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1. Introduction

The Human Rights Office ("HRO") is deeply committed to fostering a safe, supportive, and respectful learning, teaching, research, and work environment that allows for the full and free participation of all members of the University community and in which discrimination is neither acceptable nor tolerated.

In accordance with Article 7.0 of the Human Rights Policy (the "Policy"), the HRO reports annually to the Board of Governors on the implementation of the Policy, including with respect to annual complaint statistics, a summary of the HRO’s educational activities, and a summary of the HRO’s progress towards achieving the objectives of the Policy. This Annual Report provides an overview of the HRO’s activities from January 1, 2021 to December 31, 2021.

We wish to acknowledge the Sḵwx̱wú7mesh Úxwumixw (Squamish), xʷməθkʷəy̓əm (Musqueam), səl̓ ilw̓ ətaʔɬ (Tsleil-Waututh), q̕ʷic̓əy̓ (Katzie), kʷikʷəƛ̓əm (Kwikwetlem), Qayqayt, Kwantlen, Semiahmoo, and Tsawwassen peoples, on whose unceded traditional territories Simon Fraser University’s three campuses stand. We are grateful to have the privilege of serving the University community on this land.

1.1 The Human Rights Office

We employ a Director and a Confidential Administrative Professional. On September 15, 2021, Kristen Woo joined Simon Fraser University as the new Director, following the previous Director’s retirement on June 30, 2021. Because the position of Director remained vacant from July 1, 2021 to September 14, 2021, the HRO was inactive during this period, with no consultations taking place.

We are supported by the Human Rights Policy Board, whose role is to act as an advisory resource regarding educational programming, the Annual Reports, and the Policy. As of December 31, 2021, the Human Rights Policy Board consisted of two faculty members, three staff members, two undergraduate students, and two graduate students, with Tamara O’Doherty (Faculty) serving as Chair and Erika Doehring (Graduate Student) serving as Vice Chair. We would like to thank all the members of the Human Rights Policy Board for the time and energy they dedicated to their roles.
2. Strategic Initiatives

Our long-term vision is to establish the HRO within the University community as a top-of-mind, trusted resource for all human rights matters, including resolutions of conflicts which engage personal characteristics protected by the B.C. Human Rights Code. In furtherance of this vision, we will strive to enhance the HRO’s value and visibility within the University community by:

- Increasing the HRO’s annual educational activities and offering continuous education about legal rights and responsibilities;
- Building relationships with more offices, departments, units, and programs by providing access to advice informed by an understanding of the University’s legal responsibilities; and
- Improving the consultation experience and taking a collaborative approach to conflict resolution.

We wish to highlight some new initiatives that we intend to undertake in 2022 and beyond:

- The COVID-19 pandemic has resulted in increased inquiries regarding accommodation. To address this need for greater education, we will update the Guide to Disability Accommodation and the Guide to Religious Accommodation.

- We have observed that competing rights is a recurring theme within the conflicts reported to our office. We will produce an educational piece on a framework for evaluating competing rights, including when considerations about academic freedom may be engaged.

- Through our discussions with members of the University community, we have identified various other areas for education, including what to do with disclosures of potential discrimination or harassment, and understanding the differences between seeking recourse under a collective agreement, the Policy, and the B.C. Human Rights Code.

- We have also gathered feedback that conflict resolution workshops would be a welcome addition to the existing educational programming at the University, and in particular, workshops that address how to have difficult conversations before a situation escalates into a conflict. Workshop planning will commence in 2022.

- Reaching the student population presents a challenge in that formal methods of communication (such as newsletters) are not available or as effective. Therefore, we will explore utilizing student volunteers to act as campus ambassadors for the HRO. Due to our office’s limited resources, we will engage in discussions with the Sexual Violence Support &
Prevention Office to assess whether the Active Bystander Network could form a partnership with our office, or alternatively, support our office’s own team of student volunteers.

- The Human Rights Policy Board identified video and social media content as ideal ways to promote accessibility and to reach a larger audience. We will connect with University resources to explore the possibility of creating video content to accompany our educational guides as well as to produce social media content for the HRO.

- Raising the profile and the visibility of our office remains a top priority, as we wish to position the HRO as a leader in creating a more equitable and inclusive campus community. To promote our office to the University community, we will create our first video with the support of SFU Communications, which will be used to introduce our office to new and existing students and employees. We will also create a Communications Toolkit for our office that can be used by other offices in the University to promote the HRO.

- The inaugural Vice President, People, Equity and Inclusion (VPPEI) will commence her appointment in April 2022. We anticipate working with the new VPPEI to establish a structure that will allow for regular collaboration between our office and her team on issues of inclusion and equity within the institution.

Beginning in 2022, we will shift the focus of the HRO’s Annual Reports to outlining and reporting progress on our strategic plan in more detail.

Future Annual Reports will also:

- **Address how consultations involving elements of structural discrimination will be handled.** There is an opportunity for the HRO to provide support to other offices and departments when concerns about structural discrimination are raised – for example, by reviewing and revising policies, procedures, processes, and practices.

- **Provide greater transparency into the HRO’s conflict resolution processes.** We would like to create more structure around what our informal conflict resolution processes entail so that consultees have a clearer understanding of what to expect.

- **Reflect on the types of issues raised by consultees and the contexts in which those issues arise.** Looking beyond the statistics will provide insight into how and where human rights are engaged at the University.

- **Engage the work of the Human Rights Policy Board.** We would like to utilize the Human Rights Policy Board in new ways – for example, by asking members to gather feedback from their constituency groups – in order to derive more value from members’ direct connections
within the University community, and to enhance the HRO’s relationship with members’ constituency groups.

3. Summary of Educational Activities

The following is a non-exhaustive summary of educational activities undertaken by the HRO from September 15 to December 31, 2021\(^1\):

- Updating our website to remove outdated information and provide current information on the Policy and our office’s procedures.
- Creation of the following educational guides:
  - Guide to the Human Rights Office
  - Guide to the Human Rights Policy and the Complaint Process
  - Human Rights Guide for Students
  - Human Rights Guide for Faculty and Staff
  - Guide to SFU and External Resources
  - Guide to Discrimination in Hiring
- Activities to promote our office’s work, including a feature in the What’s On! Newsletter, presentations at orientations for new students, employees, and teaching assistants, speaking engagements within and outside of the University, and meetings to introduce the new Director to the University community.

4. Annual Statistics

4.1 Number of Consultations

When an individual seeks help from our office, they will first meet with the Director for an informal consultation. During the consultation, the Director will provide confidential and impartial advice, information, and support to the individual. This may include providing options and strategies for informally resolving the conflict, referring the individual to an internal or external resource, or discussing the complaint process under the Policy.

From January 1, 2021 to December 31, 2021, we conducted a total of 84 consultations. For clarity in reporting, one consultation is associated with one set of concerns. For example, if an individual required three consultations in order to resolve one conflict, this was recorded as one consultation. If an individual came to our office on two separate occasions to resolve two separate conflicts, this was recorded as two consultations.

\(^1\) We do not have a record of the previous Director’s educational activities from January 1 to June 30, 2021.
In the 2021 calendar year, we conducted **48 Management Consultations** and **36 Individual Consultations**. For clarity in reporting, an “Individual Consultation” means that the person is seeking advice in relation to potential discrimination, discriminatory harassment, or retaliation which they have personally experienced. A “Management Consultation” means that the person is seeking advice on how to prevent, manage, or resolve potential discrimination, discriminatory harassment, or retaliation within their department, faculty, unit, or program.

The Director also responds to requests for legal advice for the University and presentations from other offices, departments, units, and programs at the University. This work is distinct from conducting Management and Individual Consultations, which relate directly to instances of potential discrimination, discriminatory harassment, or retaliation in the University.

Prior to September 15, 2021, requests for legal advice, requests for presentations, and miscellaneous requests (for example, requests for translating documents from English to French) were included as consultations. From September 15, 2021 onward, consultations do not include such requests, as this will allow the number of consultations to more accurately depict the consultations regarding potential discrimination, discriminatory harassment, and retaliation in the University.

**Total Number of Consultations from 2017 to 2021**

![Graph showing consultation numbers from 2017 to 2021]

The total number of consultations in 2021 represents a 28.6% decrease over last year’s total number of consultations. There are several likely explanations for this decline, including:

- The closure of the HRO during the 2.5 month period in which the search for a new Director was ongoing;
• The continuation of remote working and learning, which may have reduced potential opportunities for discriminatory behaviour; and
• Differences in data collection. For example, the previous Directors (who served prior to September 15, 2021) included requests for human rights advice for the University, requests for presentations, and miscellaneous requests as consultations, whereas the current Director does not.

4.2 Affiliations of Consultees

The following chart illustrates the affiliations of consultees in 2021:

In this report:

• An “Academic Manager” manages faculty members (for example, a Dean, Associate Dean, or Chair).
• A “Non-Academic Manager” manages staff members.
• In 2021, external individuals included employees from other post-secondary institutions and organizations and a faculty member’s spouse.
Beginning in 2022, we will break down the category of students into undergraduate students and graduate students.

The affiliations of those who sought an Individual Consultation were as follows:

**Individual Consultation Affiliation**  
**January 1 to December 31, 2021**  
**N: 36**

**Individual Consultation Affiliation**  
**January 1 to June 30, 2021**  
**N: 20**
4.3 Types of Concerns

The following chart illustrates the types of concerns that were reported to our office:

![Chart showing types of concerns]

- **Student** 63%
- **Staff** 13%
- **Faculty** 12%
- **SFU Alumni** 6%
- **External** 6%

**Distribution by Nature of Request**

January 1 to December 31, 2021

- Accommodation - Disability: 5
- Accommodation - Family Status: 1
- Accommodation - Religion: 4
- Discrimination: 16
- Discriminatory Harassment: 2
- Other: 27
- Personal Harassment: 7
- Sexual Harassment: 1

![Bar chart showing distribution by nature of request]

Legend: 
- Management Consultations
- Individual Consultations
“Other” consisted of miscellaneous requests from employees at other post-secondary institutions and organizations. As noted previously, from September 15, 2021 onward, such requests were no longer included as consultations.

“Other” consisted of a labour relations request from a faculty member’s spouse.
4.4 Discrimination, Harassment, and Accommodation

Discrimination

Out of the consultations relating to discrimination, the following protected grounds under the B.C. Human Rights Code were engaged:

![Distribution by Discrimination Grounds](image)

Because some consultations relating to discrimination involved more than one protected ground, the total number of consultations in the chart above exceeds the total number of consultations relating to discrimination.

Harassment

Prior to May 20, 2021, the Policy covered discriminatory harassment (i.e., harassment based on a protected ground under the B.C. Human Rights Code, including sexual harassment) and personal harassment (i.e., interpersonal bullying and harassment that is not based on a protected ground under the B.C. Human Rights Code).

The Policy was revised as of May 20, 2021 to remove the HRO’s jurisdiction over personal harassment. Personal bullying and harassment is now governed by the new Bullying and Harassment
Policy (GP 47), which is administered by the Bullying and Harassment Case Manager, a newly created role. We anticipate continuing to provide consultations relating to personal harassment in the future because it can be difficult to discern in some situations whether or not harassment is based on a protected ground. However, where the underlying issue is determined to be personal harassment, we will review the Bullying and Harassment Policy (GP 47) with the consultee and refer them to the Bullying and Harassment Case Manager.

It is unclear whether and how discriminatory harassment was recorded by the previous Director from January 1 to June 30, 2021. Therefore, we have not produced a chart enumerating the protected grounds under the B.C. Human Rights Code. Beginning in 2022, we will produce such a chart in the Annual Report.

## Accommodation

We wish to note that there are three separate units at Simon Fraser University that are tasked with handling accommodation requests:

- the Centre for Accessible Learning, which receives accommodation requests from students with disabilities pursuant to the Accessibility for Students with Disabilities Policy (GP 26);
- the Wellness and Recovery Office, which receives accommodation requests from employees with disabilities pursuant to the Disability Accommodation in the Workplace Policy (GP 40); and
- the Interim Accommodation Committee, which receives non-disability related accommodation requests from employees.

Therefore, the consultations relating to accommodation do not reflect the number of individuals who sought an accommodation from the University. Individual Consultations relating to accommodation involve individuals who believed that the University failed its duty to accommodate with respect to their personal situation. Management Consultations relating to accommodation involve individuals who sought advice from our office regarding the University’s duty to accommodate another individual.

It is a priority of our office to collaborate with other units in the University to more clearly delineate who will be responsible for handling non-disability related accommodation requests from students and employees in the long term. This lack of clarity presents a barrier to students and employees who are seeking to exercise their rights to accommodation.
4.5 Complaints

Under the Policy, there is no obligation for an individual to proceed with a complaint following a consultation with the Director. If, however, the individual wishes to participate in one of the conflict resolution measures under the Policy (voluntary informal resolution, mediation, or investigation), they must file a complaint with our office.

If no complaint has been filed, we retain the ability to informally resolve the individual’s concerns outside of the Policy, and indeed, the vast majority of consultations end with a resolution, which means there is no reason for the individual to file a complaint. Most often, consultees are seeking education on their rights and responsibilities within the context of their specific situation, rather than direct intervention by our office in the form of a voluntary informal resolution, mediation, or investigation.

Further, some situations cannot proceed to a complaint because there is no individual respondent (for example, where the alleged discriminator is a policy, a program, or the University at large), and the conflict resolution measures under the Policy are designed for use with individual respondents. If there is no individual respondent, the consultee cannot file a complaint with our office. Our office will instead engage in a resolution that centers on education and is guided by principles of restorative or transformative justice, where appropriate.

From January 1 to June 30, 2021, three consultations proceeded to a complaint. From September 15 to December 31, 2021, no consultations proceeded to a complaint. Of the three complaints filed in 2021, two complaints were dismissed for failing to meet the scope and jurisdiction criteria in the Policy, and one complaint was discontinued by the complainant.

Where possible, the Director will inform the individual during the consultation if their complaint will not meet the scope and jurisdiction criteria in the Policy. This further contributes to why not all consultations proceed to complaints. However, as noted above, the Director will nevertheless assist the individual with informally resolving their conflict outside of the Policy whenever possible.

4.6 Investigations

No files were referred to investigation in 2021.\(^2\) There are a few potential reasons that may underlie why investigations have not been instigated under the Policy for almost 20 years:

- In order to proceed to an investigation under the Policy, the individual must file a complaint with our office. Few consultations proceed to a complaint every year for the reasons noted above.
- The University Community consistently expresses a preference to resolve issues informally. Consultees express that informal resolutions are more appealing because they are more likely to preserve relationships and less likely to attract escalation or retaliation. In addition, informal resolutions require less time and less personal involvement on the part of the individual.

\(^2\) No complaint has been referred to investigation under the Policy since 2003.
of the consultee.

- Investigations are rarely the ideal form of resolution for the majority of issues that are brought to our office. In an investigation, the parties to a complaint have no control over the process or the outcome. It can also be mentally and emotionally distressing for the parties to participate in an investigation. Further, complainants often fear retaliation by respondents, given that investigations are a formal measure that may lead to disciplinary action.

5. Conclusion

As we continue to promote the work of our office, we anticipate that greater awareness of the HRO will be achieved, and more consultations and more involvement in advisory work will follow. With consultations and advisory work putting a greater demand on the Director’s time, our office will contend with having limited time and resources to conduct educational activities, to do marketing and communications work, and to undertake reform initiatives. We anticipate that greater funding and resourcing will assist the HRO in making meaningful progress toward achieving its long-term objectives. However, the HRO has entered an exciting stage of evolution, and we are committed to working toward the development and execution of our strategic plan.

Prepared by: Kristen Woo
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June 7, 2022