ANNUAL REPORT

(May 1, 2006 to April 30, 2007)

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INTRODUCTION

This report covers the period of May 1, 2006 to April 30, 2007 and summarizes the activities of Equity & Human Rights Services (EHRS) over that period. It is divided into several sections. The first section details information regarding harassment and discrimination complaints received by the office during the year. This is followed by a section outlining our work in support of employment equity at Western. The third section details educational initiatives our office has been involved in over the past year. And our final section allows for observations and recommendations. The Appendix contains information on EHRS and the policy structure at Western as it relates to the work of the office. Numerous definitions which are necessary for reading this report and understanding the work done in the office can also be found in the Appendix.

A. HARASSMENT AND DISCRIMINATION

What follows is a statistical break-down of matters dealt with by the EHRS staff during the current reporting period of May 1, 2006 through April 30, 2007. In accordance with the practice of EHRS and for the purpose of preparing the Annual Report, matters are categorized according to the level of involvement by the office. The term "complaint" refers to those matters where a member of the University community has approached EHRS for assistance and where EHRS has taken an active and on-going role in dealing with the situation, including those situations where a formal complaint under University policy has been filed. The term "consultation" refers to those matters where an individual has contacted EHRS for information or guidance on an equity-related issue, but where EHRS has not taken an active and on-going role in the matter.

A statistical review of the work done by the office cannot reflect the complexity of any particular matter. Some matters involve multiple complainants and respondents or counter-complaints from the respondent. Resolution may require numerous meetings and may involve the parties, their union representative(s) or colleague(s) acting in a supportive role, the parties’ supervisor(s), Dean(s) or other representatives of the University. Similarly, the amount of time that is necessary to deal with a matter varies dramatically for both complaints and consultations.

Although EHRS is the office charged with administering Western’s non-discrimination and harassment policies, we are not necessarily the only office that becomes involved in such issues. Individual departments or units are also encouraged to address matters of harassment and discrimination. As well, departments such as Human Resources, Faculty Relations, the Ombudsperson Office, the Student Development Centre, etc., may become involved in matters which may have a harassment or discrimination component but would be better dealt with in a more timely or efficient manner under another policy (such as the Student Code of Conduct, or through the performance management process). EHRS provides advice, support and assistance when requested and where possible, in adherence with our confidentiality policy. Due to the foregoing, it should be noted that this report is unable to report on each matter relating to harassment or discrimination that occurs on Western’s campus. We can only report on those matters which have come to our attention.
COMPLAINTS

During the reporting period, the EHRS staff was involved with a total of eighteen complaints under Western’s Non-Discrimination/Harassment Policy (MAPP 1.35) or under the Non-Discrimination/Harassment articles or clauses contained in the various collective and employment agreements. Figure 1 breaks down these complaints according to their status at the beginning and end of the reporting period:

Figure 1

Status of Complaints (at April 30, 2006)

<table>
<thead>
<tr>
<th>Ongoing as of May 1, 2006</th>
<th>New During Reporting Period</th>
<th>Resolved During Reporting Period</th>
<th>Ongoing as of April 30, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>15</td>
<td>11</td>
<td>7</td>
</tr>
</tbody>
</table>

GROUNDS FOR COMPLAINTS

In Figure 2 below, the 15 new complaints filed over this past year have been sorted according to the type(s) of conduct identified. There are multiple entries for complaints that involve multiple grounds. For example, a complaint of harassment may be both sexual and racial in nature.

Figure 2

Grounds for Complaints

<table>
<thead>
<tr>
<th>Harassment</th>
<th>Discrimination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual</td>
<td>Sex</td>
</tr>
<tr>
<td>Racial</td>
<td>Racial</td>
</tr>
<tr>
<td>General</td>
<td>Disab</td>
</tr>
<tr>
<td>Other</td>
<td>Other</td>
</tr>
<tr>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Note – Complaints based on more than one enumerated ground are listed multiple times. Note - Racial Discrimination may include a complaints due to religious accommodation.

Commentary

As we have seen with past years, general harassment was the most frequent complaint received by our office. General harassment is often colloquially referred to as “bullying” type behaviour. This type of behaviour is of particular concern in our office. There will be more discussion to follow later in the report.

For the first time in five years, we received complaints of discrimination on the basis of sex this year. Although we cannot give specifics that may identify the complainants or respondents, please note that sexual discrimination may be grounded in concerns regarding maternity or parental leave and/or concerns about inequity in a hiring or promotion process due to one’s gender or sexual orientation.

Five complaints based on sexual harassment were received this year. Again, without identifying complainants and respondents, it is worth noting that sexual harassment may be complaints of inappropriate comments, unwelcome touching or conduct akin to stalking-like behaviour.
PARTIES TO COMPLAINTS

Figure 3 shows the gender of the complainant(s) and the respondent(s).

Figure 3  
Complainants and Respondents by Gender

<table>
<thead>
<tr>
<th>Complainants</th>
<th>Male</th>
<th>Female</th>
<th>Group</th>
<th>Complainant Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Female</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>Group</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td><strong>Respondent Totals</strong></td>
<td><strong>12</strong></td>
<td><strong>2</strong></td>
<td><strong>1</strong></td>
<td><strong>15</strong></td>
</tr>
</tbody>
</table>

Commentary

Of the 15 new complaints filed this year, four were filed by males and eight were filed by females. We received three complaints filed by a group of persons who all shared the same concern. Again this year, the majority of respondents, 12 in total, were male.

Figure 4 shows the university affiliation (i.e., student, staff or faculty member) of the complainant and respondent.

Figure 4  
Complainants and Respondents by University Affiliation

<table>
<thead>
<tr>
<th>Complainants</th>
<th>U/G</th>
<th>Grad</th>
<th>Staff</th>
<th>Fac.</th>
<th>Admin</th>
<th>Complainant Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergraduate Student</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Graduate Student</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Staff</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Faculty</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Admin</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Group</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td><strong>Respondent Totals</strong></td>
<td><strong>2</strong></td>
<td><strong>3</strong></td>
<td><strong>7</strong></td>
<td><strong>3</strong></td>
<td><strong>0</strong></td>
<td><strong>15</strong></td>
</tr>
</tbody>
</table>

Commentary

Complainants

Graduate students and staff members accounted for the most complaints filed this year. Complaints filed by graduate students have grown from one complaint in 2004-05 to three in
2005-06 to four this past year. Staff filed six complaints this year, compared to four in 2004-05 and three in 2005-06.

This year, we included an additional complainant category – “Group”. These are complaints filed by more than one person, but made of up members of different university affiliation (for example, a complaint by a staff member and undergraduate student). Three group complaints were filed this year.

**Respondents**

Staff members represented the highest number of respondents this year (7). Of note is that 6 of the 7 complaints were filed by staff members against other staff members. Of the other groups, only administration were unrepresented as respondents.

A “group” filed one complaint each against an undergraduate student member, a graduate student member and a staff member. Graduate students filed two complaints against other graduate students and two complaints against faculty members. One undergraduate student member filed a complaint against a faculty member. One administration member filed a complaint against an undergraduate student member.

**RESOLUTIONS**

Of the eighteen complaints administered by EHRS staff during the reporting period, eleven were resolved during the same period. Figure 5 below shows the nature of resolution for these complaints.

![Figure 5](image)

**Commentary**

Western’s Non-Discrimination and Harassment policy, and indeed all of the relevant collective and employee agreement policies regarding harassment and discrimination, set out a process which encourages the resolution of issues between the parties. Ideally, a complainant and respondent are able to reach a mediated agreement that resolves the issues between them. However, “mediated resolutions” are not possible in all cases.

On occasion, after consultation with EHRS, a referral will be made to another university office in order to address the issue(s) and options or remedies the individual may be seeking. When a referral is provided and further action by another office is taken, this is indicated by the term “university action”. EHRS is unable to investigate a matter itself or provide discipline or sanctions.

Where “no breach of policy” is indicated, a matter was investigated under the relevant collective or employee agreement and the investigator determined that a *prima facie* case of harassment did not exist. If no breach is found, the matter is deemed concluded by Equity & Human Rights Services.
Complainants also retain the right to withdraw their complaints at any time during the informal resolution process. Reasons for choosing to do so are varied.

This year, no matters proceeded to the “Panel of Inquiry” stage afforded in collective and employee agreements.

**CONSULTATIONS**

Consultations are situations where individuals contact EHRS for information or guidance, but where EHRS does not take an active and ongoing role in the matter. Examples of consultations include the following:

- a supervisor asking for guidance on the accommodation of a staff member with a disability;
- an academic administrator asking for advice in accommodating the religious beliefs of a student where there is a conflict with a scheduled mid-term examination;
- an individual asking for suggestions on strategies she can use to attempt to deal with a harasser on her own; or,
- interpersonal conflicts in the academic or employment context.

Some consultations involve a single conversation or meeting, while others involve several conversations and/or meetings with the individual and/or others related to or involved in the issue. An individual may choose to proceed informally, without filing a complaint, and request the assistance of EHRS in facilitating a resolution or providing a referral to an appropriate campus resource. If extensive and on-going assistance is provided by EHRS, a complaint file will be opened.

During the reporting period, EHRS dealt with **286 consultations**. This compares to 216 consultations during the 2005-06 reporting period and 267 consultations during the 2004-05 reporting period.

Figure 6 below depicts the number of consultations by University affiliation and gender.

**Figure 6**

**Consultations by Gender and University Affiliation of Individual Initiating Contact**

<table>
<thead>
<tr>
<th>Person Requesting</th>
<th>Gender</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>Undergraduate</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td>Graduate</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>Staff</td>
<td>28</td>
<td>19</td>
</tr>
<tr>
<td>Faculty</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>Union</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Admin</td>
<td>75</td>
<td>22</td>
</tr>
<tr>
<td>Non-UWO</td>
<td>42</td>
<td>12</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>199</strong></td>
<td><strong>87</strong></td>
</tr>
</tbody>
</table>
Commentary

University Affiliation

Similar to last year, the majority of people who contacted EHRS were administrative persons (97). Our next highest numbers of contacts this year – 54 – were received from persons who are not Western members. Typically, these individuals are seeking referrals, general information or resources. Staff members also contact us in relatively high numbers (47). This year marked the highest number of contacts by graduate students (25) and faculty (27) that we have had since 2000. Contact by undergraduate students dropped to 29 this year, down from 39 last year. Again this year, we had a relatively low number of contacts by union or association representatives (7).

We are encouraged to see that our contacts by graduate students and faculty increased. We made efforts this year to ensure we offered workshops and outreach to these groups whenever possible.

We differentiate between whether individuals call us for personal - self - matters (i.e. I need help.) or for others - third parties – (i.e. Can you give me advice on how to help a student, colleague or staff member?). Of the 286 consultations this year, 105 were for self matters and 181 were for third parties. Of note, is that of the 181 third parties, 97 were from those seeking advice for administrative purposes and 42 were from persons not affiliated with Western.

We are encouraged to see that so many administrative persons are seeking out our assistance. Please note, that for our reporting purposes, we define “administrative persons” as anyone who consults with us for a purpose related to their work, but unrelated to their personal experience. This would include an Administrative Officer who calls seeking advice about religious accommodation, or a Supervisor who calls after seeing an argument between staff members and wanting advice on how to intervene. We are happy to support or provide advice when requested to do so.

Gender

Consistent with past years, females made up the majority of people who contacted EHRS (70%). This is consistent with both 2004-05 and 2005-06, where 69% of contacts were made by females.

In each group, with the exception of the union/association group, females contact EHRS in larger numbers than males.

Nature of Consultations

Over the past year, EHRS was contacted for advice on a wide variety of equity-related issues. In a few cases, the situation for which advice was sought involved more than one issue. Figure 7 shows the breakdown of consultations by issue. As a result, the total number of matters shown in the table is 289, as compared to the total of 286 consultations reported above.
Again this year, we were most regularly consulted about issues relating to general harassment (74). This figure continues to highlight the need for increased education and resources about creating and maintaining respectful workplace and academic cultures for our academic and administrative leaders.

We continue to receive a high number of consultations about sexual harassment issues (38). Sexual harassment is a concern that persists on our campus.

Again this year, we received a reasonably large number (17) of consultations relating to the accommodation of religious beliefs in the academic or work environment. For the last several years, our office has produced a comprehensive multifaith academic year calendar. As well, each January, our office purchases and distributes 200 multifaith calendars to Deans, Administrative Leaders, and other offices who work closely with students, staff and faculty. Recognizing that the tools provided by our office will not necessarily address each unique situation, we encourage inquiries about religious holy days and the necessary accommodations from persons making an effort to schedule work or exams/labs in an inclusive fashion. This year, we decided to track resource requests (those requesting calendars, for example) and received 22 such inquiries.

EHRS is also frequently contacted for resources such as programming materials, referrals, training sessions, etc. (59). We track such inquiries so that we can be sure we are offering the “most needed” resources in the best form possible. This year, we have put many of our resources and publications on to our website. We anticipate increasing our resources on our website over the coming years.
COMPARISON DATA

Our comparison data covers the five year period from 2002 to April 30, 2007. Below are graphs showing trends in complaints, resolutions and consultations.

COMPLAINTS

Figure 8
Harassment Complaints by Issue by Issue - 2002 to 2007

Figure 9
Discrimination Complaints by Issue - 2002 to 2007
Commentary

Most notable is an increase in general harassment complaints since 2002. Our office does not feel that the rise in numbers correlates to an increasing frequency of harassment occurrences. Rather, we expect that the increase indicates that the community is gaining greater understanding about what is (and is not) acceptable and respectful conduct in the academic or workplace setting. Anecdotally, we also feel that more contact with our office is being made by persons in authority, who wish advice on how to intervene in order to stop harassment or objectionable behaviour.

Each year, we receive fewer complaints based on grounds of discrimination. However, discrimination is often less overt than harassment. It may be systemic in nature and the complainant may feel they are receiving differential treatment but feel unable to come forward due to fears of job loss or retaliation within the academic or work setting. Many clients often express a “feeling or belief” that something is not quite right with the treatment they are experiencing. For example, where an individual is told by his or her leader that a “more qualified” candidate received the promotion but the individual worries that s/he was passed over due to a language barrier or parental leave.

In terms of resolution of complaints, we have good success each year where the parties (or an individual) after on-going meetings with EHRS agree to intervention by another university office. For example, in a case where an individual worries that harassment is going unchecked within his or her department, we routinely refer to Staff or Faculty Relations, respectively, so that the individual can understand all his or her options. It is important that the individual being referred is confident that the other office will take the matter seriously in assessing the next appropriate steps. Thus, it may only be after several meetings with EHRS that an individual decides to go further with the matter. In situations where other departments become involved, EHRS often maintains an involvement, or at least, knowledge of, how the matter is progressing.

A matter that is withdrawn does not necessarily indicate that the complainant’s concerns were without merit. In some instances, complainants choose to withdraw complaints where the prospect of having to pursue the matter is causing an emotional strain or where the complainant is contemplating a change in their role within the university and would prefer to focus on that option instead of pursuing a complaint.
Where “no breach” has been found, this indicates that the complaint has been investigated under the appropriate non-discrimination and harassment policy or article and the external investigator appointed by EHRS has determined that a *prima facie* case of harassment or discrimination is not apparent after meeting with the parties and witnesses and possibly, reviewing the evidence.

**CONSULTATIONS**

Figures 11 and 12 depict the most common types of consultations we receive each year. Not all possible grounds of harassment and discrimination are shown.

**Figure 11**

Harassment Consultations by Issue - 2002 to 2007

**Figure 12**

Discrimination Consultations by Issue - 2002 to 2007

**Commentary**

Consultations may be the best method we have, in our office, of determining what the “current” issues are or may be on campus.
With the exception of a dip in 2005-06, consultations relating to general harassment have risen each year. We find that many people come to EHRS seeking validation of their concerns about negative treatment in the academic or workplace setting. Because general harassment is sometimes viewed by leaders as interpersonal difficulties between two or more persons, individuals seeking advice from EHRS often indicate that “no one seems to care” or, in the case where an individual has voiced concerns, that “nothing has been done”. In these cases, individuals often feel frustrated, not valued and unsure about their academic or employment future at Western. It is usual for individuals to comment that they found it helpful to speak to us as we actively listened to their concerns and provided some advice. Following an initial consultation, EHRS’ role is to provide the option of filing a formal complaint (where the concern relates to harassment or discrimination), a referral (in an appropriate case), advice regarding informal strategies or another manner of intervention (again, in the appropriate case and only with the full consent of the individual). EHRS also maintains records so that our office may identify a pattern of harassment or discriminatory behaviour by a particular individual or within a specific working or learning environment. Where a pattern is identified, it is referred to the appropriate senior administrative leader (typically, a Vice-President), while still maintaining the confidentiality of the parties who have sought EHRS’ advice.

Figure 13

Consultations by Affiliation of Requesting Party - 2002 to 2007

- Note definition change to “Admin” column in 2003-04 report**
Commentary

Tracking who contacts EHRS for help is important for a number of reasons. Firstly, we want to ensure that we are reaching all sectors of the university through our training and workshops. Secondly, it assists us to identify the sort of information or materials that we should develop (or continue to provide). For example, the large number of administrative personal recorded in our statistics indicate that many staff and faculty act in “helping” roles and thus, we wish to offer tools that will assist them. Thirdly, a distinct rise in contacts by a certain group may indicate the prevalence of a concern or concerns. However, it could also indicate an increase in awareness of the issues we deal with by that certain group. As mentioned previously, we frequently see an increase in calls after a presentation or workshop.

Although EHRS serves Western members, we are frequently contacted by persons not affiliated with Western for resources and referrals. EHRS attempts to stay up-to-date with the resources available within the London community.

B. Employment Equity

Western is committed to equity in employment. As a signatory to the federal government’s Federal Contractors Program (FCP) since 1988, and through its various policies, statements and initiatives, Western continues to work toward increasing the representation on campus of members of designated groups (women, visible minorities, Aboriginal persons and persons with disabilities), improving their employment status and ensuring their full participation in the University community. EHRS provides the primary support to the University to achieve its employment equity goals.

In November of 2006, EHRS hosted the Ontario Universities Employment and Educational Equity Network (OUEEEN) conference at Western. The theme of this two day conference was Cultivating Diversity on Campus. The conference was well attended and included representatives from universities across Canada. While various topics were explored, some notable sessions included discussions on the chilly climate for women, valuing diversity at work, as well as recruitment and retention issues for Aboriginal persons and persons with disabilities.

FCP Compliance

Since the last FCP compliance review in August 2002, EHRS has continued to follow through on the recommendations received from FCP representatives. Specifically, we have made efforts to increase communication about employment equity at Western, and to continue to increase the response rate to the employment equity self-identification survey. This is work that will be ongoing in future years as well.

Communication

During the past year, EHRS continued its efforts to raise awareness across campus about employment equity at Western. By working directly with a number of units, unions and associations, EHRS assisted in keeping employment equity in the discussion and consciousness of the community.

Some of the activities from the past year include:
• Presenting the results of the workforce analysis to Western’s Campus Council and soliciting feedback on changes to the report of the President’s Standing Committee on Employment Equity
• Meetings with various Deans on campus to discuss their faculty’s specific workforce composition and employment equity issues
• The continued assistance of employee groups, academic and administrative leaders was obtained in communicating information about the survey and employment equity to their members or employees.

Efforts to increase awareness of Western’s employment equity obligations and initiatives are vital to the success of any employment equity program and will continue.

EMPLOYMENT EQUITY SURVEY
The employment equity self-identification survey is an essential part of Western’s employment equity program as it is the only means by which the University can measure the representation of the four designated groups in its workforce. Increasing the response rate to Western’s survey was one of the key recommendations arising from the last FCP audit.

EHRS engages in regular e-mail communication with both new staff and faculty and those who have not yet responded to the survey. This system of regular reminders assists in maintaining a high response rate. As well, we continue to make the survey available as a PDF on our website so that those who have internet browsers that do not support the on-line survey may print off a survey for completion.

DATA COLLECTION AND ANALYSIS
To achieve and maintain a high response rate requires continued vigilance. By continuing to make the survey available in a variety of formats, and by working with various groups across campus, EHRS successfully increased the response rate to the survey during the past year. More specifically, EHRS implemented two new initiatives to further increase the participation of campus members.

By changing the length and content of the email messages sent to new employees and non-respondents, our office was able to successfully increase the response rates of both faculty and staff. Our staff response rate for full-time members rose to 83.8% (from 81.2%), while the faculty response rate rose to 70.6% (from 65.8%). Consequently, the overall response rate among full-time staff and faculty as of March 2007 increased to 79.2% (up from 73.5% in 2005-06).

A second initiative to increase the response rate was conducted between February and May of 2007. This initiative involved improving the response rate in the Schulich School of Medicine and Dentistry (“Schulich”), which is Western’s largest faculty and the faculty which had the lowest response rate. With the assistance of academic leaders and staff members in this faculty, EHRS implemented a multi-pronged approach to increase the response rate of faculty members in this area. Our combined efforts resulted in increasing the response rate at Schulich from 55% to 89%. While the impact of this initiative will not formally be reported in Western’s employment equity data until 2008, it appears that this increase in participation at Schulich will boost both Western’s faculty response rate as well as Western’s overall response rate to above 80%.
EHRS will continue to work with various individuals and groups on campus to review the current processes used to collect data on the designated group status of applicants for both administrative and faculty positions. As part of the FCP, and in support of Western’s employment equity initiatives, accurate and complete data on those applying to positions at Western is essential. There will be some opportunities for improvement in this area with some of the initiatives forthcoming from Human Resources with regard to staff recruitment. Consultations continue on the faculty side. Lastly, we continue to explore our options with regard to surveying part-time staff.

**PSCEE**

EHRS continues to provide extensive support to the work of the President’s Standing Committee for Employment Equity. As noted above, much of this work in the past year focused on increasing the response rate to the employment equity survey.

With an improved response rate to the survey comes a more complete and reliable picture of the Western community, and specifically the representation of designated group members in the community. EHRS and PSCEE have agreed to implement a new reporting structure for this year. While not yet fully completed at the time of publication of this Annual Report, EHRS will present a workforce analysis of the employment equity data in a format similar to last year’s PSCEE report. This workforce analysis will quantify the under-representation of the designated group members as determined by the guidelines set out in the Federal Contractors Program. As per the University’s employment equity policy, EHRS’s data report will be presented to the President’s Standing Committee for Employment Equity (PSCEE) and be used as the basis for the committee’s recommendations within their annual report.

**C. Educational Initiatives and Related Activities**

**TRAINING AND EDUCATIONAL INITIATIVES IN THE WESTERN COMMUNITY**

Education on issues of diversity, harassment, discrimination and employment equity help contribute to a safe and welcoming environment for staff, faculty and students at Western and assist in decreasing the number of complaints and consultations handled by our office.

EHRS continued its efforts to raise awareness of these issues across the University community. The following are some highlights of those programs:

**Staff**

- Presentations to PMA and PMA-eligible staff on the changes to the Harassment and Discrimination article in the employee agreement.
- Presentation on EHRS at the New Staff Orientation (3 sessions per year).
- Consulted with the e-Recruitment planning team from Human Resources; and,
- Spoke at several staff meetings, upon request, about issues of harassment and discrimination and EHRS generally.
- Development of a workshop for Physical Plant leaders and managers on addressing issues of harassment and discrimination in the workplace.
Faculty

- Responded to several requests to attend various faculty or department meetings to present on equity issues, provide information on the work of the office, or to take part in related discussion and dialogue.
- Presented at the Annual Chairs Summer Leadership Conference.

Students

- Continued to work closely with the USC, student groups on campus, and other campus services which assist students, to provide support or lead initiatives.
- Participating in the Residence Assistant Tours to provide information to all incoming Residence Assistants on the services provided by EHRS.
- Presenting information and leading discussions with the volunteer English Conversation Leaders from International Student Services.
- Conducting an education and awareness session with peer guides from International Student Services.
- Continuing to work with the Thames Valley District School Board to recruit and train Western students who facilitate the “Violence Prevention Program” in local high schools.
- Facilitating workshops on diversity, equity and professional issues to students as part of their academic courses, such as graduate level courses in the School of Communication Sciences and Disorders and to all of Ivey’s first year HBA students.
- With International Student Services and the Teaching Support Centre, the development of a cross-cultural communication workshop for graduate Engineering students.
- Participation in the O-Week Awareness Days fair.

Community

- Participation in the Diversity Open House, hosted by the City of London’s Diversity and Race Relations Committee (LDRRAC).
- Participation on the Abilities First coalition – a new venture being designed to encourage employers to understand the benefits of hiring persons with disabilities.

CONTINUING EDUCATION OF EHRS STAFF

In order to keep up-to-date on relevant legal and social developments, the EHRS staff has taken advantage of a number of professional development opportunities in the past year, including:

- Attendance at the Ontario University Employment and Educational Equity Network’s (OUEEN) annual conference.
- Attendance at the SES Conference on Accommodating Employees with Disabilities into the Workplace.
- Attendance at a workshop provided by HRSDC Canada on the Racism-Free Workplace Strategy.
- Attendance at the first annual Abilities First Conference.
• Attendance at the launch of London’s Global Talent initiative (to recruit more visible minority persons into London’s workforce).
• Attendance at the Ivey Diversity Conference.

COMMITTEES AND GROUPS

EHRS provides advice and support to a number of committees and groups across the University. In some cases, EHRS is the primary support for the work done by committees. These committees and groups include:

At Western:
• The President’s Committee on the Safety of Women on Campus
• The President’s Standing Committee on Employment Equity (PSCEE)
• Western’s Ontarians with Disabilities Act Committee (Chair)
  • Subcommittees: Accessibility Website
   Accessible Transportation (Chair)
• Western’s Barrier-Free Access and Safety Committee
• Safe Campus Community Committee
• The Joint Faculty/Administration Employment Equity Committee
• The C.A.R.E. Committee (formerly the Accessibility Development Committee)
• Respect.Western (The Video Project)
• Campus Communicators Network

In London Community:
• The London Diversity and Race Relations Advisory Committee (LDRRAC)
  • Subcommittee: Public Relations
• Ability First Coalition (London)

Additionally, this year, Western hosted the 2006 OUEEEN (Ontario Universities’ Employment and Educational Equity Conference). Substantial pre-conference planning and committee work was involved.

D. Observations and Recommendations

Western’s Non-Discrimination and Harassment Policy provides an opportunity for EHRS to provide observations and make recommendations with respect to the implementation of the policy. Although our office has routinely provided reflections (i.e. observations) in our past reports, we have not usually provided recommendations. However, as a result of our review of the past year’s activities, we are pleased to take this opportunity to offer recommendations on three important issues.

1. Climate

We remain committed to Western’s goal of creating a respectful environment for all of its members. Towards the end of this academic year, a spoof edition of the Gazette raised concerns on our campus and within the larger community. Since the publication of this edition, campus members have come together to engage in dialogue about our current campus climate and how we can work together, as a community, to create change and warm the climate for our students, staff and faculty. At forums held following the Gazette incident, questions were raised, such as:
Is the Gazette a symptom of a systemic problem on our campus (is there a climate at Western of sexism, misogyny, homophobia)?

Do we provide a welcoming environment that celebrates the diversity and needs of individuals? For example, is our graduate student experience “family friendly” for both males and females?

Are we dealing effectively with incidents of bullying on our campus? Are perpetrators “getting away” with it because others lack knowledge or fear standing up to confront the behaviour? This includes persons in authority – is action being taken when harassing behaviour comes to the attention of leaders and managers?

Recommendations

EHRS is committed to supporting the exploration and honest evaluation of the state of our campus’ diversity. We will be meeting with campus partners and any interested campus member to discuss issues relating to “climate”. Our intention is to produce a report that will assist our office and Western in responding to campus-wide concerns that relate to harassment and discrimination.

With respect to harassment, we recommend that the ability to address harassment and discrimination issues be directly linked to a leader or manager’s performance reviews and promotions. A supervisor, leader or manager who either refuses to deal with harassment or chooses not to notice disrespect in the academic or workplace setting, creates a bigger problem.

Based on consultation matters that have come to our attention over this past year, we recommend a review of Western’s policies and practices relating to family status, and in particular, issues relating to parental leave. As part of this review, we propose that a confidential survey of faculty and staff who have taken parental leave be conducted in order to understand their experiences with taking leave and returning from leave. Based on the results of the survey, further recommendations will be identified.

2. Safety

Over the past year, our office became involved in a four serious cases of sexual harassment. Although, each incident of sexual harassment warrants attention and concern, the occurrence of behaviour, such as stalking (criminal harassment) or threats, requires immediate and decisive action by our office and other campus resources. EHRS has a firm commitment to confidentiality, but there are situations where exceptions to our confidentiality practice must be made. These are situations where there is danger: danger to the person who approaches our office regarding an issue or danger to anyone else in our community. In such cases, EHRS reserves the right to bring the information to the Campus Police, senior administration and/or other members of the community who need the information in order to deal with the danger or make others safe.

In the four cases this past year, the complainants were graduate students. In three of the four cases, the respondents were also graduate students. Although, we do not wish to suggest that graduate students are only to blame or are most vulnerable, we are concerned about these figures.
\textit{Recommendations}

We are pleased to note that, at the time of writing, the Safe Campus Community Committee, led by Campus Police, is developing a policy and educational framework. With the full knowledge that a policy is only as good as its implementation and understanding by the community, the Safe Campus Community Committee hopes to create a program that will educate campus members about safety, warning signs, and how to get help for situations of concern.

With regard to our concerns about the increase of criminal harassment (or, stalking) incidents, we recommend an awareness campaign for the coming year. We also note that the most recent statistics from Campus Community Police Services (CCPS) show an increase in occurrences of this nature over the last two years as well. This is an issue that needs to be addressed immediately and EHRS will work with our campus partners to raise awareness about the resources that are available to the targets of such behaviour.

We hope to increase our partnership with the Faculty of Graduate Studies (FGS) in order to address matters specifically relating to graduate students. We understand that FGS is engaged in many initiatives for which EHRS would be pleased to lend its support. At Western, we must ensure that graduate students are not only aware of the campus’ current resources and services but also that Western is offering the resources and services needed by our graduate students.

3. \textit{Employment Equity}

This year marks a success in the employment equity realm. Western has achieved an 80\% campus-wide response rate to the Employment Equity survey. This now puts us in an ideal position for conducting an Employment Systems Review – a requirement of the Federal Contractors Program – which will begin by the fall of 2007. This review will look at Western’s policies and procedures and assist the University in its capacity to recruit, retain and promote skilled designated groups effectively. We look forward to this review and to the learnings that will result – for the benefit of our campus.

\textit{Recommendations}

All campus members are encouraged to consider whether there are policies and practices in place on campus which unfairly exclude members of the designated groups (women, visible minorities, Aboriginal persons, and/or persons with disabilities) from participating fully in employment at Western. EHRS is committed to supporting the exploration and honest evaluation of employment equity on our campus. In preparation for the upcoming Employment Systems Review, we are interested in meeting with campus partners and any interested campus member to discuss employment equity issues. More specifically, we are interested in receiving input about any policy or practice with respect to the following:

a) the recruitment, selection and hiring of employees;
b) the development and training of employees;
c) the promotion of employees;
d) the retention and termination of employees; and
e) the reasonable accommodation of the special needs of members of the designated groups.
A final word of thanks…

As always, our work at EHRS would not be possible without the support of those who are at Western to study, teach and work. We welcome the opportunity to meet with the students, staff and faculty of Western to provide advice, to discuss equity-related issues or to provide education, training or workshops on issues relating to employment equity and human rights.
Appendix

What Is Equity & Human Rights Services (EHRS)?

EHRS exists to support the commitments Western has made to diversity and to providing a work and study environment for everyone that is free from harassment and discrimination.

The services of the office are confidential and information we receive from individuals is not shared with others except in rare cases. Our services are available to all members of the University community – staff, faculty and students.

Working within the existing policy structure at Western, EHRS assists any individual in the Western community who believes he or she is experiencing harassment and/or discrimination. The office provides information, advice and assistance to these individuals, which may include attempts at informal resolution of the matter, receipt of a formal complaint, mediation and investigation of the complaint.

An important part of developing and maintaining an environment free of discrimination and harassment is facilitating various educational and training opportunities. EHRS organizes workshops, distributes information, and partners with or supports various University and community groups that help raise awareness on issues of human rights and employment equity.

The Policy Structure at Western

To put the activities of the office in context, one must be familiar with the various policies in place at Western that relate to equity and human rights issues.

Currently, there are two policies contained in the University’s Manual of Administrative Policies and Procedures (MAPP) that provide a structure for the work done by EHRS:

- Non-Discrimination/Harassment Policy (MAPP 1.35); and,
- The Employment Equity Policy (MAPP 3.2).

In addition, all of the employee groups on campus have incorporated specific Non-Discrimination/Harassment clauses into their collective or employment agreements with the University.

The following is a brief overview of these policies:

A. Non-Discrimination/Harassment Policy

Approved by the Board of Governors in November 2003, this policy superseded the University’s earlier Sexual Harassment Policy & Procedures and Race Relations Policy. It expands the prohibited grounds of harassment and discrimination to include all grounds covered by the Ontario Human Rights Code. The policy also covers “general” harassment, defined as conduct or behaviour that creates an intimidating, demeaning or hostile working or academic environment. It sets out an informal resolution procedure that can be used by a complainant, but does not include any disciplinary procedures. Complaints of a breach of the policy which are not resolved informally are dealt with in accordance with the procedures that are applicable to the respondent. The informal resolution procedure is the same as
that found in the non-discrimination/harassment clauses in the various collective and employment agreements detailed below.

**B. Employment Equity Policy**

This policy, which outlines the University’s commitment to employment equity, was revised in 2001 to better articulate the University’s support for employment equity and to reflect the current employment environment on campus. The policy was originally put in place when the University became a signatory to the Federal Contractors Program in 1988. The policy outlines Western’s objectives and establishes the President’s Standing Committee for Employment Equity (PSCEE). The policy provides that EHRS is responsible for facilitating the implementation of the Employment Equity Policy.

**C. Non-Discrimination/Harassment Clauses**

Western’s employee groups on campus have Non-Discrimination/Harassment clauses in their collective or employment agreements with the University. For members of these groups, these clauses supersede the University’s administrative policies on these issues.

These clauses almost identical to the Non-Discrimination/Harassment Policy described above, but go further in that they set out a formal procedure to be followed by members of that employee group who are involved in a complaint of harassment or discrimination that is not resolved informally. Most of the matters handled by EHRS are dealt with under these clauses.

**The Complaint Process**

EHRS is charged with the responsibility of handling all complaints of harassment or discrimination that come before it. Regardless of which policy governs, the focus of the office is on informal resolution where possible and appropriate.

It is important at the outset to comment on the confidential nature of the services provided by EHRS. Without the commitment of confidentiality, many individuals would not come forward and seek the assistance of this office. All members of the University community have the right to contact the office to discuss concerns they may have about harassment and/or discrimination.

All individuals who are involved in matters with the office are told in their initial meeting that any discussions with EHRS staff are kept confidential by the office. Information pertaining to complaints is not shared with supervisors, Human Resources, administration or other individuals at Western without the consent of the individual, except in the following circumstance. If an individual discloses information to the EHRS staff which indicates, in the opinion of the staff, that a danger may exist to that individual or to other members of the community, it is necessary to disclose that information to members of the senior administration and/or Campus Police. In such cases, the staff will advise the individual of the need to act and seek his or her consent to proceed if possible. However, it is made clear to all individuals that the office will proceed without such consent if necessary.

Further, all parties involved in a complaint, and often, consultations, are strongly urged by the EHRS staff to keep the existence and details of the matter confidential. However, the office cannot control information that is discussed by parties to a complaint and there is no enforcement mechanism available to the office to ensure such confidentiality is maintained.
by the parties. It is acknowledged, however, in the Non-Discrimination/Harassment Policy, that a breach of confidentiality may lead to a termination of the informal resolution procedure by EHRS staff. It is also the position of EHRS that a breach of that confidentiality request by one or more of the parties does not change the obligation of the EHRS staff to maintain their confidentiality.

Although the processes differ depending upon which policy or clause a complaint proceeds under, it is possible to identify common steps in each process for the purpose of this report (available under employee agreements). These common steps are:

- informal mediation efforts
- investigation by external party
- hearing

Under all policies and clauses, it is the approach of EHRS to attempt first to mediate a resolution of the complaint informally between the parties where appropriate. If that attempt is not successful, the matter may then be turned over to an independent investigator to conduct an investigation. It is the role of the investigator to establish whether or not there is a basis for the complaint, described in the Non-Discrimination/Harassment clauses as a "prima facie" case of harassment or discrimination. A "prima facie" case exists when there is evidence which, if not challenged or disproven, is sufficient to substantiate the complaint. If the investigation finds no prima facie case exists, the matter is at an end; if a prima facie case is found to exist, the EHRS staff will make a further attempt at mediating a resolution. If this effort fails, the matter may be put forward for a hearing.
Definitions of Terms Used in this Report

The following is a list of terms which are used throughout the report:

“Administrative Person”: This group includes those staff and faculty who are working in administrative positions who seek the assistance of EHRS in the context of their administrative roles (as opposed to personally).

“Complaint”: Instances where a formal complaint has been filed or where EHRS has taken an active and ongoing role in assisting a member of the University community with respect to a harassment or discrimination related situation.

“Consultation”: Instances where EHRS has provided guidance or consultation on equity-related issues but where EHRS has not taken an active and ongoing role in the matter.

“Discrimination”: Unequal or differential treatment of a person or persons that is not based on individual or group performance but is, instead, based on inappropriate considerations such as race, religion, skin colour, age, physical or mental capabilities, creed, ethnic background, sexual orientation, gender, place of origin, family status, etc.

“Employment Equity”: The effort to ensure that the University’s workforce at all levels and in all areas is representative of the outside community by eliminating artificial barriers to the recruitment, hiring, retention, and promotion of members of traditionally disadvantaged groups.

“General Harassment”: A course of vexatious comment or conduct that creates an intimidating, demeaning or hostile working or academic environment.

“Harassment”: A course of vexatious comment or conduct directed at one or more people, which is known or ought to be known to be unwelcome and which is based on a prohibited ground of discrimination or has the effect of creating an intimidating, hostile, or demeaning work or study environment.

“Investigation”: A stage in the process of resolving a complaint in which an independent investigator is retained to establish whether or not there is sufficient evidence of harassment or discrimination to warrant the matter proceeding further.

“Mediated Resolution”: An agreement to which both (or all) parties consent which is arrived at through negotiation with the assistance of EHRS.

“Ongoing Matter”: A complaint which is initiated during one reporting period but not resolved until another reporting period (for example, it could be initiated prior to May 1, 2006 and not resolved until after May 1, 2007. It should be noted that, even when a
complaint is resolved, EHRS often maintains an ongoing role in monitoring the resolution, if necessary).

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>“Panel of Inquiry”:</td>
<td>An independent panel of 3 individuals which, pursuant to the various non-discrimination/harassment clauses, holds a hearing into a complaint and makes findings of fact pertaining to the complaint of harassment or discrimination.</td>
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<tr>
<td>“Racial Discrimination”:</td>
<td>Unequal or differential treatment of a person or persons based on their racial group membership, skin colour, ethnic background, place of origin, language, or religious belief.</td>
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<tr>
<td>“Racial Harassment”:</td>
<td>A vexatious course of comment or conduct of a racially oriented nature that is known or ought to be known to be unwelcome.</td>
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<tr>
<td>“Sexual Harassment”:</td>
<td>A course of vexatious comment or conduct directed at one or more people on the basis of their gender or sexual orientation, which conduct is known or ought to be known to be unwelcome.</td>
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<tr>
<td>“Withdrawn”:</td>
<td>Where a complaint is not pursued by the complainant. A complaint may be withdrawn by a complainant directing EHRS to cease its involvement in the case or by ceasing to contact EHRS or by failing to respond to attempted contacts by EHRS.</td>
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