

FAQS ON BULLYING, HARASSMENT, SEXUAL ASSAULT AND STUDENT-FACULTY RELATIONSHIPS

What is discriminatory harassment?

Discrimination is defined by **UBC** as “intentional or unintentional treatment, which can be individual or systemic, that imposes burdens, obligations, or disadvantages on or limits access to opportunities, benefits and advantages to specific individuals or groups as defined by the **B.C. Human Rights Code** and for which there is no bona fide and reasonable justification.” Harassment is defined as “comment or conduct that one knows or ought reasonably to know is unwelcome, that creates a negative impact for the recipient, and that is related to one or more of the prohibited grounds of discrimination as set out in the **B.C. Human Rights Code**.”

What do I do if I have a concern about discriminatory harassment?

Allegations of discrimination and harassment are dealt with via the procedures outlined in **UBC Policy 3**. The purpose of the policy is to prevent discrimination and harassment on the 13 grounds protected by the **BC Human Rights Code**: age, ancestry, colour, family status, marital status, physical and mental disability, place of origin, political belief, race, religion, sex (including gender and pregnancy), sexual orientation and unrelated criminal conviction.

According to **Policy 3**, concerns regarding discrimination or harassment can be brought to either **Administrative Heads of Unit (AHU)** or the **Equity Office**. The primary responsibility for maintaining a study and work environment free of discrimination lies, however, with the **AHU**. The **Equity Office** is responsible for providing information, advice and assistance regarding discrimination and harassment in a fair and impartial manner; educating the university community and other offices on prevention and remediation of discrimination and harassment; and addressing concerns or complaints of discrimination and harassment that have been made to it directly.

What is workplace bullying?

UBC defines workplace bullying and harassment according to **WorkSafeBC**'s definition: “Bullying and harassment includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause the worker to be humiliated or intimidated but, excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.”

What can I do if I have a concern about workplace bullying?

The **UBC Statement on Respectful Environment for Students, Faculty and Staff** outlines how concerns regarding workplace bullying and harassment should be addressed. When a faculty, staff or student employee has concerns about disrespectful behavior, they should contact their direct supervisor or **AHU**. The **AHU** has the responsibility of

responding to concerns, incidents or complaints, with the support and advice of Human Resources if necessary. When concerns, incidents or complaints are not satisfactorily addressed by the **AHU**, or where a conflict of interest exists with the direct supervisor or **AHU**, the complainant should address their **employee association, union, or HR**. In the case of students, the appropriate contact would be the **UBC Ombudsperson** or the **Associate Vice-President Students**.

Bullying and Harassment Resources

UBC Policy 3: <http://universitycounsel.ubc.ca/files/2013/08/policy3.pdf>

Overview of Policies and Procedures for Discriminatory Harassment and Workplace Harassment: <http://bullyingandharassment.ubc.ca/>

Differences between Discriminatory Harassment and Workplace Harassment: <http://bullyingandharassment.ubc.ca/defining-bullying-and-harassment/>

UBC Statement on Respectful Environment for Students, Faculty and Staff: <http://www.hr.ubc.ca/respectful-environment/files/UBC-Statement-on-Respectful-Environment-2014.pdf>

What is sexual assault?

UBC defines sexual assault as “any unwanted sexual contact within or outside a relationship.” This “can include anything from unwanted sexual touching to forced sexual intercourse without a person’s consent, and also includes the threat of sexual contact without consent.”

What can I do if I have a concern about sexual assault or harassment?

UBC does not have a stand-alone policy for sexual harassment and assault. Instead, concerns and complaints are addressed using the procedures outlined in Policy 3.

There are a number of reporting options, depending on where the assault took place and by whom:

- **For on-campus assault:**
 - Any assault: RCMP UBC Detachment
 - If the assault was committed by a UBC employee, it may be reported to the Equity and Inclusion Office
 - If the assault was committed by a UBC student, it may be brought to the Student Conduct Manager, UBC Non-Academic Student Misconduct, Student Services

- **For off-campus assault:**

- Any assault: Local law enforcement agency
- If the assault was committed by a UBC employee, under certain circumstances it may be brought to the Equity and Inclusion Office
- If the assault was committed by a UBC Student, under certain circumstances it may be brought to the Student Conduct Manager, UBC Non-Academic Student Misconduct, Student Services

Sexual Assault and Harassment Resources

Human Resources – Sexual Assault: <http://www.hr.ubc.ca/health/safety/sexual-assault-resources/>

Student Services – Sexual Assault: <http://students.ubc.ca/livewell/topics/sexual-assault>

Student Services Resource for Faculty and Staff – Sexual Assault Response and Education: <https://facultystaff.students.ubc.ca/sexual-assault-response-and-education>

Student Services Resources for Faculty and Staff – Assisting Student Survivors: <https://facultystaff.students.ubc.ca/sexual-assault-response-and-education/sexual-assault-assisting-student-survivors>

What can I do if I have a concern about a student-faculty relationship?

UBC has no specific policy prohibiting consensual relationships between students and faculty. The university does also not necessarily discourage student-faculty relationships, although it does acknowledge the risks involved in intimate relationships where such power differentials exist.¹ Section 4.7.2 of UBC's Policy on Discrimination and Harassment states: "When power differentials exist amongst or between faculty, staff, and students, those holding positions of authority shall not abuse, nor seem to abuse, the power with which they are entrusted ... Anyone who enters into a sexual relationship with a person where a professional power differential exists must realize that, if a charge of sexual harassment is subsequently lodged, it will be extremely difficult to defend the conduct on grounds of mutual consent."

Consensual student-faculty relationships are dealt with using the procedures outlined in **UBC Policy 97: Conflict of Interest and Conflict of Commitment**. A conflict of interest is considered to exist in such relationships "where a UBC Person's responsibility to instruct and evaluate students in a fair, unbiased and effective manner is or could be impeded or compromised." In such cases the conflict of interest must be disclosed to the **Administrative Head of Unit** or their designate. Managing conflicts of interest in

¹ http://equity.ubc.ca/files/2010/06/equity_d_and_h_faqs_20081.pdf

student-faculty relationship usually entails reassignment of evaluation and supervision responsibilities, and ensuring that proper disclosure procedures have been followed.

Student-Faculty Relationship Resources

UBC Policy 97: <http://universitycounsel.ubc.ca/files/2012/02/policy97.pdf>

Frequently Asked Questions about Discrimination and Harassment: Guide for Faculty and Staff – http://equity.ubc.ca/files/2010/06/equity_d_and_h_faq_20081.pdf