

# OFFICE OF HUMAN RIGHTS AND EQUITY SERVICES

## CONTACT FORM

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Name: \_\_\_\_\_ Date: \_\_\_\_\_

Current Address: \_\_\_\_\_  
\_\_\_\_\_

Alternate Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

Email: \_\_\_\_\_

Student  Staff Member  Faculty Member  Other: \_\_\_\_\_

### Reason for Contact:

- Conflict Resolution Services
- Supervisory Consultation
- Training request
- Complaint under the Respectful Work and Learning Environment Policy\*
  - Seeking advice for Personal Resolution
  - Seeking Informal Resolution (mediation, education, assistance with communication)
  - Seeking Formal Resolution (investigation)

\* For a complaint under the RWLEP to be accepted, the conduct complained of must fall within the definitions of harassment and/or discrimination as set out in the policy. Please see the accompanying handout for further information on those definitions and the process for accepting RWLEP complaints. Issues not accepted as complaints under the policy can still be addressed using our Conflict Resolution Services.

### How did you hear about OHRES?

- Website
- Brochure
- Workshop/Event/Presentation
- Email
- Poster
- Referral by \_\_\_\_\_
- Other: \_\_\_\_\_

Details of Issue:

Please attach further pages as required.

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**FOR OFFICE USE ONLY:**

For RWLEP Complaint Requests:

Initial Assessment:  Meets definition threshold  Does not meet definition threshold

Staff: \_\_\_\_\_

Date: \_\_\_\_\_

The RWLEP includes the following definitions:

“**Bullying**” means persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power and/or unfair punitive sanctions with makes the recipient feel upset, threatened, humiliated and/or vulnerable, which undermines the recipient’s self-confidence and/or reduces the recipient’s feelings of self-esteem and self-worth, and which may cause the recipient to suffer stress.

“**Discrimination**” means differential treatment of an individual or group which is based on a personal characteristic (such as gender, race, creed, disability, and/or sexual or gender orientation) of that individual or group, and which has an adverse impact on them.

“**Harassment**” means a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Single acts of sufficient severity may also constitute harassment.

“**Personal Harassment**” means one or a series of objectionable and unwelcome comments or conduct directed toward a specific person or group of persons which diminish the dignity of the recipient(s) and serve no legitimate work or academic related purpose, and/or have the effect of creating an intimidating or hostile work or learning environment.

“**Psychological Harassment**” means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, comments, actions or gestures, that affects an individual’s dignity or psychological or physical integrity and that results in a harmful work or learning environment for the individual.

“**Vexatious**” means lacking a sufficient ground and only serving to annoy and distress.

Appendix A of the RWLEP contains further explanations and examples of all forms of harassment and discrimination prohibited by the policy. In particular, it expands of the meaning of bullying as follows:

“**Bullying**” is the misuse of power or position to persistently criticize and condemn; to openly humiliate and undermine an individual’s ability until this person becomes so fearful that their confidence crumbles and they lost belief in themselves. These attacks on the individual are normally sudden, irrational, unpredictable and usually unfair. Bullying damages individuals’ health and lives and also undermines productivity and effective work relationships. Bullying can occur when professional abrasiveness becomes tainted with personal vindictiveness – when criticism is destructive not constructive, is criticism of the person rather than her/his mistakes, publicly humiliates rather than privately corrects and results in a person feeling threatened or compromised. It is recognized that bullying can range from extreme and obvious behaviour to behaviour which is subtle and seemingly innocuous.

The RWLEP, in Appendix A, also sets out limitations on the definitions of personal harassment, psychological harassment, and bullying, that acknowledge legitimate management rights and responsibilities, legitimate rights of union members, and the exercise of academic freedom.

When assessing allegations of harassment and/or bullying, against the definitions contained in the policy, there are some key elements that must be present in order to substantiate the finding of a violation of the policy.

The first of those elements can be generally referred to as intent. In the case of bullying, there must be some evidence of intent to have a negative impact on the part of the respondent. In the case of harassment, clear intent is not always required. Rather, there are two elements of the definition that must be met which relate to intent. First the behaviour must be “vexatious”. The definition of vexatious suggests some level of intent (ie. serving only to annoy and distress). Secondly, there must be intent to have a negative impact (ie. known to be unwelcome) or an assessment that the respondent should have known of the negative impact she/he was causing (ie. ought reasonably to be known to be unwelcome). Considerations of intent include: the respondent’s stated reasons for the behaviour, whether a complainant has made the respondent aware of the negative impact, and the use of the ‘reasonable person’ test to determine whether the respondent should have foreseen/known the negative impact of the behaviour.

A second key element across the above definitions is the need for a pattern of similar behaviour.

A third key element across the definitions is the negative impact of the behaviour on the complainant(s) – ie. the behaviour is unwelcome, hostile, intimidating, harmful, etc..