ANNUAL REPORT

(May 1, 2007 to April 30, 2008)
INTRODUCTION

This report covers the period of May 1, 2007 to April 30, 2008 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 and consultations handled 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 initiatives our office has been involved in over the past year including EHRS ‘participation in the Safe Campus Community and ongoing training and development programs offered by the office. The final section of this report presents 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, 2007 through April 30, 2008.

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. In cases where the matter has had a number of consultations prior to filing a formal complaint the office has counted the consultations prior to the issuing of the complaint as consultations and then opened a complaint file once the formal complaint was received by the office.

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 consultation can also refer to a request such as an inquiry about brochures or other EHRS resources such as multi-faith calendars. Some matters have required numerous consultations but do not have the same level of active ongoing involvement that would classify them as complaints. The majority of consultations are individual or groups which are seen by the office once or twice in regards to the matter in question.

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. As such a comparison of the number of consultations and complaints one year over the next may not completely reflect the level of work done in complex and ongoing matters.
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, the Office Faculty Relations, Campus Police, the Ombudsperson Office, the Student Development Centre, 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 the attention of the Equity & Human Rights Services office.
COMPLAINTS

During the reporting period, EHRS staff were 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, 2007)

<table>
<thead>
<tr>
<th>Ongoing as of May 1, 2007</th>
<th>New During Reporting Period</th>
<th>Resolved During Reporting Period</th>
<th>Ongoing as of May 30, 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>11</td>
<td>13</td>
<td>5</td>
</tr>
</tbody>
</table>

GROUNDs FOR COMPLAINTS

In Figure 2 below, the eleven new complaints filed over the reporting period 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>2</td>
<td>0</td>
</tr>
<tr>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>0</td>
<td>1</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 was noted in the prior year’s annual report, general harassment continues to be the most frequent basis for a complaint received by the office. General harassment is often colloquially referred to as “bullying” type behaviour. This type of behaviour is of particular concern for the office. EHRS in collaboration with Human Resources Learning and Development, various unions leaders, the Office of Faculty Relations and employee groups designed new workshops dealing with general harassment and respect for members of the university community. These sessions will be held starting in the months of May and June 2008 with more to follow in later 2008. This work is in addition to the ongoing training that EHRS provides to faculty, student and staff on harassment, discrimination and diversity as requested as part of the ongoing outreach work of the office.
PARTIES TO COMPLAINTS

Complainants and Respondents by Gender

The complainant and respondent statistics by gender breakdown are as follows for the reporting period:

- 11 complainants of whom 4 were male and 7 were female; and 11 respondents of whom 9 were male and 2 female.

Complainants and Respondents by University Affiliation

The parties to a complaint are categorized by university affiliation into 6 groups for the purposes of this report. These categories are: undergraduate student, graduate student; staff, faculty, administration and group.

As illustrated in the chart below, 2 complaints involved undergraduate students as the complainants and faculty as the respondent. There was one complaint involving a staff member as the complainant and the faculty as the respondent. There was one complaint where the complainant was staff and the respondent was in the administration category. There was one faculty to faculty complaint, and one complaint where the complainant was faculty and the respondent was in the administration category. There were 5 complaints involving staff complainants and staff respondents.

Figure 3 shows the university affiliation (i.e., student, staff or faculty member) of the complainant and respondent.

<table>
<thead>
<tr>
<th>Complainants</th>
<th>Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Complainant</strong></td>
<td>U/G</td>
</tr>
<tr>
<td>Undergraduate Student</td>
<td>0</td>
</tr>
<tr>
<td>Graduate Student</td>
<td>0</td>
</tr>
<tr>
<td>Staff</td>
<td>0</td>
</tr>
<tr>
<td>Faculty</td>
<td>0</td>
</tr>
<tr>
<td>Admin</td>
<td>0</td>
</tr>
<tr>
<td>Group</td>
<td>0</td>
</tr>
<tr>
<td><strong>Respondent</strong></td>
<td>U/G</td>
</tr>
<tr>
<td>Totals</td>
<td>0</td>
</tr>
</tbody>
</table>
Staff members represented the most complainants this year. The number of complaints by graduate students dropped to zero in comparison to the last three reporting periods where complaints from graduate students had grown from one complaint in 2004-05 to three in 2005-06 to four the 2006-07 reporting year.

There were no group complaints filed in the reporting period but the office did have some group consultations. Complainants have the right to file as an individual or to file as a group.

**RESOLUTIONS**

**Figure 4**
Resolutions (May 1, 2006 to April 30, 2007)

<table>
<thead>
<tr>
<th>Mediated Resolutions</th>
<th>No Breach of Policy Found</th>
<th>University Action</th>
<th>Withdrawn by Complainant</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>0</td>
<td>7</td>
<td>1</td>
</tr>
</tbody>
</table>

**Commentary**
The majority of complaints continue to be resolved through mediation or with some form of university action. Many of the complaints brought to our office are well suited to resolution with the agreement and assistance of the parties concerned. Some of the matters which resolved through mediation may involve some limited university action agreed to by the parties to the mediation themselves. Some the complaints required university action in order to effect a resolution. The university action taken can vary greatly based on the specific circumstances of the complaint.
CONSULTATIONS

Figure 5

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>12</td>
<td>7</td>
</tr>
<tr>
<td>Graduate</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Staff</td>
<td>79</td>
<td>41</td>
</tr>
<tr>
<td>Faculty</td>
<td>9</td>
<td>7</td>
</tr>
<tr>
<td>Union</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Admin</td>
<td>47</td>
<td>27</td>
</tr>
<tr>
<td>Non-UWO</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>199</strong></td>
<td><strong>87</strong></td>
</tr>
</tbody>
</table>

Commentary

University Affiliation

As in the prior reporting period, the number of consultations by individuals contacting the office as part of their administrative role for support and information on dealing with issues of harassment and discrimination was significant at 74 consultations. The largest number of consultations however, by affiliation was Staff. In past years, Staff have tended to have a relatively high number of consultations (47 in the last reporting year) but this year that number increased significantly to 120. This is a group that may require additional support in the area of harassment and respectful workplace. It should be noted that staff represent 64% percent of the employee population as reported in Western Facts for 2007/2008. As noted earlier in the report, workshops featuring actors depicting general harassment, identifying services and resource available at Western and responses to concerns of harassment were provided to a large number of staff in the May and June 2008. These workshops were developed March and April 2008 in collaboration between the office, Human Resource’s Learning and Development, union leaders and staff associations. Leaders from both the University and the participating unions will be supporting the sessions with messages about the importance of the issue and the commitment of the University in time and resources to further promote and encourage the University’s culture of respect and promote a climate of inclusion for all members of the University community.

Gender

The majority of people who contacted the office for consultations are female, in 2006-07, 70% of the people who contacted the office were female and this is up to 75% in 2007-08. In each affiliation group females represented the majority of those who consulted the office. The 2007/2007 Western Facts report that women represent 52% of the total employee population at Western.
NATURE OF CONSULTATIONS

Figure 6
Consultation Matters by Issue

Note: – Consultations on more than one enumerated issue are listed multiple times.
Sex = Sex, gender and sexual orientation
Race = includes Race, Religion, Ethnic Background, Country of Origin, Colour, etc.
Gen = General
Oth = Other
Disab = Disability
RelAcc = Religious Accommodation
E.E. = Employment Equity
Res = Resources

Commentary

The number of consultations on general harassment rose to (114) which is a significant increase from (74) consultations reported in 2006-07. Included in this number are consultations with staff and academic leaders in regards to handling situations of general harassment. The office is of the view that many leaders are taking positive steps to deal with issues of general harassment in their units and departments. EHRS will continue to provide resources and training for leaders dealing with issues of general harassment.

The office continues to receive a significant number of consultations about disability related inquiries (19). EHRS is continuing to make efforts to promote accessibility. EHRS is of the view that strong collaborative relationships with community members and university services with expertise on accommodation will provide an effective approach for further developing resources and services. Accordingly, in the fall of 2007, Equity & Human Rights Services took a leadership role in two important initiatives of the Western Ontarian’s Disability Accommodation Committee (WODAC): the creation of the ‘Accessibility at Western’ website (http://accessibility.uwo.ca/) and the identification of a new bus transportation services for disabled members of the University community. Information on these initiatives is detailed in the 2007 Accessibility Plan for the University available at: http://accessibility.uwo.ca/wodac.htm.

The office has had some consultations on the issue of age discrimination. No formal complaints were filed on this issue but the office was consulted by individuals concerned with the issue of possible age discrimination.
As part of its commitment to promoting diversity and religious accommodation in particular, the office has continued to produce a multi-faith academic calendar available online on its website. In December 2007 as in past years; the office purchased and distributed 200 Multifaith calendars to Deans and Administrative leaders. The office continues to provide information in resources to members of the University community in regards to religious accommodation.

The office has increased the resources and materials available on its website. Though there has been a drop in the resource requests shown in the overall consultation number it is possible that more and more members of the University community are accessing multi-faith calendars and other information and resources directly from our website. EHRS website has experienced an average of approximately 10,000 hits monthly.

During the reporting period EHRS saw an increase in consultations for the period of January to April 2008. It is impossible to determine at this point whether this will continue through the balance of 2008 or whether this identifies a normally high period for consultations during the second half of academic year.

**COMPARISON DATA**

Our comparison data covers the period from May 2003 to April 2008. Below are graphs showing trends in complaints, resolutions and consultations.

**COMPLAINTS**

![Harassment Complaints by Issue - 2003 to 2008](image)
**Commentary**

Consistent with observations in the 2006-07 Annual Report the most complaints received related to general harassment. The office is of the view that the University community’s increasing awareness about general harassment may be part of the reason that general harassment continues to be the most common complaint and most frequent consultation issue. Individuals may be becoming increasingly aware and knowledgeable about general harassment and feel more comfortable in coming forward.

Thought the office had numerous consultations in regards to discrimination it would seem that individuals do not often proceed with complaints. Discrimination is seldom overt and often is reported as subtle behaviour. Concerns reported by individuals who contacted our office included apprehension at not being able to demonstrate convincingly that the conduct in question was linked to a prohibited ground as defined in the Ontario Human Rights Code.
Commentary

The data on resolution mechanisms demonstrates that the most common methods of resolution for complaints are consistently mediated resolutions or university action.

CONSULTATIONS

Figures 10 and 11 depict the most common types of consultations we receive each year. Not all possible grounds of harassment and discrimination are shown.
Commentary

In regards to trend data it is clear that from 2003 to 2008 the most frequent issue the office was consulted about was general harassment. On a percentage basis consultations regarding general harassment have fluctuated from 20% to 43% of all reported consultations.

General harassment consultations represented 43% of consultations 2007-2008, 26% in 2006/2007, 20% in 2005-2006 and 36% in 2004-2005. This data indicates the need for continued resources in 2008-09 for information and education in the area of general harassment.

Consultations regarding discrimination are more dispersed compared to those for harassment concerns but the two main issues are accommodation related to disability or religious accommodation. Accommodation issues can vary from relatively straightforward to highly complex and may require the assistance of other university services.

It is expected that consultations on issues of accommodation will continue to grow. The legislative environment in Ontario around issues of accommodation is changing as the province is expected to continue to develop accessibility standards through regulation until 2025. In January 1, 2008 Ontario Regulations 429/07 and 430/07 – Accessibility Standards for Customer Service pursuant to the Accessibility for Ontarians with Disabilities Act, 2005 came into force. This will require an integrated response from the University on how to best comply with this regulation.
Consultations by Affiliation of Requesting Party - 2003 to 2008

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

Commentary

The reporting period saw a marked increase in consultations with Staff. All other affiliated groups remained consistent with prior years. The number of consultations increased substantially in the first four months of 2008. Awareness relating to general harassment issues likely increased in part due to the January 2008 Leader Forum on Respectful Workplace and the February Staff Conference which featured Barbara Carloroso speaking on bullying as well some other related sessions.

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.
FCP COMPLIANCE

The university renewed its Certificate of Commitment to Implement Employment Equity as required under the FCP in May 2008.

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 continued to make efforts to increase the response rate to the employment equity self-identification survey and to increase communication about employment equity at Western.

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. As a result of these ongoing efforts, Western’s 2008 employment equity survey response rate is 86.1%, which is higher than the 80% threshold identified by Human Resources and Social Development Canada (HRSDC) to ensure accurate employment equity data.

DATA COLLECTION AND ANALYSIS: EMPLOYMENT SYSTEMS REVIEW

Starting in the fall of 2008, the University will be undergoing an Employment Systems Review (ESR) pursuant to the requirements of the Federal Contractors Program (FCP) and employment equity legislation. The ESR will be undertaken with the assistance of consultants with expertise in conducting these types of reviews for complex organizations. Over the past year, EHRS identified the preferred consultants through a search process that included canvassing submissions for consultants from members of the University community and The President’s Standing Committee on Employment Equity (PSCEE).

The ESR will examine the application of policies and practices relating to the employment systems for occupational groups, where under-representations in the workforce by the designated group members have been identified based on the Workforce Analysis Report. EHRS will be involved with the ESR, including providing assistance to identify the resources, policies and practices which will need to be reviewed and to identify appropriate personnel for interviews and focus group participation among both administrative staff and faculty members.

The ESR consultants will conduct an analysis and produce a report which will identify barriers in the University’s employment systems where gaps in representation of the designated group members have been identified.

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:

- Assisting in the creation of the new edition of the Employment Equity Guide for Appointments Committees and Promotion and/or tenure Committees for Faculty and Librarian/Archivists.
- Presenting the results of the workforce analysis to a variety of committees and councils on Western’s campus and soliciting feedback on changes to the report of the President’s Standing Committee on Employment Equity
- 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.

PSCEE

EHRS continues to provide extensive support to the work of the President’s Standing Committee for Employment Equity. Consequently, PSCEE provided numerous recommendations regarding employment equity to the President. Many of these recommendations centred on making Western a more welcoming community for members of the designated group members. Equally important, the committee recommended that Western should continue to improve upon its own employment equity data and seek out additional employment equity data as appropriate. For more information, the 2007-2008 PSCEE Report can be accessed at: [http://www.uwo.ca/equity/docs/PSCEE_report_2007.pdf](http://www.uwo.ca/equity/docs/PSCEE_report_2007.pdf)

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.

As part of ongoing work on promoting a climate of respect EHRS collaborated with Learning and Development, various union leaders, the Office of Faculty Relations and employee groups to design workshops on Respect to be presented to a large number of staff and to academic leaders. These workshops were designed for each employee group and used actors to depict: harassing behaviour, how to respond to this behaviour and to highlight the services and resources available at Western to deal with harassment and discrimination. The workshops also provide information on safety and highlighted the de-escalation techniques and appropriate response to safety concerns. These initiatives followed from the January Leaders Forum which featured Dr. Davenport speaking about Defining and Promoting a Culture of Respect.
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).

**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 to student groups on issues of discrimination and Harassment including: CIM students, audiology and speech pathology students among others.
- Conducting an education and awareness session with peer guides from International Student Services.
- Continued 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:

**Courses**

Mental Health First Aid Training, Mental Health First Aid Canada, The University of Western Ontario, London, ON (March 18 & 19, 2008)
Collaborative Conflict Resolution, Continuing Studies at Western, London, ON (September 17 & 18, 2007)

**Conferences**

Race and Diversity in Higher Education, Joint CAPDHHE-UEEEEEN Conference, Ottawa, ON (May 6-8, 2008)
Ability First Conference, London, ON (November 06, 2007)

**Workshops**

The Bully, The Bullied and The Bystander, Barbaro Coloroso, UWO Staff Conference, London ON (February 28, 2008)
Preventing Workplace Violence, Arete Safety and Protection Inc., UWO staff Conference, London, ON (February 27, 2008)
Let’s Put Bullying Out of Business, FSEAP Thames Valley, London, ON (November 21, 2007)
Keeping the Balance: A Mental Health Education Program for Leaders and Supervisors, UWO Rehabilitation Services, London, ON (September 19, 2007)
Mental Health in the Workplace, UWO PMA Equity Week, London, ON (June 07, 2007)
Words that Hurt, UWO PMA Equity Week, London, ON (June 05, 2007)
Cross Cultural Awareness, UWO PMA Equity Week, London, ON (June 06, 2007)
Supporting Gay and Lesbian International Students Seminar, UWO, London, ON (May 24, 2007)
Responding to the Rainbow: Diversity in Education, UWO Spring Perspectives on Teaching Conference, London, ON (May 3, 2007)
Immigration 101 Communication, Lunch and Learn UWO, London, ON (June 2007)
Resolving Conflict, Family Services, Employee Assistance Programs, FSEAP Thames Valley, London, ON (2006)

**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)
• 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

D. Observations and Recommendations

Western’s Non-Discrimination and Harassment Policy provides an opportunity for Equity & Human Rights Services to provide observations and recommendation with respect to the implementation of the policy.

Recommendations

Consistent with the EHRS’s commitment to supporting an honest exploration of our campus diversity and continued efforts to promote a safe and respect environment for all members of the University to work and study. We recommend that resources continue to be made available to further support employees and leaders in promoting a respectful and safe workplace for all members of our community.

Recognizing that the University is a highly complex and decentralized environment we recommend that training be made available for academic and staff leaders on handling issues relating to harassment and discrimination in their units. In the 2006-07 report we recommended that a leader’s ability to address harassment and discrimination issues be directly linked to a leader or manager’s performance. Training and development for leaders around the skills and knowledge required to effectively deal with these issues will enable leaders to become more knowledgeable and effective at dealing with these difficult issues.

As we develop increasing material and workshops on harassment and respectful a workplace it is anticipated that there will be an opportunity to use webct technology to provide easy, cost effective and accessible training and information on these issues. We recommend that training and information on harassment be developed on webct as part of the continued work of the Safe Campus Community to assist in reaching all members of our university community.

Observations

The 2007/2008 year saw a number of successful collaborations and partnerships between the office and other university service providers. In particular the work being done for the Safe Campus Committee including the development of a new safe campus community
website for the fall of 2008, and the collaborative efforts between the office, Learning and Development, union and employee groups in the design and delivery of Respect in Action workshops. The Office has met several times with the Equity colleagues in the affiliated colleges of Brescia College, Huron College and King’s College to better understand each others processes and policies with a goal of continuing to improve service delivery for all our university community on issues of harassment and discrimination.

As can be expected changes in legislation will need to be responded to by the University for example, recent changes in the limitation period for filing a complaint under the Ontario Human Rights Code from 6 months to 12 months may require the office to make a recommendation to the University in the future in regard to changing the limitation period for filing complaints under the University Non-discrimination /Harassment Policy (MAPP 1.35)
New regulations on accessibility standards will affect some of the office’s future work on accommodation issues and accessibility.

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).

“Panel of Inquiry”: 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.

“Racial Discrimination”: 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.

“Racial Harassment”: A vexatious course of comment or conduct of a racially oriented nature that is known or ought to be known to be unwelcome.

“Sexual Harassment”: 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.

“Withdrawn”: 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.

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1 Occupational Groups refer to the list of job classes specified under the Employment Equity Act and its associated regulations.