The Human Rights Office (formerly the Harassment Resolution Office) is located at AQ 3045. Brenda Taylor, Director, Human Rights and Equity, is available by appointment to assist you in resolving complaints in your unit. She can be reached at 778.782.4446 and same day appointments are usually available.

The SFU Human Rights Policy covers discrimination and three types of harassment, as follows:

A. Discrimination

The University expressly adopts the definition of discrimination articulated by the Supreme Court of Canada in B.C. v. BCGSEU, [1999] 3 S.C.R. 3 (“Meiorin”) as intentional or unintentional differential treatment for which there is no bona fide or reasonable justification. Such discrimination imposes burdens, obligations or disadvantages on specific individuals or groups as defined by the B.C. Human Rights Code. Currently, the grounds of discrimination prohibited by the Code are: age (with limitations), race, colour, ancestry, place of origin, political beliefs, religion, marital status, family status, physical or mental disability, sex, sexual orientation, and in the case of employment, unrelated criminal conviction. Moreover, SFU is under a legal duty to accommodate individuals who are members of groups named in the Code. The extent of the duty to accommodate is up to the point of undue hardship.

B. Harassment

Harassment is any behaviour that satisfies one or more of the following definitions:

1. Harassment based on a prohibited ground of discrimination is behaviour directed toward another person or persons which:
   1. is abusive or demeaning; and
   2. includes a reference to a ground of discrimination enumerated in the B.C. Human Rights Code (race, colour, ancestry, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation and age); and
   3. would be viewed by a reasonable person as interfering with a university-related activity (e.g., employment, study, research).

2. Sexual harassment is behaviour of a sexual nature:
   1. by a person who knows or ought reasonably to know that the behaviour is unwelcome; and
   2. which either interferes with another person's participation in a university-related activity, or leads to or implies employment or academic consequences for the person harassed.

3. Personal harassment is behaviour directed toward a specific person or persons which:
   1. serves no legitimate purpose; and
   2. would create an intimidating, humiliating or hostile work or learning environment.

Jurisdiction

The SFU policy will be triggered if all of the following criteria are met:

- both of the parties (the complainant and the respondent) are employees or students;
- the last incident of alleged discrimination or harassment occurred within the preceding twelve (12) months (in exceptional circumstances the time limit may be lifted);
- the behaviour occurred in the context of a university-related activity (e.g., on SFU property or at an SFU sponsored event);
- the behaviour, if true, would constitute a contravention of the policy by meeting a definition of discrimination or harassment in the policy.
Behaviours which do not qualify:

1. Behaviours which do not constitute discrimination:
   - English language proficiency requirements;
   - acceptance into programs based on the acquisition of a certain GPA;
   - programs and initiatives aimed at the amelioration of the social condition of groups which have been the subject of historic disadvantage;
   - actions which are justified because they are absolutely necessary (such as the requirement of a bus driver to meet certain visual standards).

2. Behaviours which do not constitute harassment:

For behaviour to constitute harassment under the policy, all of the definitional elements of harassment described under 1, 2 or 3 above must be met. Frequently, people may "feel" that they are being harassed when, in fact, the behaviour does not meet the legal or policy definition. The following behaviours do not, of themselves, meet the policy definition:
   - a temporary lack of civility;
   - an invitation to dinner or a date;
   - a requirement to comply with a legitimate work or study related request;
   - receiving a negative evaluation or assessment of one's work or academic performance;
   - the discussion of a topic which a person finds difficult because it conflicts with their personal beliefs (i.e., matters of a sexual, political, or religious nature);
   - a consensual sexual relationship that subsequently turns sour.

If someone seeks your advice:

   - your role is to be impartial: do not take sides;
   - do not decide immediately that you believe or disbelieve allegations you hear;
   - ask questions and ensure you have a clear understanding of the nature of the complaint; listen and carefully record information;
   - do not take action or give assurances about what will happen on the basis of allegations alone;
   - if you believe that a person's safety might be in jeopardy you must take action to address that threat by reporting the safety issue to your supervisor;
   - ask the complainant how they want to handle the situation: one person may want advice on how to deal with the matter themselves, another might ask you to intervene (if the person wants your intervention they must be willing to have their name revealed);
   - seek advice from the Human Rights Coordinator if you are unclear about how to proceed;
   - inform all parties that they have the right to representation from their union or association.
Services offered by the Human Rights Office

- confidential advice to people who believe they are the target of discrimination or harassment;
- advice to SFU members who may be experiencing harassment or discrimination off-campus (however, we cannot intervene in such a situation);
- advice to managers/supervisors dealing with allegations in their departments;
- advice to people who have been accused of discrimination or harassment by a fellow employee or student;
- mediation;
- educational seminars on harassment, human rights, conflict in the workplace, etc.

We do not offer:

- advocacy
- counselling
- anonymity (if a complainant wishes the Office to intervene in the resolution process)

Procedures available under the policy

Informal procedures include:

- consultation, discussion of strategies and/or referrals to on or off campus resources which may assist complainants in dealing with the situation independently;
- consultation with managers/supervisors who are trying to assist in the resolution of a situation within their department;
- mediation, with the agreement of both parties.

Formal procedures include:

- internal or external mediation;
- external investigation by an administrative lawyer.

Please note: under Section 8.5 of the Human Rights Policy, once a case goes beyond mediation, the Human Rights Coordinator has no active involvement in it.

Formal procedures are not available when the allegation is one of personal harassment, and are limited to cases in which

- the alleged harassment may have had a serious impact on one of the parties;
- the case is important to the Human Rights goals of the University;
- the respondent has refused to participate in earlier attempts to resolve the complaint.