2019 Annual Report
Human Rights Office

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Introduction

This report provides a brief overview of the activities of the Human Rights Office from January 1, 2019 to December 31, 2019.

This Human Rights Annual Report is prepared for the University Community as mandated by article 14 of The Human Rights Policy: “This annual report will be reviewed and commented on by the Human Rights Policy Board and forwarded to the University Secretary, who will distribute it widely.”

A Brief Overview of Cases

From January 2019 to December 31, 2019, a total of 166 persons contacted the Human Rights Office looking for advice about situations that they were either experiencing or managing.

In the 2019 calendar year, the majority of consultation work consisted of management consultations. This year, the Human Rights Office undertook 94 management consultations and 72 individual consultations. From these 72 consultations, 4 complaints were filed.

The work of the Human Rights Office seems to have shifted from a complaint-driven focus to that of a University resource, becoming more proactive than reactive.

Total number of consultations over a five year period 2015-2019

![Total Consultations Chart]

(The data for 2015-2017 are taken from the previous Annual Reports prepared by Brenda Taylor.)

The number of consultations in 2019 represents a 32.8% increase over last year’s total number of consultations.)
1. The Work of the Office

1.1 Staffing

The Human Rights Office is staffed by two employees:

- Marie Brunelle is the Director of the Human Rights Office
- Roya Ghorab is the Confidential Administrative Professional

Our top priority is to respond to all requests addressed to the Human Rights Office in a timely manner. In addition to this core mandate, the office undertook the following priorities:

- Building collaborative relationships with the major stakeholders and senior management;
- Raising people’s awareness on the role of the Human Rights Office;
- Supporting the Human Rights Policy Board in the Human Rights Policy review process.

1.2 Mandate of the Director

The mandate of the Director is to provide human rights information, assistance, education, training, and informal complaint resolution to all members of the University community with regard to discrimination and harassment. As specified by the Human Rights Policy, the Director reports to the University Secretary.

More specifically the Director carries out the following functions as defined in the policy:

- providing assistance and advice to people who believe they are the target of harassment and/or discrimination;
- conducting management consultations with supervisors;
- providing advice and guidance on a full range of human rights issues;
- assessing the admissibility of the complaints to determine whether they fall within the scope of the policy;
- investigating allegations made by complainants, by conducting interviews, and determining whether a prima facie case of discrimination or harassment exists and/or is legitimate;
- providing conflict resolution services at the request of the parties;
- providing information sessions and presentations to faculty, staff, and students;
- working in collaboration with the University Secretary and other senior managers to provide strategic and advisory support on human rights compliance, policy and processes;
- ensuring that the University meets or exceeds its obligations under the BC Human Rights Code.
1.3 The Intake Process

The majority of people who come to the Human Rights Office are looking for advice. They are either people who believe they are or have been targets of discrimination or harassment, or people (such as managers and supervisors) who believe that harassment or discrimination may have occurred or be occurring in their environment. Such cases are categorized as “Consultations.”

Consultations: A consultation usually consists of a combination of information provided through emails and face-to-face meetings. It is not uncommon that a consultation would require several hours spread over a number of meetings.

The Director regularly provides guidance to students, staff members, faculty members, and managers on a variety of matters related to discrimination, harassment, and conflict resolution/management. This includes providing options and strategies for resolving conflicts, referring them to the proper internal or external resources, helping them where possible to resolve their issues themselves, and informing them about the Human Rights Policy complaint procedures.

It is worth noting that the Human Rights Office Director was able to hold successful informal resolution meetings on two occasions in which parties to a conflict sought her assistance to resolve their issues without filing a complaint.

Complaints: Consultations involve direct intervention with the complainant only. If intervention beyond that stage (e.g., mediation) is requested, the case is classified as a “Complaint,” wherein the Human Rights Office is asked to act on a complaint and to contact the respondent. Typically, these cases involve assisting the parties through informal resolution or mediation.

External Investigations: These are cases in which the complainant requests the appointment of an external investigator (see article 9 of the Human Rights Policy).

1.4 The Human Rights Policy Board

This eleven-person body consists of a Chair, three faculty members (appointed to three-year terms), three staff members (each of whom serves a three-year term), and four students (each of whom serves a one-year term). The Human Rights Policy Board provides policy advice to the University Secretary, who has the ultimate authority for the administration of the policy. In this context, the Board is now leading the Human Rights Policy Review process. The last revision of the Policy was made on November 27, 2014 and the Policy states that this Policy will be formally reviewed at least every five years” (article 15). As well, the Board comments on this Annual Report.
2. The Policy in Practice

2.1 Consultation Data:

In the 2019 calendar year, the Human Rights Office conducted 166 consultations.

- 72 Individual consultations (43.4%)
- 94 Management consultations (56.6%)

**Individual Consultation:** The person seeking advice believes that they are the target of harassment or discrimination.

**Management Consultation:** A manager, supervisor or an entity such as an employee group or union seeks advice on how to prevent, manage, and resolve harassment or discrimination that is alleged to be taking place in their department, faculty, unit, or program.

2.1.1 Human Rights Office Users

The following chart illustrates who were the primary users of the services provided by the Human Rights Office.

![Distribution by Affiliation to SFU](image)
2.1.2 **Nature of the Request**

The following chart illustrates the type of concerns that were reported to the Human Rights Office.

![Bar chart showing distribution by nature of request](chart.png)

**General Inquiries**: This category includes individuals/managers seeking general advice, coaching, feedback/advice on draft documents, or presentation requests.
2.1.3 **Harassment:**

Three types of harassment fall under the Human Rights Policy, GP 18:

a) Harassment based on a prohibited ground of discrimination enumerated in the BC Human Rights Code;

b) Sexual harassment;

c) Personal harassment

The definitions can be found in the Human Rights Policy, [GP18, Section 1](#).

The following is the breakdown of consultations related to harassment:

![Distribution by Harassment Type](image-url)

- **Discriminatory Harassment**: 2
- **Personal Harassment**: 24, 8
- **Sexual Harassment**: 4, 5

Legend:
- Individual Consultations
- Management Consultations
2.1.4 Discrimination:

According to the SFU Human Rights Policy GP 18, section 1, discrimination is defined as “intentional or unintentional differential treatment for which there is no *bona fide* and reasonable justification. Such discrimination imposes burdens, obligations, or disadvantages on specific individuals or groups as defined by the Human Rights Code. Currently, “the grounds of discrimination” prohibited by the Human Rights Code are age, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex (including gender identity and gender transitioning), sexual orientation, and, in the case of employment, unrelated criminal convictions.”

The following is the breakdown of consultations related to discrimination:

![Distribution by Grounds of Discrimination](image-url)
2.1.5 **Accommodation:**

According to section 1 of the SFU Human Rights Policy GP 18, “the University is under a legal duty to accommodate individuals or groups protected from discrimination under the Human Rights Code unless it would create undue hardship to the University.”

It is important to note that there are two offices that are specifically identified to receive accommodation requests at SFU:

- Centre for Accessible Learning receives academic accommodation requests from students with disabilities (see Policy GP 26);
- Wellness and Recovery office receives employee applications for accommodation (see Policy GP 40).

Individuals who consider that the accommodation granted did not meet their needs and that the University has failed in its duty to accommodate may contact the Human Rights Office.

The following is the breakdown of consultations related to accommodation:
2.2 Complaints

A complaint is when a member of the University community, who believes that they may have experienced discrimination or harassment, is asking the Human Rights Office to act on this situation and to contact the respondent. On intake, the individual will be asked to provide a full account of the behaviors that are alleged to fall within the Policy.

As stated in the Policy, all complaints that proceed beyond the informal consultation will have to be submitted in writing. The Director will then have to assess the admissibility of the complaint:

- If the complaint is dismissed for not falling within the scope of the Policy, the Director will issue a decision including reasons for the decision. This decision may be appealed to the Chair of the HRPB.
- If the complaint proceeds, the Office will begin an informal inquiry and will assist the parties with informal resolution or mediation.

Over the reporting period, the Human Rights Office received four complaints.

<table>
<thead>
<tr>
<th>Nature of Allegation</th>
<th>Status of the Complainant</th>
<th>Status of the Respondent</th>
<th>Resolution Process</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discrimination</td>
<td>Student</td>
<td>Faculty</td>
<td>A written decision was provided to the student with reasons: the instructor’s failure to address the inappropriate remark made by a classmate in the classroom does not amount to discrimination.</td>
<td>Dismissed</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Staff</td>
<td>Faculty</td>
<td>A written decision was provided to the employee with reasons: the complainant was not able to bring any evidence to support the discrimination claim.</td>
<td>Dismissed</td>
</tr>
<tr>
<td>Personal Harassment</td>
<td>Staff</td>
<td>Staff</td>
<td>Two informal resolution meetings with the respondent were held unsuccessfully. We were not able to reach a mutually acceptable resolution.</td>
<td>File closed</td>
</tr>
<tr>
<td>Personal Harassment</td>
<td>Student</td>
<td>Academic Administrators</td>
<td>A written decision was provided to the student with reasons: the respondents’ failure to address the complainant’s concerns cannot be considered as manifestations of personal harassment and therefore these complaints are outside the jurisdiction of GP18.</td>
<td>- Dismissed - Director’s decision was appealed to the HRPB Chair; - Director’s decision was upheld by the Chair.</td>
</tr>
</tbody>
</table>

2.3 External Investigations

No files were sent for external investigation during 2019.
3. Promotion of the Human Rights Policy

For the *Human Rights Policy* to have the maximum impact, this policy and the nature of the services provided by the Human Rights Office have to be well known and understood by all University community members. Therefore, the Human Rights Office works to increase the visibility of the Office and in doing so to enhance awareness of rights and responsibilities related to discrimination and harassment. The Director uses every possible opportunity to inform and to raise people’s awareness about the Policy and about the role of the Human Rights Office.

With that goal in mind, we have revised and revamped the Human Rights Office website and handed out promotional items.

**Reaching out to students:**
- Welcome Week events on the three campuses;
- Presentation to Science Outreach camp leaders;
- Information table at the Graduate Student Orientation;
- Presentation at the Graduate Student Orientation, BPK;
- Presentation to the SFSS Board of Directors;
- Meeting with the staff from both student unions.

**Reaching out to Employees:**
- Presentation at the New Faculty Orientation;
- Presentations at the TA/TM Day organized by TSSU;
- Presentations at the monthly New Staff Orientations;

**Developing collaborative relationships with senior management and various stakeholders:**
The Director initiated many contacts with the key players on campus to improve links between the Human Rights Office and other services in order to ensure that the Policy becomes embedded in the daily management of the University. More specifically, she had meetings or engaged in activities with the following groups and teams:

- Vice-President and Executive Director of the Surrey and Vancouver campuses with their leadership teams;
- Strategic Planning Library Committee;
- Participated in the *Bullying and Harassment* Initiative led by the Associate VP Human Resources;
- Attended two meetings of the Physical Accessibility Advisory Committee (PAAC);
- Supported the EDI (Equity, Diversity, Inclusion) initiative, by attending the Equity Advisory Committee meetings and events;
- New Deans’ orientation.
4. Support of the Policy Review Process

Both employees of the Human Rights Office are fully engaged in supporting the work of the Human Rights Policy Board (HRPB) in the GP 18 policy review process. The policy review process was initiated in January 2019 through a campus-wide consultation on the current policy GP 18. The HRPB held two meetings to discuss proposed revisions to the current policy and submitted its recommendations to the University Secretary in August 2019. The recommendations are still under review at the time of this report.

5. Professional Development

Conferences:

- Seminar for University Legal Counsels, Vancouver;
- Canadian Association for the Prevention of Discrimination and Harassment in Higher Education, CAPDHHE Annual Conference, Edmonton.

Professional memberships:

- Member of the CAPDHHE;
- Called to the Bar on May 31, 2019 as a practicing lawyer, BCLS
6. Concluding Comments

- There was a 32.8% increase in the number of persons contacting the Human Rights Office in 2019. This increase demonstrates the success of the work carried out to raise awareness on the Human Rights Policy and the Human Rights Office.
- Continued promotion efforts are critical in the context of a revised Human Rights Policy.
- Observing that students constitute only 27% of the Human Rights Office visitors, we need to ensure that Human Rights Office services are accessible and relevant to the students.
- Few staff members and students seemed inclined to file complaints. They usually seek to resolve their concerns by raising them directly with their supervisor, manager or Department Chair.
- The high number of managers who used the services of the Human Rights Office indicates that they are aware of their human rights obligations and are seeking appropriate assistance and guidance in meeting their responsibilities.
- In addition to individual coaching and guidance offered to managers by the Human Rights Office, Human Resources, and Faculty Relations, there is a need for developing and offering further education and training to the managers.
- A good prevention and response strategy requires that organizational leaders are well aware of their responsibilities, clear on protocols, and have the necessary conflict management and dispute resolution skills to effectively intervene.
- The Human Rights Office Director is committed to working closely with Human Resources and Faculty Relations to develop a comprehensive training program for academic and non-academic managers.
- The Human Rights Office Director wishes to collaborate with the EDI team and be part of the discussion around best practices for addressing systemic discrimination.

Marie Brunelle
Director of the Human Rights Office
April 2020