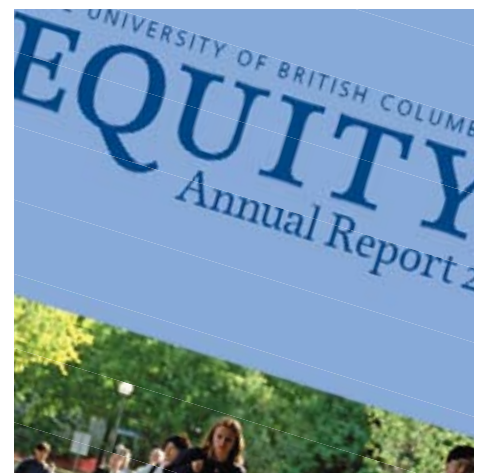
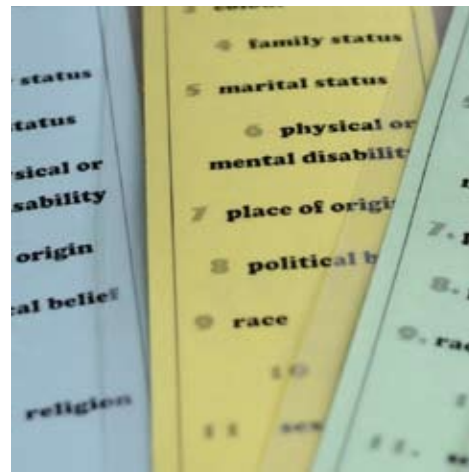


Frequently Asked Questions about Discrimination and Harassment

Guide for Faculty and Staff



EQUITY OFFICE AND HUMAN RIGHTS & EQUITY SERVICES
THE UNIVERSITY OF BRITISH COLUMBIA



Frequently Asked Questions about Discrimination and Harassment

GUIDE FOR FACULTY AND STAFF

This document provides practical guidelines to real questions that have been brought forward to the Equity Offices at the University of British Columbia. The answers include general suggestions on dealing with situations and potential discrimination that may occur in your work environment, but are not meant to serve or replace professional advice. If you have a question, please send it to the Equity Office/Human Rights & Equity Services to be addressed.

CLASSROOM INTERACTIONS

Q: WHAT SHOULD I DO IF STUDENTS IN MY CLASS MAKE EXPLICIT RACIST OR SEXIST [ABLEIST; HETEROSEXIST] COMMENTS?

We all know that explicit racist, sexist or discriminatory remarks can be offensive and cause harm if not properly managed in a class environment. The challenge is choosing an approach that is appropriate given the context of the situation. In most cases, an explicit racist remark should not be ignored or minimized; it sends the message that such behaviour is condoned and accepted in your classroom and at UBC.

There are numerous ways to use the situation as a learning opportunity, even if it might not be directly related to the course content. As future employees, students will be working with many diverse populations – people of different ages, abilities, ethnicities, and sexual orientations. Students would benefit from mentorship to examine their behaviours and beliefs that may perpetuate stereotypes and even discrimination.

- Help constructive thoughts and arguments to be developed by students through their coursework, develop discussion guidelines at the beginning of the course or before this particular situation occurs. This can include “no personal criticizing,” or “argue positions and points respectfully.”
- Use a moment as a learning opportunity by helping students to think about the comments that were made and to avoid circumventing the issue. First, consider taking the issue off the student who has made the offensive comment. You could then moderate a general discussion to sort through the reasoning with comments such as “Some people believe this. Why might they have these views? Why might some people have different views on this issue?”
- When students use or refer to known stereotypes, encourage them to acknowledge the stereotype as such. This helps to distinguish between reinforcing the stereotype and attempting to overcome it. A simple, “I know this sounds stereotypical, but ...” often goes a long way.

- Invite other students to participate in conversation on a question you reframe based on the comments: “Do others think someone’s sexual orientation or gender is relevant to the topic?” You can even ask students to help clarify how their comments are relevant to the material being reviewed.
- Consider speaking to the student(s) individually about their comments and why the comments are not acceptable in a classroom, on campus, or generally. This could include referring to UBC’s Discrimination and Harassment Policy and explaining that the statement made could be considered discriminatory and why it is not appropriate. Consider exploring with the student where their idea comes from and whether they are interested in learning more about the issue.
- If you want to take time to think about how to respond and work with the class, acknowledge what has occurred and indicate that it is an important issue you want to readdress and will do so at the next class.

The above suggestions are not meant to take away from the legitimate exercise of academic freedom or freedom of thought, inquiry, or expression nor are they meant to suggest that the use of instructional techniques such as the use of irony, the use of conjecture and refutation, or the assignment of readings that advocate controversial positions should be avoided.

SUGGESTED RESOURCES:

Search “classroom strategies” for sessions offered by UBC Vancouver’s Centre for Teaching and Academic Growth (<http://www.tag.ubc.ca>) and UBC Okanagan’s Centre for Teaching and Learning (<http://web.ubc.ca/okanagan/ctl>).

On Diversity in Teaching and Learning; A Compendium, Faculty Teaching Excellence Program from University of Colorado at Boulder. Provides numerous practical teaching tips to foster and honour diversity in the classroom (<http://www.colorado.edu/ftep/publications/diversity.html>).

Resources by the Intergroup Relations Center at Arizona State University to assist with classroom discussions: Dialogue Guidelines; Conflict De-escalation Strategies; Discussion Ground Rules; Diversity Glossary (<http://www.asu.edu/provost/intergroup/resources/media.html>).

Anti-Racist Teaching, by Olivia Petrie and Diane Naugler, p. 1, Volume 11, (1) (October 2001). Provides strategies to respond to tension and incidents of racism in class (<https://pi.library.yorku.ca/ojs/index.php/core/article/viewFile/2496/1701>).

Managing Hot Moments in the Classroom, by Lee Warren. Describes ways to use the moment as a teaching opportunity; includes suggestions to help students think about the situation and to assist them to do the work around the incident (<http://isites.harvard.edu/fs/html/icb.topic58474/hotmoments.html>).

Voices of Diversity/Equity Video Resource Kit: Transforming University Curriculum, p.4, Volume 14 (1) (October 2004). Questions to help guide discussion are provided on various equity topics (<https://pi.library.yorku.ca/ojs/index.php/core/article/viewFile/2434/1639>).

Q: WHAT SHOULD I DO IF STUDENTS IN MY CLASS MAKE SUBTLE RACIST OR SEXIST [ABLEIST; HETEROSEXIST] COMMENTS?

When comments, subtle or otherwise, are ignored or minimized, students learn that it is okay to make such innuendos. They also learn they are not protected from subtle discrimination.

As a faculty or staff member, you can help students to learn about their behaviours, beliefs, and consequences if these are not examined. To use the moment as a learning opportunity, you could help students think about their comments and avoid circumventing the issue as well. For example, when students use or refer to known stereotypes, encourage them to acknowledge the stereotype as such. This helps to distinguish between reinforcing the stereotype and attempting to overcome it. A simple, “I know this sounds stereotypical, but ...” often goes a long way. In responding to subtle comments, avoid personalizing or belittling the student.

- Consider taking the issue off the student who has made the offensive comment and moderate a general discussion about how subtle comments can affect others. If a ‘harmless’ gender or race based joke is told in class, ask others what they think of the joke and how it could affect the group it was directed at. Use questions such as “What do you think it might be like for women trying to break into this industry?” or “Should they have to break through or put up with barriers that others don’t have to deal with?”
- You could also encourage students to be more mindful and respectful of different perspectives in class by pointing out that many traits that make us unique such as a disability, our sexual orientation, our religious affiliation and our cultural beliefs and values are often invisible to others.
- A challenge you face as faculty is addressing these subtle comments with sensitivity to the student who has made the remark. When considering how to respond, talking with an undergraduate student may involve a less direct interaction about the comment than when talking with a student in a graduate seminar. Regardless of the expectation you have for students’ understanding based on their academic experience, remember not to put the student on the spot or to criticize the student in front of others.
- If you are uncertain how to address the subtle comment in a classroom setting, consider talking with the student(s) directly outside of the classroom, to provide support, guidance, and information on why their subtle comments are problematic as a student, global citizen, and future employee.

Review the first question and answer for more strategies and a list of resources.

Q: WHAT CAN I DO TO CREATE A MORE INCLUSIVE CLASSROOM ENVIRONMENT?

There are many ways faculty can help build a more inclusive classroom environment:

- Establish guidelines for discussion at the class outset to assist with classroom management and contentious discussions that may arise. This may include “no personal criticizing,” or “argue positions and points respectfully.”
- Review your curriculum and examples you provide for relevant inclusive representation. For example, incorporate experiences of non-dominant groups as well as dominant groups in visual media; include practices and viewpoints of a diversity of people; consider explaining popular culture examples or idioms, which may not be known by all groups of students.
- Be attentive to when you ask people to speak to topics or issues. Encourage people to speak about their own experiences and not as representatives of their racial, ethnic, cultural, or another identified group.

- Encourage all students to participate in discussions and dialogue. Look for ways of engaging those who are quiet without singling them out.
- Demonstrate respect for student’s opinions and cultural values and require they do the same for others.

SUGGESTED RESOURCES:

Diversity & Inclusivity seminar offered through Teaching and Academic Growth (http://www.tag.ubc.ca/programs/series-detail.php?series_id=273#1057).

Creating an Inclusive Classroom – Provides links to articles about instructional strategies by post-secondary faculty (<http://www.ryerson.ca/lt/resources/inclusiveclass>).

Checklist for Engaged Pedagogy, by Teferi Adem, p.4, Volume 11 (1) (October 2001) – A pedagogical checklist to help encourage a more inclusive learning environment (<https://pi.library.yorku.ca/ojs/index.php/core/article/viewFile/2496/1701>).

Diversity and Complexity in the Classroom, by Barbara Gross Davis (1999) – Suggestions to improve the classroom learning environment including: General Strategies, Tactics for Overcoming Stereotypes and Biases, Course Content and Material, Class Discussion (<http://honolulu.hawaii.edu/intranet/committees/FacDevCom/guidebk/teachtip/diverse.htm>).

Getting Results – Module One: Creating a Community of Learners – Provides helpful information and tools on how to create an inclusive classroom to promote more effective learning (<http://www.league.org/gettingresults/web>).

FACULTY INTERACTIONS

Q: I’VE HEARD THAT A COLLEAGUE IS DATING A GRADUATE STUDENT. HAVE I ANY OBLIGATIONS REGARDING THIS?

As a colleague, you do not have any obligations, however you may want to provide some frank advice on this matter.

UBC does not have specific Policy that prohibits consensual intimate relationships nor does it necessarily discourage them. However, it is important for faculty to know if they choose this route they may be putting themselves at considerable risk because of the power differential between professors and graduate students.

DID YOU KNOW...

51% of concerns raised with the Equity Office in Vancouver during 2007 involved a sex or gender related component. 38% of complaints raised at the Okanagan campus during 2007 also involved a sex or gender related concern.

Equity Office/Human Rights & Equity Services Discrimination and Harassment Report 2007

AN ABUSE OF POWER AND AUTHORITY

An abuse of power occurs when power is used to control others for purposes of self-gratification and self-interest without regard for others. An abuse of authority occurs when a person uses authority unreasonably to interfere with another’s performance or threaten that individual’s career or job.

*UBC Faculty of Medicine
Online definitions, Discrimination and Harassment*

The risk could include an allegation/claim of harassment based on sex due to misuse of power by a faculty member supervising directly or peripherally a graduate student with whom they are intimately involved. There are publicly known cases that started off as consensual relationships between a faculty member and graduate student that ended in legal claims of harassment based on sex.

The UBC Discrimination and Harassment Policy outlines potential risks associated with relationships where there is a

power differential, and we'd suggest your colleague review this material to become familiar with the possible outcome of their decision.

The University does require that any real, perceived or potential conflict of interest situation, such as a faculty-student intimate relationship, be disclosed and properly managed under UBC's Conflict of Interest Policy. Proper disclosure and management of these situations helps protect the integrity of all parties concerned and helps to keep everyone safe and ethically sound.

While there are rules about holding information disclosed under the Conflict of Interest Policy in confidence, you may want to outline your concern to a Department Head if you think proper procedure has not been followed. Administrative Head's of Unit, or their designates, are typically involved in devising plans to manage the conflict and ensure proper disclosure.

For more information, please refer to: UBC's Conflict of Interest Policy (<http://www.universitycounsel.ubc.ca/policies/policy97.pdf>) and UBC's Discrimination and Harassment Policy (<http://www.universitycounsel.ubc.ca/policies/policy3.pdf>).

Q: ONE OF THE GRADUATE STUDENTS AND I WANT TO DATE. WE UNDERSTAND THE RISKS. WHO DO I INFORM? IS THERE A DOCUMENT THAT SHOULD BE SIGNED?

We're glad you've considered the risks and are prepared to comply with necessary procedures. Doing so protects the integrity of all parties and helps keep everyone safe and ethically sound. We would like to point out an often unknown, or sometimes neglected, section in UBC's Policy on Discrimination and Harassment. Section 4.7.2 reads:

UBC Graduate Handbook of Supervision outlines the supervisor-graduate student relationship including Potential Challenges, Problem Resolution, and Ending the Relationship: <http://www.grad.ubc.ca/students/supervision>

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.

Having brought this to your attention, we turn to the proper management of these situations. Assuming the relationship does proceed, you will be required to excuse yourself from any type of evaluation or supervision responsibilities that you would normally carry in relation to your new partner. Sections 4.1.1 and 4.1.5 of UBC's Conflict of Interest Policy read:

Where a Member's responsibility to instruct and evaluate students in a fair, unbiased and effective manner is or appears to be impeded or compromised. The inherent power imbalance that exists between a Member and a student must not be used for personal benefit. A Conflict of Interest exists where a Member receives a personal benefit when dealing with students.

Where a Member is in a position to influence human resource decisions (such as recruitment, offer of employment, evaluation or performance, promotion, granting of tenure, or termination of employment) or admission decisions with respect to a person with whom the Member has a personal relationship that might reasonably be construed as a Conflict of Interest.

"Personal Benefit" is further defined under the Conflict of Interest section on University Counsel's website to say: "Examples of a "Personal Benefit" could include, but are not limited to: a. being in a personal relationship with a student;..."

In most cases, your Administrative Head of Unit (AHU), or their designate, would be involved in managing the situation to ensure conflicts are avoided. This typically includes reassignment of duties and ensuring proper disclosure procedures are followed. If your AHU is not directly involved, you should still disclose the steps taken to avoid a conflict from arising to them. This information would be held in confidence. An Equity Advisor can provide a consultation on a situation of this nature and you should discuss the matter with your AHU.

FOR MORE INFORMATION:

UBC's Discrimination and Harassment Policy, Section 4 (<http://www.universitycounsel.ubc.ca/policies/policy3.pdf>).

UBC's Conflict of Interest Policy (<http://www.universitycounsel.ubc.ca/policies/policy97.pdf>).

Please review the question and answer directly preceding this one for more information on this topic.

WORKPLACE INTERACTIONS

Q: WHAT ARE THE PRIVACY/CONFIDENTIALITY RIGHTS OF A STAFF MEMBER RETURNING TO WORK WITH AN ACCOMMODATED WORK ENVIRONMENT? HOW DO I ADDRESS THIS MATTER WHEN OTHER STAFF ASK QUESTIONS?

A staff member returning to work in an accommodated work environment has the right to privacy in their workplace. There are limits to what details an employee is required to share about their medical condition and limits on what an employer can request. For the most part, employees are not required to share specific details of their condition but they are required to provide information as to how their condition will impact their ability to do their job. This type of information assists UBC in meeting its obligations around accommodating employees with disabilities. Information that is shared with the employer should be dealt with in a confidential manner. These procedures comply with BC's *Freedom of Information and Protection of Privacy Act* and Human Rights laws.

If other staff members have questions, you can remind them that all staff have the same right to privacy and that all personnel matters are addressed with staff members directly. You can also remind staff that accommodations are a means to ensure people's equality rights are upheld. An accommodation for someone with a disability, for example, means leveling the playing field. When a modification has been made, the person can face the same duties and requirements as any other employee with dignity and without impediment.

Some employees are very open and willing to discuss their situation with others while others will not be. This is a personal choice and whatever the decision, it should be supported by management and other staff members.

Q: IF I OR ONE MY STAFF OR COLLEAGUES WITNESS DISCRIMINATION OR HARASSMENT, CAN WE BRING A COMPLAINT FORWARD TO THE EQUITY OFFICE/HUMAN RIGHTS & EQUITY SERVICES?

You can bring your concerns forward to discuss the matter with our office and to talk about different approaches that might be helpful in addressing what you have witnessed. However, you are unable to file a complaint under UBC's Discrimination and Harassment policy unless you have directly experienced discrimination or harassment based on actual or perceived membership under one of the 13 protected grounds (see UBC's Discrimination and Harassment Policy: <http://www.universitycounsel.ubc.ca/policies/policy3.pdf>).

As a witness, if you choose to assist and it does not jeopardize the target of the harassment, you can inform the person who has behaved in a discriminatory or harassing manner that you saw what happened. You can also let the person targeted know that you saw what happened and encourage them to contact the Equity Office/Human Rights and Equity Services for resolution assistance. You can also encourage the person who was targeted to contact their union, professional association or UBC Human Resources for resolution assistance.

Another effective approach may be to speak with your Administrative Head of Unit (AHU), or someone you report to directly. AHU's, management and those with supervisory authority have an obligation to take action when they are made aware of discriminatory behaviour and conduct.

View our Discrimination & Harassment Prevention brochure for more information (<http://www.equity.ubc.ca/brochures/Disc-Harass06.pdf>).

Q: ONE OF MY MALE COLLEAGUES IS VERY CONDESCENDING WITH THE FEMALE SECRETARIES. HIS RUDENESS UPSETS THEM. I DON'T WANT TO JEOPARDIZE MY RELATIONSHIP WITH HIM. SINCE THEY ARE ADULTS AND BELONG TO A POWERFUL UNION, SHOULD I SIMPLY LET THEM HANDLE THINGS? *

This is a difficult situation but one in which we would encourage you to take a stand and consider supporting your co-workers. The whole of your work environment is being affected by your colleague's behaviour – even you recognize it as a problem! Those he treats poorly are not necessarily in a position to voice their concerns or to take individual action. There is a power imbalance that puts his targets at a disadvantage and the risks and fears that come with this differential are powerful and real. A few supportive approaches to effect change at the local level include:

- Let your colleague know you saw his behaviour and that you disapprove. Even a simple, “your comment was a bit abrasive,” or “that seemed a bit harsh” can help.
- You can also encourage a change in behaviour. Some guidance such as: “You know, I find that if I speak respectfully to staff I get much better support than if I yell at them” may nudge someone to change their ways.
- If you are comfortable enough, and your colleague is open to change, you could suggest that you would be open to coaching him for a certain period of time.
- You could also suggest to management that it may be time to review appropriate workplace conduct and standards in a staff meeting environment.

*** DID YOU KNOW...**

Sexual harassment most commonly occurs by a male harasser towards a female target. Sexual harassment however, can also occur where a female is the harasser and a male is the target or between people of the same-sex.

- Let those targeted know you witnessed the behaviour and that you would support them should they decide to take action.
- Encourage the staff he targets to speak with their direct supervisor, their union, a human resource advisor, or an Equity Advisor about the situation.
- Keep a detailed record of what you witnessed. It may come in handy in the future.

Those who have supervisory or leadership responsibilities are obligated to address conflicts that arise under UBC's Respectful Environment Statement and UBC's Discrimination and Harassment Policy in a professional, time-sensitive and respectful manner. You can:

- Contact the University Equity or Human Rights Office for advice and assistance.
- Contact a Human Resource Advisor for advice and assistance.
- Communicate expectations within your department and explain that inappropriate behaviour will be addressed as a personnel matter.
- Ensure that your own behaviour is free from discrimination and harassment.
- If you witness inappropriate behaviour, you can respectfully intervene.
- Document what you have witnessed and the discussions you have had.

Refer to our website for more information on sex-based discrimination or harassment (<http://www.equity.ubc.ca/discrimination/sexual.htm>).

GENERAL INFORMATION

Policies relating to prevention of discrimination and harassment matters may include:

- Discrimination and Harassment Policy
- Employment Equity Policy
- Academic Accommodation for Students with Disabilities
- Religious Holidays

All UBC policies can be found online at (<http://www.universitycounsel.ubc.ca/policies/policies.html>).

For information about the Equity Office or Human Rights & Equity Services, visit our websites:

- <http://www.equity.ubc.ca> or,
- <http://web.ubc.ca/okanagan/hes/welcome.html>.



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