1. INTRODUCTION

This report covers the period February 1, to December 31, 1998. It is the inaugural annual report presented under the revised SFU Harassment Resolution Policy\(^1\). The policy was approved by the Board of Governors on January 29, 1998 and came into full force on March 1. The operational objectives of the new policy include:

- 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;

- the provision of appropriate education to the students, faculty and staff of the institution.

This report covers all of the aforementioned activities.

The extent to which this report will be indicative of future years’ activities is unknown. The Harassment Resolution Office was in distress in the spring and summer of 1997, owing to a harassment case that attracted widespread public attention. Revisions to the policy, staff changes and major modifications in terms of the manner in which the business of the office is conducted occurred as a result of that incident. Nevertheless, people still tend to be circumspect and possibly even mistrustful about matters relating to the processes and mechanisms for harassment resolution. We are hopeful that as the reputation of the office is re-established and the University’s experience with the new policy evolves, people will be more comfortable using the services offered by this office.

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\(^1\) 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 the Academic Quadrangle (AQ) 3045. Should any part of this annual report differ from the policy, the latter shall prevail.
2. MAJOR CHANGES IN POLICY AND PRACTICE

2.1 External Investigation

Under the previous policy, formal harassment allegations were referred to a three-person committee from the University community, generally consisting of a faculty member, a staff member and a student. (There were times when one of the constituencies was not represented.) This committee was empowered to “investigate” complaints of harassment by conducting “interviews” with each of the parties to a complaint and their respective witnesses. In practice, however, the “interviews” were actually quasi-judicial hearings in which evidence was called and witnesses were examined in chief and cross-examined. Opening and closing statements were sometimes given. All of this took place in an environment in which the players lacked legal training. The committee was empowered to “advise” the University president concerning whether or not the policy had been violated and with regard to any sanctions that ought to be imposed. This process was fraught with difficulty.

Under the revised policy, formal harassment allegations that are based on a ground enumerated in the B.C. Human Rights Code are referred to the Chair of the Harassment Resolution Policy Board who has the power to authorize or to refuse to authorize an investigation. The Harassment Resolution Policy Board provides advice to the Vice President, Academic. It consists of seven members including a Chair, two members of faculty, two staff members and two students.

If a formal complaint is authorized for investigation, the Chair of the Harassment Resolution Policy Board appoints an experienced investigator with expertise in administrative law who is external to and independent from the University administration. The investigator is charged with making the penultimate determination of whether the policy has been breached. Upon completion of a comprehensive fact-finding search, the investigator sends his / her report to the Chair, who in turn forwards it to a “Responsible Officer”, a senior University official who makes the final decision as to whether there has been a policy violation. If the Responsible Officer does not agree with the opinion of the investigator, either of the parties to the complaint may request that a Vice President review the findings. The Chair of the Harassment Resolution Policy Board selects the Vice President who will carry out the review.

There are a number of safeguards inherent in this new process whereby the rights of both Complainants and Respondents are safeguarded, chief among them being the independence of the investigator. The initial determination of whether or not the policy has been violated rests with an experienced individual who owes no allegiances within the University structure. The appearance of bias is thus avoided. However, while the initial determination of policy violation rests outside the institutional structure, the responsibility to address the matter remains as an internal consideration, consistent with the hierarchical structure of the University.
2.2 Role of the Harassment Resolution Coordinator

Under the previous policy, the Harassment Resolution Coordinator played an active role in case intervention at all stages of the process, both formal and informal. It was not uncommon practice for the coordinator to act on behalf of Complainants in a quasi-advocacy capacity, attending hearings and otherwise monitoring the progress of the case from beginning to end. Under GP18 (revised), there is no involvement by staff of the Harassment Resolution Office from the point of external mediation onward.

Perhaps the most important staff function is the application of the policy to an assessment of the complaint made by a member of the University community who believes he / she is the target of harassment. The Complainant is asked to give a complete account of all of the behaviours that are believed to constitute harassment. If the case history is extensive, staff will document the case and ask the Complainant to “sign off” on the particulars of the complaint. Then, staff apply the facts (as they are presented by the Complainant) to the policy by answering the following questions:

- Is the activity University-related?
- Are both of the parties members of the University community?
- Is the behaviour persistent or is it classifiable as *quid pro quo* harassment?
- Is there evidence that the behaviour was unwelcome by the Complainant? Did the Respondent know or ought he / she to have known that the behaviour was unwelcome?
- Would the behaviour, if true, constitute a violation of the policy?

For the policy to have jurisdiction, all of the foregoing conditions must be met. Frequently, one or more of these conditions are not met. For example, a student may be complaining about harassment by someone who is not a member of the SFU community. Here, the policy would not have jurisdiction, but Harassment Office staff would assist the individual by giving advice and referring to community services, such as police, the human rights commission or a counsellor. Another example of a case in which the conditions would not be met is when the behaviour which forms the subject matter of the complaint is not persistent or repetitious. In this type of case, office staff would conduct informal intervention between the parties as a way of ensuring that the behaviour does not escalate into actual harassment. In summary, the staff are the administrators of a precisely drafted policy which stipulates the basis on which we do or do not have the jurisdictional basis on which to intervene.

The staff function is limited to fulfillment of the following roles relative to the processing of complaints:

- providing advice / assistance to people who believe 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 own departments;

• processing intakes; (which includes framing the complaint, committing it to a written format, advising the Respondent that a complaint has been filed, informing the parties of their rights and obligations under the policy);

• rejecting complaints which fall outside the jurisdictional ambit of the policy;

• providing mediation services to the parties or selecting and appointing a mediator who is external to the University;

• referring matters for formal investigation;

• providing educational opportunities (seminars and guest lectures and developing written material) for faculty, staff and students.

The only involvement beyond the foregoing is that the Harassment Resolution Office becomes, upon completion of the case, the “Office of Record” (as repository) for all records generated under the policy.

2.3 Types of Harassment

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

(i) **Harassment Based on a Prohibited Ground of Discrimination** 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) **Personal 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.

As to other policy changes under GP18, complaints of personal harassment may only be dealt with by means of consultation and mediation provided by office personnel. Such
complaints may not be referred for external investigation. Another policy change is that allegations which result in suspension, dismissal or expulsion require “clear and convincing” evidence of misconduct, a considerably higher burden than that of the previous policy which required proof on a balance of probabilities.

2.4 Responsible Officers

This is a new delineation of responsibility under the current policy. “Responsible Officers” are University officials who act in a variety of capacities when a formal investigation is convened. The designation of Responsible Officer in a particular case is determined by one’s membership in a particular constituency. For example, if a member of faculty is either a Complainant or a Respondent, the Responsible Officer for them is the appropriate Dean, while the Responsible Officer for students is the Director of Campus Community Services.

Once an investigation into sexual or human rights based harassment has been completed by an investigator who is both independent of the University administration and experienced in administrative law, the work of the respective Responsible Officers begins. The duties assigned to them in their respective capacities are found in the next two sections of this report.

The Responsible Officer for the Complainant

- receives and reviews the investigative report and the written decision of the Responsible Officer for the Respondent;
- meets with the Complainant to consider a remedy for the Complainant if it has been determined that the policy has been violated;
- makes a recommendation to the appropriate Vice President with regard to a remedy for the Complainant;
- considers the appropriate disciplinary penalty for the Complainant if it is determined by the Responsible Officer for the Respondent that the complaint is frivolous, vexatious or malicious;
- in exceptional circumstances, may assume the role of Complainant to initiate an investigation.

2 There are seven constituency groups represented on campus. They are the Administrative and Professional Staff Association (APSA), the Canadian Union of Public Employees Local 3338 (CUPE), Excluded Employees (senior managers and confidential exclusions), Polyparty (a master collective agreement which applies to all of the on-campus trades), Simon Fraser Student Society (SFSS), the Simon Fraser University Faculty Association (SFUFA) and The Teaching Support Staff Union (TSSU).

3 No formal investigation was convened in the 1998 calendar year.
The Responsible Officer for the Respondent

- receives the investigative report from the Chair, Harassment Resolution Policy Board;
- invites submissions from the parties based on this investigative report;
- based on the investigative report and subsequent submissions, determines whether the policy has been violated; (If the Responsible Officer disagrees with the findings of the independent investigator about whether the policy has been violated, either of the parties to the complaint may request that the appropriate Vice President review the decision.)
- if the complaint is vexatious, malicious or frivolous, the Responsible Officer for the Respondent may recommend to the appropriate Vice President a remedy for the Respondent; (The Vice President will select the appropriate remedy.)
- if the policy has been violated, after giving both of the parties an opportunity to make submissions, the Responsible Officer for the Respondent decides on an appropriate disciplinary sanction.

2.5 The Authority of the Responsible Officer to Implement Investigative Outcomes

Under the previous policy, the University President had the authority to impose an appropriate sanction for a violation of the policy, provide a remedy for the Complainant or exonerate the Respondent. The current situation, as can be seen from the foregoing, is that while the initial determination of whether or not there has been a policy violation rests outside of the institution, the authority to manage the process for dealing with the consequences arising out of the investigation rests within the institutional structure. As such, impartiality is assured and the process for dealing with complaints is both transparent and accountable. Moreover, there is a separation of the office staff function (i.e. inside the Harassment Resolution Office) from functions that are performed elsewhere in the institution, either by the members of the Harassment Resolution Policy Board (which will be discussed next) or by the respective Responsible Officers.

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 serve for a three year term) and two students, (each of whom serve for a one-year term). The Board provides policy advice to the Vice President, Academic, who has ultimate authority for the administration of the Harassment Policy.
This Board also considers appeals from decisions made by the Chair that a complaint will not proceed to investigation. As well, it reviews and approves the annual report of the Harassment Resolution Office and it is available as an advisory resource to the Coordinator.

3. THE POLICY IN PRACTICE

3.1 Jurisdiction

Complaints of harassment may be made by a member of the University community against another member regarding a University-related activity. For the policy to apply, it is a necessary prerequisite that the behaviour, if true, would constitute a violation of the policy. Discussion will appear in later sections of this report regarding jurisdictional difficulties. It is important to note that it is sometimes necessary for staff to be involved in issues and problems which do not fall absolutely under the jurisdiction of the policy. These situations are addressed under the rubric of the policy because this office is the most logical place to deal with them and/or there is no where else to refer the people who present with these problems. As well, it is in the best interest of both the University and the individual to address these situations.

3.2 The Cases

In the 11-month period, from February 1, 1998 to December 31, 1998 the office dealt with 124 cases of alleged harassment. The majority of these cases (92) were consultations while 30 were “informal” files and 2 were formal files. (The definitions of “consultation” and “informal” will follow.) One case was referred for formal investigation. At the time of this writing, it is not known whether this case will be accepted for investigation, as there is an issue with regard to whether the matter is “time barred”. As well, one formal hearing was convened under the old Harassment Policy. In that particular matter, the three-person committee assigned to hear the complaint had been established prior to March 1, 1998, the cut-off date designated by the Board of Governors for matters eligible to be heard under the old policy. Post-hearing, the case reverted to “informal file” status as the issues between the parties became increasingly exacerbated.

In the following sections of this Annual Report which contain case examples, the ones included were selected because they tend to be typical for their category. We are beginning to notice the emergence of certain trends4. In an attempt to better inform the

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4 The trends we have noticed are:
1. the increased use of Email as a tool of harassment;
2. students (both male and female) report being “stalked” by a former lover who is not a member of the University community; (In these cases, the policy has no jurisdiction, but we do offer assistance and advice to the student.)
3. long-standing disputes between employees of the University (both faculty and staff) which “simmer” for years and erupt from time to time;
University community about the kind of work that is conducted by the staff of the Harassment Resolution Office, we have tried to include those trends in our case examples.

3.3 The Consultation Process

There are three categories of individual consultations: individual consultations with jurisdiction, (Type One), individual consultations without jurisdiction (Type Two) and management consultations (Type Three). (Please refer to Appendix “A” for tables.)

Type One Individual Consultations occur when a member of the University community, either a student or an employee, approaches the office to seek advice and perhaps other assistance because they believe that they are the target of harassment. The person who is engaging in the harassing behaviour is also a member of the University community.

Type Two Individual Consultations are those in which the office provides assistance to our community member when the alleged harasser is outside the jurisdiction of the University policy. A typical example would be situations in which the would-be Complainant, either male or female, is complaining about harassment or stalking behaviour by a former lover who is not a member of the SFU community, (that is, either an employee or a student).

A management consultation occurs when a University manager or supervisor seeks advice about how to manage and resolve harassment that is occurring in their department or area. Management consultations tend to be complex and usually require a number of interventions. Most involve situations in which previous attempts at resolution have not been successful. Some management consultations require harassment staff intervention (such as mediation, discussion with shop stewards, etc.). These cases become “informal files” once an action occurs that is more than the offering of advice.

In terms of the time it takes to complete a consultation, the shortest would be a single interaction lasting less than half an hour and the longest and most complicated could involve several meetings, each of which would last for several hours. What distinguishes a consultation from other categories of cases is that in a consultation, the office staff provides advice and assistance. If other actions are taken – such as attendance at meetings, the preparation of correspondence, file reviews or research – an “informal” file is created. (Informal files will be discussed in later sections of this report.)

For individual consultations, routine procedure is such that the name and or other identifying information about the would-be Respondent is not disclosed, nor is it required to be disclosed. The reason for this is twofold. People seeking a consultation want

4. people who do not understand the elements of harassment and who wish to trigger the application of the policy when nothing else seems to be appropriate.

5 Whenever the term “employee” appears in this report, it refers to all categories of persons employed by SFU, that is both staff and faculty.
advice about how to deal with the harassment themselves. The situations tend to be at the lower (less serious) end of the spectrum of harassing behaviour and as such, the people seeking advice do not want intervention either by the employer or by Harassment Office personnel. As well, the person is of the view that dealing with the matter between the parties will lend itself to a more expeditious and private resolution.

Consultation Data

In the 11 month period covered by this report, the office conducted 90 consultations; 50 “Type One” consultations in which the would-be Respondent was a member of the University community, 21 “Type Two” consultations in which the policy would not have the requisite jurisdiction because the would-be Respondent is not a member of the University community and 21 “Type Three” Management Consultations.

3.4 Type One Individual Consultation With Jurisdiction (50)

Would-be Complainant Data

- 36 female, 14 male;
- 6 APSA, 5 CUPE, 31 SFSS, 5 SFUFA, 2 TSSU, 1 contractor;
- Type of harassment alleged: 27 personal harassment, 19 sexual harassment and 4 other human rights based harassment.

Would-Be Respondent Data

- 16 female, 34 male;
- 8 APSA, 2 CUPE, 24 SFSS, 13 SFUFA, 2 TSSU, 1 systemic (departmental).

Examples of “Type One” Consultations:

1. A long-term employee of the University alleged personal harassment on the part of another employee, which took the form of gossiping, lack of friendliness and lack of respect for the would-be Complainant’s authority. In this situation, the office climate had
been uncomfortable for many years. The would-be Complainant claimed that he “knew” that other employees were gossiping about him and that the would-be Respondent was instrumental in spreading false accusations against him.

This is typical of a long-standing dispute, which may not have escalated if the problems had been addressed earlier. The party seeking advice from the Harassment Resolution Office did not know where else to turn for assistance. This case also highlights the fact that all members of the University community are obliged to inform the person whom they perceive is engaging in a certain type of offensive or harassing behaviour that the intervention is unwelcome and they want it to cease. The feelings of “harassment” arose, in part, out of his frustration at not dealing with the situation earlier.

Here, the individual was advised that he should focus on a strategy for dealing with actual behaviours that he could discuss with the other party.

2. On this campus and elsewhere, Email has become a medium through which to communicate unwelcome remarks. One of the dangers with unwelcome Email activity is that the receiver tends to lapse unwittingly into a dialogue with the sender in which the former individual either tries to elicit an explanation about what the sender means by certain phrases or accusations, or attempts to defend themselves against certain accusations.

For example, one student received an Email from a fellow student who admonished him to “Watch yourself!” Not knowing what was meant by this apparent warning, the receiver exchanged a number of Email messages with the sender in which he demanded an explanation and offered one of his own…that the message constituted a threat against his personal safety. When an explanation was not forthcoming, the receiver concluded that the series of exchanges constituted harassment.

Unwelcome, persistent and abusive Email messages do constitute harassment under the SFU definition, but this case is not an example of a situation in which the Harassment Resolution Office would intervene. Here, the receiver kept the dialogue alive by continuing to demand an explanation. The advice given to him was to communicate one final time with the sender of the original message, to inform her that her behaviour was unwelcome and inappropriate and that he wished no further contact with her. In this particular case, had the sender not complied with the request, steps could have been taken under policy GP 24 “Fair Use of Information Resources” to disable the sender’s SFU account. Just as in the first example, the receiver had an obligation to inform the other party that the communication was unwelcome.

3. An example of a “Type One” consultation regarding sexual harassment (19 cases in total) was a case in which a student, who accepted tutorial assistance from a male student, alleged sexual harassment when, after a three-hour study session which took place in his apartment, he made a “pass” at her. In this particular case, the male student rubbed the female student’s back for several minutes. She did not object. Then, he kissed her. She ran from his apartment.
In this circumstance, the male student would have no way of knowing that the kiss was unwelcome because the female student gave no indication that the behaviour was unwelcome. The test of reasonableness in harassment law and the SFU Policy is that the person (performing the behaviour) “knows or ought reasonably to know that the behaviour is unwanted or unwelcome”. The student in this case was advised that the impugned behaviour did not constitute sexual harassment. In discussion with the student, it was apparent that she had felt uncomfortable from the outset of the interaction (i.e. getting in his car, going to his apartment, etc.). She was advised of the importance of taking personal responsibility for her own safety by communicating her needs and wishes clearly and by not placing herself in potentially dangerous situations. Staff recommended that she enroll in classes in assertiveness which may assist her in dealing with these sort of situations, should they arise in future.

3.5 “Type Two” Consultations (no jurisdiction) (21 in total)

Would-Be Complainant Data

- 18 female, 3 male
- 3 APSA, 9 SFSS, 2 SFUFA, 4 TSSU, 3 contractors
- 10 personal harassment, 9 sexual harassment, 2 other human rights harassment

Examples of “Type Two” Consultations:

1. A female SFU student who lives in an apartment with a number of other roommates encountered a former boyfriend at a local shopping mall while she was purchasing groceries. He seemed to be following her. Days later, the young man sent several letters to her parents’ home. In them, he implored her to return to the relationship, expressing anger that it was he who had suffered from the breakup of the relationship while she was able to get on with the rest of her life.

It was clear that the young man did not know where the SFU student lived.

The student was advised to report the matter to the RCMP. As well, it was suggested that she write a letter to him in which she requested that all communication would cease forthwith. She was advised further to communicate with her parents, other family members and any friends who may have known both of them, to ask that they not divulge her residential address or the fact that she attended SFU, should he ask for this
information. And finally, the student was told that if she ever saw this person on campus, she should call security immediately and request assistance.

The facts of this case tend to be somewhat typical in that they involve persistent, unwanted attention from a former lover, as the following case will also show.

2. A male student received a number of phone calls from a former girlfriend. She had asked a number of common friends to convey messages to the young man that she wanted to see him. She approached him in a nightclub off campus. The woman also contacted the student’s new girlfriend to suggest there was still a relationship between the two. At the early stages, in an effort to be polite, the student responded to her invitations in a very imprecise manner. For instance, he would say that he could not have coffee with her because he had exams or a class. He suggested they could “still be friends”. In fact, this was sending a mixed message because the woman had the impression that he still wanted her in his life.

The advice given by office staff included a suggestion that he be more precise in communicating the fact that he was not interested in seeing the woman. As well, he was told how he could “block” calls from her residential phone line by purchasing this service from B.C. Tel. If he had concerns about his personal safety (which was not suggested here) he could contact police and / or campus security, as he lived in residence on campus.

3. The following is an example of a case in which the office was unable to act for jurisdictional reasons even though both parties were members of the University community.

The case involved two students, a male and a female. The two met in class and agreed to go out on a date on the weekend. The young woman alleged that she had been sexually assaulted by the young man at an off-campus location while on the date. Because he took several of the same classes with her, she wanted Harassment Resolution Office personnel to remove the young man from the classes. The woman complained to the office because she felt the policy had been triggered. The young woman refused to refer the matter to the police.

The SFU Policy could not take jurisdiction over this case because the alleged behaviour happened off-campus. Therefore, we were without the requisite authority to intervene. Moreover, while there may be cross-over between sexual assault (a criminal activity) and sexual harassment (a human rights and / or a policy violation), the purpose of the SFU

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6 Sexual Harassment is defined in the policy as “Behaviour of a sexual nature by a person who knows or ought reasonably to know that the behaviour is unwanted or unwelcome and which interferes with another person’s participation in a University-related activity or leads to or implies job or academically-related consequences for the person harassed. However, the activity that forms the subject-matter of the complaint must be University-related. In this instance, a date off-campus is not a University-related activity.
Policy is not to be a “catch-all” for whatever falls through the cracks of the Criminal Code.

3.6 “Type Three” Management Consultations

There were 21 management consultation cases during the relevant period, 8 concerning personal harassment, all of which involved long-standing disputes between long-term employees and 13 others involving sexual harassment. Of these 13, 5 involved students in a Co-operative (Co-op) Education Program and the alleged harassment occurred at the job placement, where the employer or one of his/her employees initiated the behaviour. Consequently, the SFU Harassment Policy could not take jurisdiction.

The remaining management consultation cases involving sexual harassment (numbering 8, leaving out the Co-op cases) were varied, and involved such issues as sexually explicit displays and unwanted sexually-oriented behaviour.

3.7 Informal Files: The Process

An informal file is one in which Harassment Office staff normally have extensive direct involvement, but the case is not referred for formal investigation or external mediation. For some of these files, the time spent in assisted dispute resolution or mediation, meetings, the preparation of correspondence and other administrative duties exceeds 40 hours. However, the statistical reporting here is somewhat misleading because the work that was conducted on the file, though undertaken properly, cannot be easily categorized.

Descriptions of atypical cases will follow in this section.

Informal File Data

Thirty informal files were opened in 1998. The following table provides an overview of their disposition:

- 11 files were closed after multiple meetings with the Complainant and others;
- 7 cases were closed after Harassment staff negotiated with the Department to change something that was within the purview of the Department to change; (eg. interdepartmental transfers)
- 4 cases were mediated by Harassment staff;
- 3 cases were referred to SFU security;

7 As employers of SFU students, Co-op job placement providers do not fall under the harassment policy because they are neither students nor employees of the University.
• 1 case was referred to the North Vancouver RCMP; (sexual assault charges were not laid)
• 1 case was referred to the Vancouver City Police; (charges for criminal harassment were laid and a trial is pending)
• 1 case resulted in the imposition of student discipline under another SFU policy;
• 1 case was rejected for jurisdictional reasons;
• 1 case in which the student withdrew from studies pursuant to an agreement with the University.

The following provides information about these files. The reader may also refer to the Table at Appendix “A”.

Complainant Data

- 10 male, 20 female
- 4 APSA, 6 CUPE, 2 POLYPARTY, 15 SFSS, 1 SFUFA, 2 other (1 student society employee and 1 off-campus)
- 15 personal harassment, 11 sexual harassment, 4 other human rights based.

Respondent Data

- 20 male, 10 female
- 7 APSA, 3 CUPE, 2 POLYPARTY, 7 SFSS, 5 SFUFA, 2 TSSU, 2 excluded (management employees) and 2 other (1 student society employee and 1 off campus)

Typical Informal Case Examples

Case 1 involved allegations of personal harassment in the form of alleged demeaning speech and dismissive or disrespectful behaviour directed at one employee by another. Other issues centered on at least two very different interpretations of a job description and a manager whose actions appeared to be inconsistent in terms of how the disputants were handled.

Three mediation sessions were convened to assist the parties to resolve the conflict. An advocate represented the Complainant but the Respondent did not wish to have representation. As a result of the three attempts at mediation, agreement was reached on
two of the five issues identified by the parties. The remaining issues were addressed at the Department level.

**Case 2** involved allegations of personal harassment, initiated by a female student against a male faculty member. The student alleged that the professor shouted at her, refused to accommodate her physical disability, spoke to her with disdain and discriminated against her on the basis of her disability. The student wanted intervention and resolution of her complaint. A meeting was convened at which the Complainant, the Respondent and his association representative were present with Harassment Office staff. The purpose of the meeting was to attempt informal resolution, which would allow the student to complete the academic requirements of the course. The professor denied both the allegations of differential treatment based on disability and shouting at the student, but he agreed that the quality of communication between the parties was poor.

An agreement was reached with regard to the conditions under which the student would complete the course work. One month later, the student violated the agreement by claiming conditions that were not part of the original settlement. She contacted the Harassment Resolution Office, asking the staff to validate her claim regarding the terms of settlement. She was advised that the written record of the mediation and the recollection of the Harassment Office staff member did not support the student’s version. Months after that, the student continued to dispute the terms of the agreement with the department. It now appears that the Complainant may have had malicious intentions.

**Case 3** involved a claim and a counterclaim of sexual harassment and stalking between two students. The male approached initially the office, claiming that a young woman with whom he was “friends” (he alleged no romantic relationship) was harassing him by making persistent, unwelcome phone calls, following him on campus, driving by and parking outside his house and by damaging his personal property. He received initial advice from the office staff. This advice included seeking assistance from B.C. Tel, reporting the matter to the Burnaby RCMP and SFU Security, communicating with the woman in writing to tell her that her behaviour was unwelcome and requesting that all direct and indirect attempts at communication would cease.

The following day, the male student came back to the office claiming that the female had assaulted him and that he had reported the matter to campus security. Campus security interviewed both of the parties who agreed to leave one another alone. Both of the parties reported the matter to police, but criminal charges did not proceed. The behaviour continued and the male student again requested Harassment Resolution staff to intervene. However, during the course of this intervention, the female student gave a version of events that differed absolutely with the male’s version. In fact, she alleged that he had done all of the things to her that he alleged she had done to him.

Harassment staff intervened with both parties in separate meetings, eventually arriving at an agreement in which each of the parties agreed (again) to restrain themselves with regard to the other party. There was no further contact with either student.
Atypical Informal Case 1

This case went to formal investigation in 1998 (under the previous policy) but the dispute between the parties did not subside. The history of the case is that a total of 35 complaints were lodged by one employee against another. As a result of a hearing convened to determine whether the policy had been violated, evidence was found to support two of the allegations. However, the acrimony between the parties continued. Harassment staff intervention on this file included several management consultations, the development and delivery of dispute resolution strategies, numerous meetings with the parties (including one with the Complainant and his / her counsel), conducting research and file reviews, the preparation of extensive correspondence and the design and delivery of workplace-specific training seminars for the employees in the work location where the Complainant and Respondent worked. At the end of the seminars, the original Complainant lodged two additional harassment complaints (numbers 36 and 37) which were investigated outside of the Harassment Office by a senior manager of the University. Both of these complaints were determined to be lacking in evidence to support the complaints.

Atypical Informal Case 2

Over a one week period, two faculty members and one senior administrator brought to the Harassment Office several notices which had been placed in the men’s bathrooms at various locations throughout the campus. The notices invited males interested in certain sexual practices to telephone a certain female, whose name and number were included in the notice. A check of the student registration computerized records revealed that the female had been enrolled at SFU the previous semester, but she was not currently enrolled. Initially, Harassment Office staff were reluctant to contact the woman because of the distress the situation would likely cause. However, when it became clear that it was not a matter of two or three notices, but rather, ten or fifteen, the decision was made to ask the woman to come to the office to discuss the situation.

The woman believed she knew who had authored the notices and she made the decision to refer the matter to the local RCMP as a criminal harassment complaint. Staff intervention in this matter included meetings with the Complainant, her parents, SFU Security and the Burnaby RCMP.
4. FORMAL FILES: THE PROCESS

A formal file is opened when either the Harassment Resolution Coordinator has authorized an external mediation or the Chair of the Harassment Resolution Board authorizes a formal investigation. In the case of mediation, the Harassment Resolution Coordinator selects the experienced mediator. From then on, the process is under the control of the mediator. Once a case goes beyond mediation, the Harassment Resolution Coordinator has no active involvement in the process. The Harassment Office is however the office for record for all records documenting cases under the Harassment Policy. No formal files were opened as new files during the 1998 calendar year. However, office staff had extensive dealings with two formal files from previous years and also with the continuation of the case which is documented under the heading “Atypical Informal Case 1” in this report.

The reader should also note that a significant amount of work was performed within the reporting year with regard to records on formal case files in which an application was filed under the Freedom of Information and Protection of Privacy Act (BC). Such cases require full file reviews and the assignment of documents into categories as specified by the legislation and in accordance with the nature of the request.

5. EDUCATIONAL ACTIVITIES

We view education as our most important service. Our overall goal in providing seminars and guest lectures is to increase awareness among the members of the University community about the elements of harassment and discrimination and in particular, how to avoid behaviours that run counter to the policy and provincial human rights legislation.

A typical seminar is approximately 2.5 hours in duration. The first half is devoted to an examination of the definitions of direct and adverse effect discrimination, the jurisdiction of the legislation, the enumerated grounds of discrimination and the interaction between the University policy and the law. The second half is allocated to group problem-solving exercises, which are based on actual harassment cases. Seminar participants report a high degree of satisfaction with the content and the method of presentation.

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8 These seminars can be shortened or lengthened to suit the needs and wishes of the participants.
9 Harassment is a form of discrimination; therefore, to understand the origins of harassment it is necessary to understand its relationship to human rights legislation.
Harassment Office staff presented the following educational seminars and workshops during this period:

- 12 new employee orientation information sessions
- four 90-minute student seminars at Harbour Centre for International students
- one two-hour seminar for students of Womens’ Studies
- four two-hour seminars for employees of Facilities Management (3 Polyparty and one CUPE)
- one two-hour seminar for senior managers of Facilities Management
- one two-hour seminar for Library management
- two 90 minute orientation seminars for Resident Assistants
- two 4-hour and one two-hour training seminar for Harassment Advisers
- one 90 minute seminar for summer camp employees
- one 90 minute seminar at a “feeder” highschool in Coquitlam
- two 60 minute seminars for Co-op placement students
- one 90 minute presentation, with the Provincial Hate Crimes Team, in the SFU Interfaith Centre
- one 60 minute presentation to the Employees Council
- one 60 minute presentation to APSA

CONCLUDING COMMENTS

The two major thrusts for the upcoming year include the development of a comprehensive educational program aimed at students and employees of the University and offering conflict resolution services aimed at the prevention of harassment. At present, of the two professional staff in the Harassment Resolution Office, one is a counsellor and the other a lawyer with extensive experience in human rights. Both have basic mediation training and the coordinator has completed the course in “Advanced Civil Mediation”. If the demand for dispute resolution service becomes greater than the office can address, we will provide mediation training for members of the University community who are interested in this work.
In reflection, the Harassment Resolution Office faced a number of challenges through the period from 1997 and 1998. The greatest challenge now and in the future will be the re-establishment of trust within the University community. It is absolutely essential that the people who come to this office know that they will be dealt with in a professional, impartial manner that is free from an ideological agenda that predisposes a person to favour one of the parties in a harassment case. Consequently, the fundamental guiding principle of the work is and must continue to be that we do not ever take sides. The staff of the Harassment Resolution Office owe an identical duty of impartiality to both the Respondent and the Complainant. The process we employ does not favour the rights of Complainants over Respondents.

This approach does not sit well with all of the people who seek the services of the Harassment Resolution Office. One of the trends we observed throughout 1998 is a propensity on the part of Complainants to want support and advocacy when they come to this office to complain. They are sometimes unhappy when it does not materialize. However, if it seems appropriate to refer the Complainant to another service (such as counselling), we make the referral. Concomitantly, we encounter Respondents who seem to believe that we are biased against them; that we believe that the allegations that have been made against them are true. While that may have been the practice in the past, it is not the way the work is done today.

We welcome inquiries and comments from all members of the University community. Our 1999 annual report will be available by March 31, 2000.

Brenda E. Taylor
Harassment Resolution Coordinator

Approved by:

Dr. Malgorzata Dubiel
Chair, Harassment Resolution Policy Board