THE HUMAN RIGHTS POLICY (GP 18) – SIMPLIFIED!

WHO DOES THE POLICY APPLY TO?

The Human Rights Policy, or GP 18, applies to a member of the University Community — this includes all students, volunteers, staff, and faculty — against another member of the University Community.

WHAT DOES THE POLICY APPLY TO?

The Human Rights Policy prohibits discrimination, harassment based on a protected ground, and GP 18 retaliation.

Discrimination means different treatment based on a protected ground for which there is no legitimate and reasonable justification, and which disadvantages an individual or group.
**Harassment based on a protected ground** means behaviour directed towards another person that is abusive and demeaning, includes a reference to a protected ground, and leads to adverse consequences for the person harassed. It includes sexual harassment but does not include bullying (e.g. harassment with no connection to a protected ground).

**GP 18 retaliation** means an adverse action or threatened action against a person who sought help under the Policy (GP 18) or participated in the complaint process (e.g. a witness).

The protected grounds under the B.C. Human Rights Code are: race, colour, ancestry, place of origin, Indigenous identity, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, and age. For employees, political belief and unrelated criminal convictions are also protected grounds.

**WHERE DOES THE POLICY APPLY?**

The policy applies in almost every setting involving SFU, such as virtual or in-person classes, meetings, events, activities, and communications sent using SFU’s IT systems.

However, the Policy **does not apply** to activities that are within the exclusive control of an external organization (e.g. student work placements) or a Constituency Organization (such as APSA, CUPE 3338, Poly Party, the SFSS and GSS, SFUFA, and TSSU).

**WHEN DOES THE POLICY APPLY?**

The policy applies within **one year** of the last incident of discrimination, harassment based on a protected ground, or GP 18 retaliation.

**WHY DOES THE POLICY MATTER?**

Everyone deserves a healthy, safe, 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, harassment, and GP 18 retaliation are neither acceptable nor tolerated.
THE COMPLAINT PROCESS – SIMPLIFIED!

**STEP 1: INFORMAL CONSULTATION**
If you need advice relating to potential discrimination, harassment based on a protected ground, or GP 18 retaliation, meet with the Director of the Human Rights Office for an informal consultation. The Director will provide you with **confidential** advice on how to handle your situation.

If you want more than advice, or if you do not want to resolve the issue on your own, then proceed to…

**STEP 2: FILE A COMPLAINT**
You will need to submit a complaint in writing to the Director. Complaints should be delivered to AQ Room 3045 at the Burnaby campus or emailed to kristen_woo@sfu.ca. Include your name, contact information, and affiliation (e.g. student, staff member, or faculty member), the name and affiliation of the respondent (i.e. the alleged wrongdoer), and details of your complaint (relevant dates, times, witnesses, and descriptions of what happened). The more detail, the better! You should also include copies of any relevant documents, such as emails or letters.

**STEP 3: PRELIMINARY REVIEW OF COMPLAINT**
The Director will review your complaint and determine whether it meets the Who, What, Where, and When criteria outlined above. If your complaint is rejected, the Director will provide a written decision with reasons to you, normally within 30 calendar days of receiving your complaint. You can appeal the Director’s decision to the General Counsel and University Secretary within 30 calendar days of being notified that your complaint was rejected.

If your complaint is accepted, it will proceed to…

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STEP 5: VOLUNTARY INFORMAL RESOLUTION
You can choose to engage in an informal resolution. Examples of an informal resolution include:
- the Director having an educational conversation with the respondent;
- an opportunity for you to communicate to the respondent that the respondent’s behavior is unacceptable;
- a facilitated conversation between you and the respondent; and
- other forms of resolution that do not involve a mediation or investigation, such as a behavioral agreement.

If you do not want to engage in an informal resolution, or if no informal resolution is reached, then you can request a mediation or investigation. Your request must be in writing.

STEP 5: MEDIATION
You or the respondent can submit a written request for mediation. Both you and the respondent must agree to participate.

Mediation is a voluntary process where a neutral person (usually the Director) will attempt to resolve the issues that led to your complaint by facilitating structured but interactive discussions with you and the respondent. Mediation will end with a written agreement that sets out the agreed upon resolution.

If you do not want to engage in mediation, or if mediation is unsuccessful, then you can request an investigation. Your request must be in writing.

STEP 5: INVESTIGATION
You or the respondent can submit a written request for an investigation. The request must be submitted within 30 calendar days of the most recent attempt to informally resolve or mediate the complaint.

The Director will send the request to the respondent’s Responsible Office (either Faculty Relations, Human Resources, Office of Student Support, Rights, and Responsibilities, or Office of the General Counsel).

The Responsible Office will review the request and decide whether and how to investigate the complaint. At the end of the investigation, you and the respondent will receive an investigation report that concludes whether discrimination, harassment based on a protected ground, or GP 18 retaliation occurred.

If you require protection from the respondent during the complaint process, temporary measures may be put in place (e.g. to limit their contact with you).
### PROS & CONS OF VOLUNTARY INFORMAL RESOLUTION

**Pros:**
- You have some control and input over the outcome.
- May be possible to keep your identity anonymous, depending on the desired resolution.
- More flexibility and may be more appropriate to use in less serious situations.

**Cons:**
- You may have to directly interact with the respondent.
- There will be no formal determination of whether discrimination, harassment based on a protected ground, or GP 18 retaliation occurred.

### PROS & CONS OF MEDIATION

**Pros:**
- You have some control and input over the outcome.
- Opportunity to learn and understand each other’s perspectives. May result in a better relationship with the respondent.
- Results in a written agreement with mutually acceptable terms.

**Cons:**
- You may have to directly interact with the respondent.
- There will be no formal determination of whether discrimination, harassment based on a protected ground, or GP 18 retaliation occurred.

### PROS & CONS OF INVESTIGATION

**Pros:**
- No direct interaction with the respondent.
- There will be a formal determination of whether discrimination, harassment based on a protected ground, or GP 18 retaliation occurred.
- May result in corrective or disciplinary action against the respondent and/or restorative action by SFU.

**Cons:**
- Investigations can be stressful. You will need to retell your story in detail, which may be mentally and emotionally distressing.
- You have no control or input over the outcome.

### STEP 6: IMPLEMENTING THE OUTCOME

**Informal Resolution:** Depends on the agreed upon resolution. No further action may be necessary.

**Mediation:** The terms of the written agreement will be carried out by you and the respondent.

**Investigation:** Corrective or disciplinary action may be taken against the respondent. SFU may take restorative action to prevent future incidents from occurring and to restore a respectful learning and working environment.

**Red Flag: Deliberately Misleading Complaint**
Making a deliberately misleading complaint is prohibited and may result in disciplinary action.

**Red Flag: GP 18 Retaliation**
Retaliating against someone for filing a complaint or participating in the complaint process is prohibited and may result in disciplinary action.