FAQ: Initiating a Human Rights Complaint at SFU

1. **How long will it take to get an appointment?**
   Walk-in appointments are not accommodated, but same-day appointments can usually be arranged.

2. **Who will meet with me?**
   The Human Rights Office (HRO) is staffed only by the Director. If the Director is away, a person of similar skill and educational background who is not employed by SFU acts in the Director’s place.

3. **Will the information I give be kept confidential?**
   Yes, but two exceptions apply. If a person seeking service from the HRO indicates an intention to harm themselves and/or others, the information will **not** be kept confidential. Moreover, if a person seeking service from the HRO wants to proceed beyond the consultation (advice-seeking) stage to initiate a complaint against a member of the University community, the complainant’s identity and the allegations will be **fully** disclosed to the respondent (the person alleged to have breached the policy). Fairness to all parties is a core value of the complaints process under the SFU Human Rights Policy, and full disclosure is fundamental.

4. **What are the various steps in the complaints process?**
   At intake, you will be asked to identify yourself and provide all relevant contact information. You will then be asked to describe the details of your complaint. The HRO Director is not an advocate for either party to a complaint, so you can expect to undergo rigorous questioning on all aspects of your case. If, as is the case with many people who come to the HRO, you want advice about how to deal with your situation, the Director will identify several ways to address it. You can continue to seek advice from the HRO without ever initiating a complaint.

   If you want to proceed beyond the consultation stage, you may request mediation (the specifics of which are discussed in # 8 below). Prior to the start of mediation, the Director will undertake a preliminary investigation to ensure that the complaint falls within the jurisdiction of the SFU Human Rights Policy (General Policy 18). Mediation is undertaken only if both parties agree to it; if it is not initiated or if mediation does not result in a settlement, your case can proceed to formal investigation. Cases rarely proceed to this level but if and when they do, the investigation is conducted by an administrative lawyer who is external to the University.

5. **Can I make an anonymous complaint?**
   Anonymous complaints are not accepted.

6. **Can I initiate a complaint about something that has happened to someone else?**
   The University generally does not act on third-party complaints; we act on the basis of clear and convincing evidence given by the person who was the target of harassment or discrimination. Without direct information from the target, we do not have the kind of evidence we need to proceed with an investigation. If you witness behavior you believe would constitute discrimination or harassment, the responsible thing to do is to approach the target, letting them know what you observed, and offer to act as a witness. Whether or not they choose to report the behavior is their decision.

7. **If after obtaining advice I want to proceed with a complaint, what services are offered by the HRO?**
   The HRO offers mediation, referral to University-based and community resources, and referral to formal investigation.
8. **What is mediation?**
Mediation is a process whereby people who are in conflict with one another come together with an impartial third-party (the mediator) in an attempt to resolve their issues. The bulk of the work that is done in mediation is done by the parties themselves, who must have an honest desire to resolve their conflict. Mediation proceedings are confidential, “off the record” and normally result in written contracts which stipulate the actions each of the parties has agreed to undertake to ensure that conflict does not arise in the future.

9. **May I bring a support person with me when I meet with the HRO?**
Support people and advocates are welcome to accompany you to the HRO; however, they are not permitted to actively participate in the discussion, investigation and/or mediation process.

10. **What remedies are available to complainants?**
Because human rights legislation and policy are intended to be remedial and not punitive, once a claim of discrimination or harassment has been established through careful investigation, the University will look at ways to place a complainant back in the same position they would have been in if the act or omission had not taken place. The nature of the remedy depends on the individual circumstances of each case. Remedies can include (but are not limited to) a letter of apology, financial compensation, funds for counseling services, grade re-consideration, etc.

11. **Will a record of my complaint be maintained on file?**
The Records Retention and Disposal Authority for the HRO specifies that records are to be maintained for varying lengths of time, depending on the type of file. For example, consultation files are maintained for three years while informal ones are kept for five years. However, HRO files are not used for other purposes, which means that generally they are not disclosed to other University officials and/or used in other cases.

12. **I don’t want to make a complaint, but I would like to put information “on the record” in case certain behaviour keeps happening or it happens to someone else. Is that ok?**
No. The HRO will not maintain a file containing unproven allegations against a member of the University community. In the interests of fairness, we do not act on the basis of allegations; we act only on the basis of evidence that has been the subject of careful investigation. Proof of discriminatory or harassing behavior in one case does not “prove” the behavior happened in another case. At SFU, we take our obligation to provide a harassment- and discrimination-free environment seriously, just as we take seriously our obligation to adhere to the principles of fair treatment.

13. **If I make a complaint about a certain individual, will the HRO tell me if other (similar) complaints have been made?**
No. The HRO acts in an impartial manner. We do not disclose personal or confidential information about past cases to current complainants.

14. **Will the person I am complaining about know that I have complained?**
If you are seeking advice, the respondent is not notified. However, if you wish to proceed beyond the consultation stage, the HRO will disclose the full case to the respondent, including your identity and all of the allegations.

15. **Will precautions be taken to ensure my personal safety?**
If issues are identified involving personal safety, the case is referred to campus security and/or to the police. The University can take steps to ensure that complainants and respondents do not come into contact as cases are being resolved, but we do not have the resources to provide security protection. That said, it is important to note that concerns about personal safety rarely, if ever, arise in relation to human rights complaints.
16. **If I feel too upset to go through the trouble of an investigation, can I obtain a remedy without going through an investigation?**
   No. As previously stated, we do not take action based on allegations; the University acts only following careful investigation.

17. **If I feel like I have been the target of discrimination or harassment, is that enough to bring a complaint under the SFU policy?**
   No. “Feeling like” you have been harassed or are the target of discrimination does not mean that you have been. Pure conjecture would be insufficient if you were to bring a complaint to a Human Rights Tribunal. The legal test is whether, on a balance of probabilities, there is evidence of discrimination or harassment, generally defined as follows:

   **Discrimination:** The intentional or unintentional unjustified imposition of a burden, obligation or a disadvantage on a person by virtue of (in whole or in part) their membership in a group named under the BC Human Rights Code.

   **Harassment:** Specifically-directed, persistent, unwelcome behavior which has a negative effect on the work or learning environment.

For more information, or to make an appointment please call the Human Rights Office at 778-782-4446.