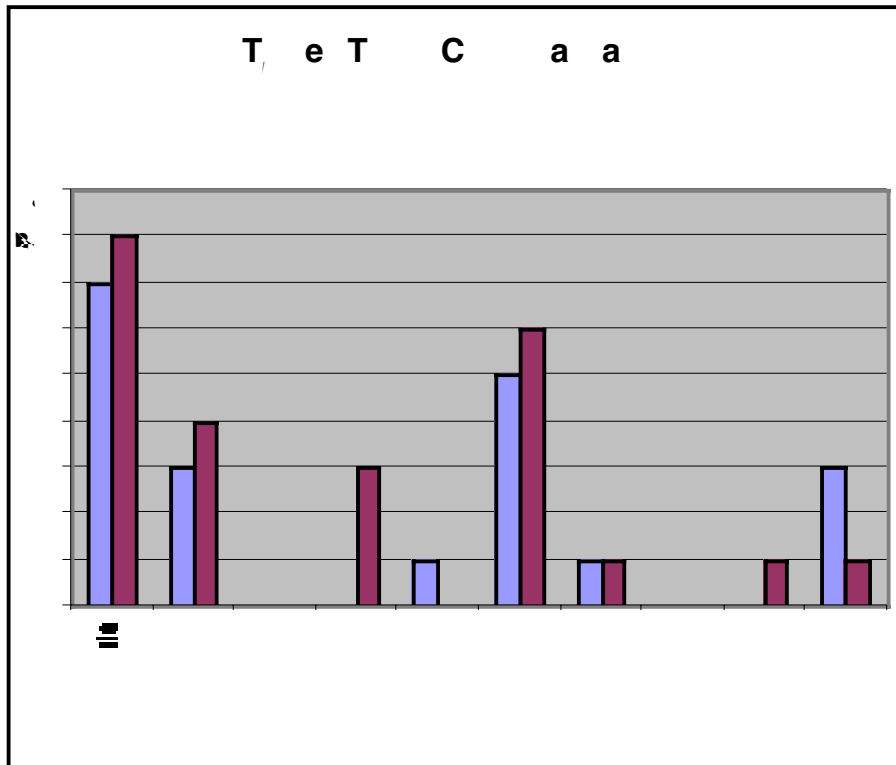




3.5  $\Delta$   $\dots$  C  $\dots$  (  $\dots$  ) = 12

C 1  $\dots$ , D  $\dots$

- 8 female, 4 male
- 0 APSA, 3 CUPE, 0 Polyparty, 6 SFSS, 1 SFUFA, 0 TSSU, 1 Excluded, 1 other (service subscriber)

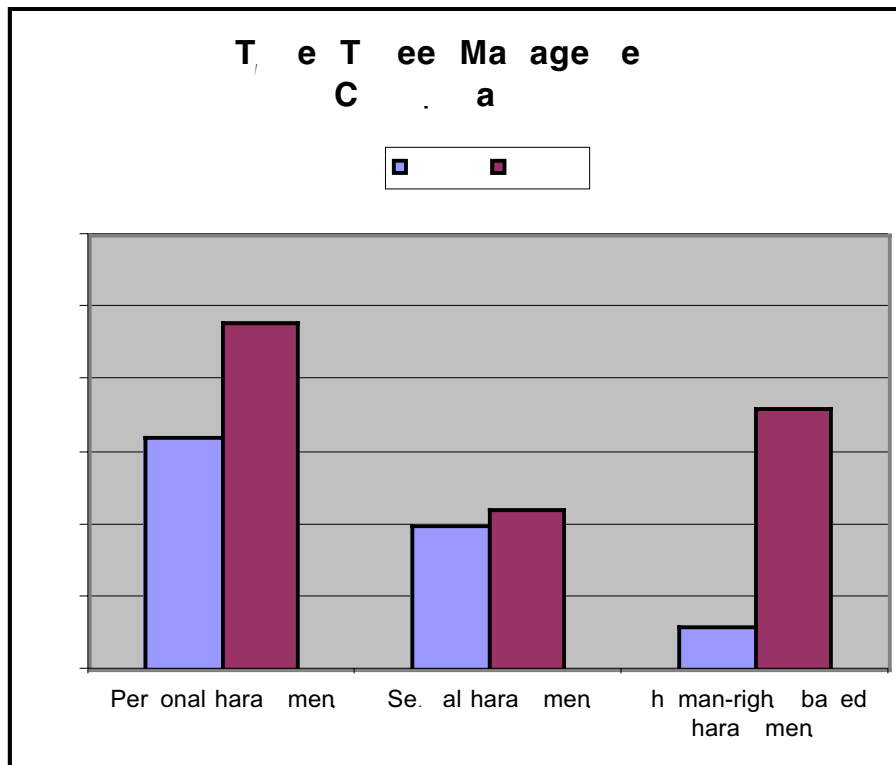


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### 3.6 Management Consultations

I dealt with 53 Management Consultations in 2001. The type of harassment alleged broke down as follows:

- 18 involving human rights based harassment
- 24 involving personal harassment
- 11 involving sexual harassment



### 3.7 Informal Files

An informal file is one in which there is extensive staff involvement in matters such as mediation, but the case does not proceed to formal investigation. For most of these files, the time spent in dispute resolution, meetings, the preparation of correspondence and other administrative duties would normally exceed 40 hours per file.

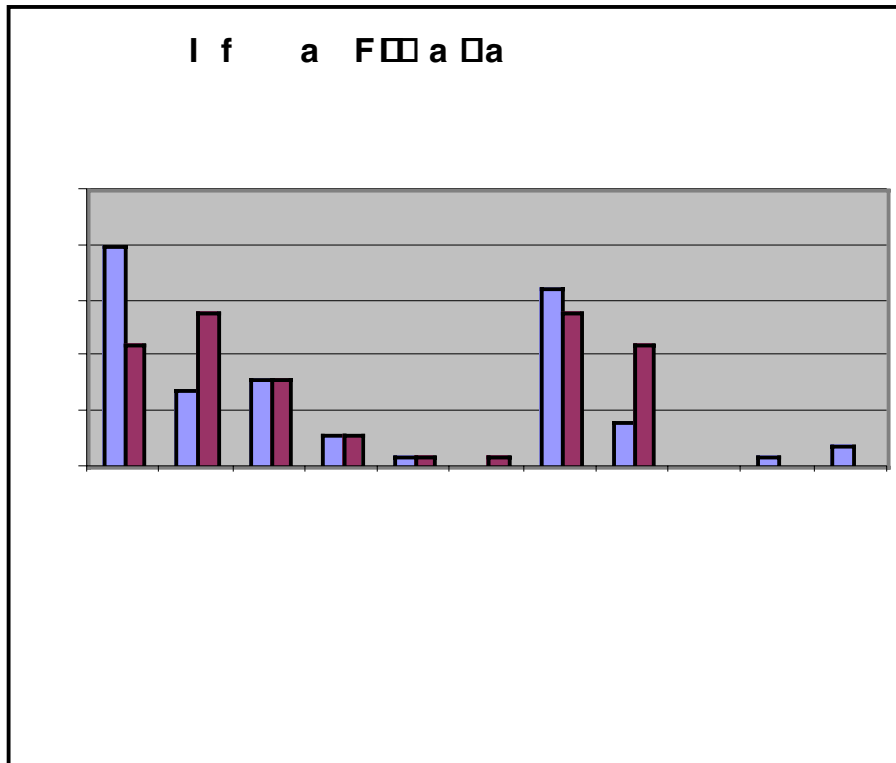
Thirty informal files were activated in 2001. This figure is down from last year, when 35 files were opened. Three of this year's files involved multi-party disputes. Two of these primarily involved members of SFUFA, while the third involved members of APSA and CUPE. In the previous calendar year, my office dealt with five multi-party disputes involving students. None came forward this year. Of the three multi-party disputes that were addressed this year, all are on-going (in that they have not been resolved).

Of the 27 remaining informal files, the following provides an overview of their disposition:

- 3 are closed because the Respondent left the University;
- 8 are closed because the Respondent agreed to perform certain conditions;
- 4 are closed because the Complainant was referred to a psychiatrist;
- 3 were closed via mediated settlements;
- 2 were referred to police and charges for criminal harassment are pending;
- 2 were rejected as falling outside the jurisdiction of the policy;
- 1 was closed when the Complainant was dismissed from employment with the University;
- 1 file is on-going pending;
- □ 1 file is on-going pending;

### C 1 1, 2, 3, D 1, 2

- 8 multiple Complainants
- 14 males
- 11 females
- 3 APSA, 1 CUPE, 1 Polyparty, 14 SFSS, 11 SFUFA, 0 Excluded



## • **Demographics**

- 4 multiple respondents
- 17 males
- 10 females

#### 4. FILE

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 and the Board can overturn the Chair's decision.

The HRO dealt with four formal files in 2001. Three were files from previous years. One was a case in which formal investigation commenced in October 1999 and is still underway. Another is a case that went to formal investigation and the Complainant brought forward a new series of allegations under the grievance provisions of their collective agreement. That case is still pending for arbitration, but the Complainant remains on leave from the University. A third case has been open since 1996, and remains so because of appeals and reviews under the *Freedom of Information and Protection of Privacy Act*. In October 2000, the fourth case was referred for formal investigation by this writer, and was concluded in January, 2001.

Section 13.1 of the SFU Harassment Policy requires me to include in my Annual Report, "a summary (including findings and reasoning) of all completed cases that are resolved after an investigation. That summary of the sole completed case follows.

##### 4.1 E I R I U, v i R - , 2001

This case involved two students, a female Complainant and a male Respondent. Both were enrolled in a course of study from the same Faculty. The female complained that she was receiving unwanted romantic attention from the male. He was alleged to be sending her electronic messages, flowers and cards. She and her boyfriend had told him to stop, but he persisted. On several occasions, he was found outside the Complainant's place of employment<sup>5</sup> watching for her to depart. On other occasions, he brought flowers to her at her workplace. No matter how strenuously the Complainant objected to his attention, the young man persisted.

When I interviewed the Respondent, he advised me that he had previously engaged in similar stalking behaviour with another woman. In that case, a municipal police department

Following a request from the Complainant, I requested a formal investigation, which was approved by the Chair of the Harassment Resolution Policy Board. Mr. Colin Taylor, Q.C. was appointed to investigate. Mr. Taylor concluded that because the Respondent was remorseful over the incidents and was “smitten” with the Complainant, and that he had no intention to harass her (but only to soldier on in the mating game), he found the Respondent's actions not to constitute sexual harassment. However, he found, “The conduct in which the Respondent engaged may be personal harassment, as defined”.

As a penalty, Mr. Taylor recommended that the Respondent be served with a “formal written reprimand and warning and required to attend a course in harassment”.

As the “Responsible Officer” under the policy for matters pertaining to students, the Director of Campus Community Services appointed a colleague to deal as Responsible Officer for the other party, who was also a student. It was open to the Director to affirm or reject the investigative findings. He rejected them, finding that there was a violation of the SFU policy as to sexual harassment. The Director noted that while it may play a mitigating role in the assessment of penalty for breach, the issue of intent is not otherwise a relevant matter in human rights law.

The Respondent in this case was given several disciplinary sanctions. He was:

- required to write letters of apology to the University and to the Complainant;
- ordered to have no contact with the Complainant;
- ordered to refrain from similar conduct towards any other student at SFU;
- required to research and write a three page paper on the issue of sexual harassment;
- ordered to perform twenty hours of voluntary service for the University.

The student in this matter was advised that the disciplinary sanctions were imposed in lieu of suspension and therefore, any failure on his part to perform would result in his immediate suspension from the University. He fulfilled all of his obligations.

## 5. HE ▼ K

This report refers earlier to the decision to eliminate the position of Harassment Resolution Officer. This was done in January 2001. Last year's Annual Report refers to the need to develop a “Protocol for Investigation”, a document which would guide investigators in formal investigations under the Harassment Policy. Using funds previously allocated to staffing, the HRO contracted the services of Dr. Craig S. MacMillan, a career police officer who has a Ph.D. in law, to prepare this Protocol. The project was completed in January 2002. Those who wish to view this document may refer to the Harassment Policy Office Web page at [www.sfu.ca/harassment-policy-office](http://www.sfu.ca/harassment-policy-office).

Another identified need was in the area of information technology support. In furtherance of this requirement, the services of Praxis Consulting were contracted for web design and



other work in this field to make the web site more informative, educational, and user friendly.

During the spring / summer of 2001, I served as a resource to the Committee charged with the review and revision of SFU Policy GP 24, "Fair Use of Information Technology". The members of this Committee were excellent people to work with. It was challenging and rewarding. I would like to thank Dr. Bill Glackman, Committee Chair, for the invitation to participate.

## **6. EDUCATIONAL ACTIVITIES**

I conducted the following educational initiatives during the 2001 calendar year:

- 11 New Employee Orientation Sessions;
- a seminar for Human Resources;
- a half-day workshop for staff in the Linguistics Department;
- a guest lecture in Philosophy;
- two guest lectures in Business Law;
- a workshop for staff of University Advancement;
- a workshop for Health, Counselling and Career Centre;
- a workshop for Co-operative Education;
- a workshop for Teaching Assistants / Tutor Markers;
- a lecture on sexual harassment at Centennial Secondary in Coquitlam.

