



Title:	APPENDIX II: DEFINITION OF INTIMIDATION, HARASSMENT AND OTHER RELATED TERMS
Approved:	February 23, 2005
Approved By:	UBC Senate
Audience:	All Faculty of Medicine members
Purpose:	To provide definitions of intimidation, harassment and other terms related to the policy and processes to address unprofessional behaviour (including harassment, intimidation) in the Faculty of Medicine.
Contact:	Dean’s Office Faculty Affairs

Discrimination

Discrimination is defined as the unfair, differential treatment of an individual or group, whether intended or not, on the basis of one or more of the categories stated under the BC Human Rights Code. The protected categories include: age, ancestry, place of origin, colour, race, religion, sex, unrelated criminal conviction, family status, marital status, mental or physical disability, political belief or sexual orientation.

Harassment

Harassment is defined as conduct that would be considered, by a reasonable person, to interfere with the climate of understanding and mutual respect for the dignity and worth of each person. It may be one incident or a series of incidents depending on the context. Harassment includes offensive and/or intimidating comments or conduct, whether intentional or not, that are known or ought reasonably to be known to be unwelcome and that cause a negative impact on an individual or group. Harassment includes comments or conduct that would constitute discrimination under the BC Human Rights Code.

Examples of harassment include, but are not limited to:

- derogatory written or verbal communication or gestures, (e.g., name calling, slurs, graffiti, jokes, remarks, taunting, pictures or posters) that relate to any of the protected categories
- orders given or tasks assigned based on any of the protected categories referred to in
- threats made or perceived based on any of the protected categories referred to in section
- application of stereotypes or generalizations based on any of the protected categories referred to in section 2.1 above.

Sexual Harassment

Sexual harassment is offensive or humiliating comments or conduct related to a person’s sex, sexual orientation or sexual activities. Sexual harassment is defined by any or all of the following conditions:

- a) conduct or comment of a sexual nature made by a person who knows or ought reasonably to know that such conduct or comment is unwanted or unwelcome;
- b) expressed or implied promise of reward for complying with a request of a sexual nature;
- c) actual reprisal or an expressed or implied threat of reprisal for refusal to comply with a request of a sexual nature;
- d) actual denial of opportunity or an expressed or implied threat of denial of opportunity for refusal to comply with such a request;
- e) the conduct or comment is intended to, or has the effect of, creating an intimidating, hostile or offensive environment;



- f) differential treatment of a former or current intimate partner where a power relationship exists.

Examples of sexual harassment include, but are not limited to:

- displaying of sexually offensive or derogatory pictures, cartoons or other material,
- remarks, jokes, innuendoes or other comments regarding someone's body, appearance, physical or sexual characteristics or clothing,
- unwelcome questions or sharing of information regarding a person's marital status, sexuality, sexual activity, sexual orientation or gender/transgender issues,
- leering, suggestive staring or other gestures,
- persistent unwelcome or uninvited invitations or requests,
- inappropriate and unnecessary touching,
- sexual assault, and
- stalking.

Personal Harassment

Personal harassment is objectionable or unprofessional conduct or comment, directed towards a specific person, which serves no legitimate purpose for learning or service and has the effect of creating an intimidating, humiliating, hostile or offensive learning or work environment. Pedagogical harassment is a specific example of personal harassment relevant to the academic teaching environment.

Examples of personal harassment include, but are not limited to:

- practical jokes which cause awkwardness or embarrassment,
- psychological abuse such as badgering, following, or other conduct or comment that belittles or demeans the individual,
- verbal abuse (e.g., yelling, derogatory comments, unnecessary or inappropriate orders) not related to any of the characteristics referred to in section 2.1,
- verbal or perceived threats to a person's career or job based on considerations other than academic or work performance related issues,
- verbal or perceived physical threats, and
- physical assault

An Abuse of Power and Authority

This Policy recognizes that power, either real or perceived, is present in all harassment. People do not always recognize the power they are perceived to have. Each person is responsible for their own behavior and how they utilize the power they have. 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.

What Is Not Harassment

Harassment is a serious offence and must be distinguished from legitimate academic debate, workplace or labour relations interactions, however heated, and consensual workplace banter and relationships. For example, one rude or obnoxious comment may not necessarily constitute harassment. Normal supervisory or managerial activities and legitimate management interventions, such as evaluations, counseling, performance appraisals and discipline, so long as these are being conducted in accordance with Faculty of Medicine policies and procedures or collective agreements and in a non-discriminatory manner, do not constitute harassment.

Constructive feedback to learners or faculty members, appropriately given and in accordance with Faculty of Medicine policies and procedures does not constitute harassment.

Similarly, two or more employees bantering back and forth does not constitute harassment if everyone involved is in agreement. However, if any one employee feels uncomfortable with the conduct or comments, and they continue even after this person has expressed their discomfort, or if others involved knew or



reasonably should have known that the person was uncomfortable, such conduct may constitute harassment.

Other Definitions

Power:

The status, stature or authority of an individual or group which enables them to control the status, stature or authority of others. Power may describe an implicit or explicit relationship, whereby one has the ability to exercise influence or control over the other.

Protected Categories:

Include age, ancestry, colour, disability (physical or mental), family status, marital status, place of origin, political belief, race, religion, sex, sexual orientation and unrelated criminal conviction.

Complainant:

The person presenting a concern about discrimination or harassment.

Respondent:

The person identified by the complainant as having allegedly committed the offending behaviour(s).

Gender Identity:

A person's internal sense of being male or being female that is usually in accord with, but sometimes opposed to, physical anatomy.

Reasonable Person:

A person who possesses and uses the qualities of carefulness, intelligence and judgment that society requires of its members for the protection of their own interest and the interests of others. If such a person were to understand fully the circumstances of the complaint, and if they were to "put themselves in the shoes" of the complainant, we would imagine them to have had a reasonable experience of the impact.

Authority:

The power inherent in or ascribed to a role which may be exercised explicitly or implicitly.

The Associate Dean, Equity:

An impartial person with skills in investigating, mediating, educating and counseling in Human Rights issues.

Support Person:

A person with whom an individual feels safe in having them assist them in addressing their concern in confidence. Examples of support people are a manager, a union representative, the Associate Dean Equity, a Human Resources advisor, a lawyer, or other trusted person.

Witness:

The person(s) who is not the object of harassing behaviour but directly observes it occurring.

A Request for Formal Investigation:

A letter authored by the complainant, addressed to the Associate Dean, Equity detailing the following information:

- Specific and objective description(s) of the incident(s),
- Descriptions of dates and times,
- Descriptions of the impacts of the incidents(s),
- In what ways the complainant feels the behaviour violates this Policy,
- Attempts made to address the situation (if any),
- A description of what the Complainant feels would remedy the situation (what they are wanting as an outcome) and a request for a formal investigation.



Investigator:

The Associate Dean, Equity or an appointed Human Rights Advisor if circumstances warrant, including formal investigations.

Natural Justice:

A duty of procedural fairness whereby all parties are given reasonable opportunities of presenting their cases, all parties are listened to fairly, and a decision is reached that is untainted by bias.

Burden of Proof:

The duty or onus to prove one's case.

Balance of Probabilities:

The likelihood of an incident occurring being more than the likelihood of it not occurring based on the responses of the individuals involved, witnesses and facts.

Intent:

The deliberate, purposeful and conscious action of an individual to achieve a particular outcome. An intent to discriminate or harass does not have to be found for an act to be viewed as discrimination or harassment. However, intent may be useful in addressing remedy.

Vexatious Complaint:

A discrimination or harassment complaint instituted in bad faith, for an ulterior motive other than to remedy a true concern or maliciously and without probable cause (i.e. bona fide belief).

Approved Feb. 23rd 2005 by UBC Senate.