INTRODUCTION

This report covers the period of May 1, 2008 to April 30, 2009 and summarizes the activities of Equity & Human Rights Services (EHRS) over that period. It is divided into several sections:

A. Harassment and Discrimination
B. Employment Equity
C. Educational Initiatives and Related Activities
D. Observations and Recommendations

An appendix is also included that contains information on EHRS and the policy structure at Western as it relates to the work of the office as well as definitions necessary for reading this report and understanding the work done in the office.

A. HARASSMENT AND DISCRIMINATION

EHRS categorizes matters related to harassment and/or discrimination as either complaints or consultations:

A “complaint” refers to a formal complaint under Western’s non-discrimination and harassment policies. A formal complaint must be in writing, signed and dated by a complainant(s) and name a respondent(s). However, we also used the term “complaint” to refer to those matters in which EHRS has taken an active and/or on-going role in providing advice, consultation or assistance in reaching a resolution without a party filing a formal complaint.

A “consultation” refers to where EHRS has been contacted for information or guidance on an equity-related issue, but where EHRS has not taken an active or on-going role in the matter. A consultation may also be a request for resources or equity-based training.

A statistical review of the work done by EHRS 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 for both complaints and consultations.

Although EHRS is the office charged with administering Western’s non-discrimination and harassment policies, other departments such as Human Resources, the Office of Faculty Relations or the Ombudsperson Office may deal with matters which have a harassment or discrimination component because of the policies or procedures within their jurisdiction (such as Student Code of Conduct or the performance management process). If requested, EHRS will provide advice or assistance wherever possible (subject to confidentiality concerns). This report, therefore, only reflects those matters which have come to the attention of the Equity & Human Rights Services office.
COMPLAINTS

What follows is a statistical record and commentary of matters related to harassment and/or discrimination, including resolutions or determinations. Where appropriate, we have combined the current reporting year and trend data (for the past five years). Data for the current reporting period of May 1, 2008 through April 30, 2009 are shown in bold.

During the current reporting period, the EHRS staff received twenty complaints under Western’s Non-Discrimination/Harassment Policy (MAPP 1.35) or under the Non-Discrimination/Harassment articles or clauses. Figure 1 breaks down complaints according to their status at the beginning and end of the reporting period.

**Figure 1**

<table>
<thead>
<tr>
<th>Status of Complaints (at April 30, 2009)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ongoing as of May 1, 2008</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>

Fifteen complaints were resolved over the past year. Figure 2 shows the type of resolution for each complaint.

**Figure 2**

<table>
<thead>
<tr>
<th>Complaints resolved during the reporting period (n=15)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mediated Resolutions</td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>

We are seeing an increase in the number of clients requesting facilitated discussion prior to, or in place of, the formal complaint process. This may be because a client is hesitant to file a formal complaint for reasons which may include the potential length of time from start to conclusion, concerns that the respondent may share the complaint document with others, or fears that the act of filing a “formal” complaint may further polarize the parties and/or increase negative feelings or behaviours. Often clients request an opportunity to discuss concerns with the other party in an atmosphere that is safe and where a neutral third party (EHRS) is able to facilitate the discussion. These facilitated discussions typically follow a mediation-based model, with a focus on reaching a shared understanding and a mutually agreeable resolution. Any person using our office’s services is always entitled to all their usual rights found under the collective or employee agreements (including being accompanied by a union representative and/or a supportive colleague or friend). In the appropriate case, our experience has been that facilitated discussion is of great benefit to the parties in not only resolving their differences, but also repairing (or beginning to repair) their interpersonal relationship.
Figure 3

Complaints by Issue (2004-2009)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>H (Harassment)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H - Sexual</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>H - Racial</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>H - General</td>
<td>6</td>
<td>6</td>
<td>10</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>D (Discrimination)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D - Sex</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>D - Race</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>D - Disability</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Notes: (1) Complaints based on more than one enumerated ground are listed multiple times. (2) Racial Discrimination includes complaints based on religious accommodation.

**COMMENTARY**

General harassment continues to be the most frequent basis for a complaint. General harassment is sometimes termed “personal” or “psychological” harassment. This past year EHRS, in collaboration with Human Resources’ Learning and Development and other campus partners, developed the “SAY YES TO RESPECT” workshop intended to educate employees about harassment and their right to a safe and respectful working and learning environment. In addition and upon request, EHRS provides training to University members about harassment, discrimination and diversity as part of our ongoing outreach work.

Sexual harassment is the second most frequent ground of formal complaint. Many of these complaints give rise to personal safety concerns for the target. We work in conjunction with campus partners, such as Campus Police, and ensure that we have a reliable and up-to-date list of community and campus resources designed to assist persons experiencing more difficult, or threatening, behaviours.

**PARTIES TO COMPLAINTS**

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

**15 complainants:**
- 5 male
- 9 female
- 1 "group"

**15 respondents:**
- 8 male
- 5 female
- 2 "group"
Figure 4 displays the parties to a complaint categorized by university affiliation (undergraduate student, graduate student, staff, faculty, administration or group) and shows who filed a complaint against whom this past year.

**Figure 4**

Complainants and Respondents by University Affiliation  
(May 1, 2008 – April 30, 2009)

<table>
<thead>
<tr>
<th>Complainants</th>
<th>U/G</th>
<th>Grad</th>
<th>Staff</th>
<th>Fac</th>
<th>Admin</th>
<th>Other</th>
<th>Complainant Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergraduate Student</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Graduate Student</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Staff</td>
<td>-</td>
<td>-</td>
<td>6</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>Faculty</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Admin</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td><strong>Respondent Totals</strong></td>
<td>-</td>
<td>-</td>
<td>6</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td><strong>15</strong></td>
</tr>
</tbody>
</table>

Figures 5a and 5b show the affiliations of complainants and respondents involved in formal complaint proceedings over the past five years.

**Figure 5a**

Complainants by Affiliation  
(2004-2009)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergraduate</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Graduate</td>
<td>1</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Staff</td>
<td>4</td>
<td>3</td>
<td>6</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Faculty</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Admin</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Other*</td>
<td>n/a</td>
<td>n/a</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

**Figure 5b**

Respondents by Affiliation  
(2004-2009)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergraduate</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Graduate</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Staff</td>
<td>3</td>
<td>2</td>
<td>7</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Faculty</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Admin</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Other*</td>
<td>n/a</td>
<td>n/a</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

* not a category prior to 2006-07. Other includes those matters where there are two or more complainants and/or respondents involved in a similar fact circumstance. It may also describe matters related to the “culture” of the work or academic environment.
**COMMENTARY**

With respect to formal complaints, our office works mainly with faculty and staff members. Students – both undergraduate and graduate – do not use the formal complaint process often. When meeting with students, we often make referrals to student services (such as the Office of the Ombudsperson, Services for Students with Disabilities or International Student Services) or encourage a student to speak directly with a professor or Chair. We have found that, once these actions have been taken; there is seldom a need for a formal complaint. As well, where a matter involves two students, the Student Code of Conduct may better address the issue. In this case, we advise the student of the option and explain the general process under the Student Code of Conduct and refer accordingly.

**CONSULTATIONS**

Figure 6 displays the university affiliation of the person consulting with our office. Note that, this year, we have removed the gender breakdown from this figure (which has been shown in past years) as we do not believe it to be helpful for indicating any trends or relevant patterns of consultations. We are also concerned that the recording of gender as “male” or “female” sets out a binary method of categorization and does not take into account individuals who identify as transgendered or do not indentify as either male or female. Our office will continue to record gender in our internal database where it is known and relevant (for example, with respect to consultations about matters of discrimination on the basis of sex or gender).

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Undergraduate</td>
<td>38</td>
<td>39</td>
<td>29</td>
<td>19</td>
<td>21</td>
</tr>
<tr>
<td>Graduate</td>
<td>12</td>
<td>7</td>
<td>25</td>
<td>13</td>
<td>23</td>
</tr>
<tr>
<td>Staff</td>
<td>72</td>
<td>33</td>
<td>47</td>
<td>120</td>
<td>59</td>
</tr>
<tr>
<td>Faculty</td>
<td>20</td>
<td>16</td>
<td>27</td>
<td>16</td>
<td>29</td>
</tr>
<tr>
<td>Union</td>
<td>11</td>
<td>1</td>
<td>7</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Admin</td>
<td>79</td>
<td>91</td>
<td>97</td>
<td>74</td>
<td>85</td>
</tr>
<tr>
<td>Non-UWO</td>
<td>35</td>
<td>29</td>
<td>54</td>
<td>24</td>
<td>34</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>267</strong></td>
<td><strong>216</strong></td>
<td><strong>286</strong></td>
<td><strong>267</strong></td>
<td><strong>255</strong></td>
</tr>
</tbody>
</table>

Figure 7 displays the issues, in order of prevalence, for which our office’s assistance is sought for consultation, advice or information. Three broad categories of harassment, discrimination and resources are broken-down and shown below.
**Figure 7**

Consultation Matters by Issue for the current report year
(in order of prevalence)

<table>
<thead>
<tr>
<th>Issue</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harassment – GENERAL</td>
<td>104</td>
</tr>
<tr>
<td>Harassment – SEXUAL</td>
<td>43</td>
</tr>
<tr>
<td>Resources – OTHER</td>
<td>34</td>
</tr>
<tr>
<td>Resources – Religious Accommodation</td>
<td>26</td>
</tr>
<tr>
<td>Resources – Employment Equity</td>
<td>16</td>
</tr>
<tr>
<td>Discrimination – SEX</td>
<td>12</td>
</tr>
<tr>
<td>Resources – Disability Accommodation and/or Accessibility</td>
<td>11</td>
</tr>
<tr>
<td>Discrimination – DISABILITY</td>
<td>10</td>
</tr>
<tr>
<td>Discrimination – RACE</td>
<td>9</td>
</tr>
<tr>
<td>Harassment – RACIAL</td>
<td>9</td>
</tr>
<tr>
<td>Discrimination – Religion</td>
<td>2</td>
</tr>
<tr>
<td>Discrimination – Other</td>
<td>2</td>
</tr>
</tbody>
</table>

Note: A consultation may involve more than one issue. Each issue is recorded separately.

Figure 8 depicts the most common issues raised through consultations over the past five years. Note that not all possible grounds of harassment and discrimination are shown.

**Figure 8**

Consultations by Issue (2004-2009)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Harassment - Sexual</td>
<td>38</td>
<td>36</td>
<td>38</td>
<td>20</td>
<td>43</td>
</tr>
<tr>
<td>Harassment - Racial</td>
<td>24</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Harassment - General</td>
<td>97</td>
<td>44</td>
<td>74</td>
<td>114</td>
<td>104</td>
</tr>
<tr>
<td>Discrimination – Sex</td>
<td>6</td>
<td>6</td>
<td>12</td>
<td>14</td>
<td>12</td>
</tr>
<tr>
<td>Discrimination – Race</td>
<td>6</td>
<td>11</td>
<td>11</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Discrimination – Disability</td>
<td>15</td>
<td>20</td>
<td>15</td>
<td>19</td>
<td>10</td>
</tr>
<tr>
<td>Discrimination – Religion *</td>
<td>16</td>
<td>22</td>
<td>17</td>
<td>14</td>
<td>2*</td>
</tr>
<tr>
<td>Resources - Employment Equity</td>
<td>13</td>
<td>19</td>
<td>16</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td>Resources – ALL *</td>
<td>63</td>
<td>56</td>
<td>96</td>
<td>73</td>
<td>71</td>
</tr>
</tbody>
</table>

Note: A consultation may involve more than one issue. Each issue is recorded separately.

**COMMENTARY**

A total of 255 people consulted our office for assistance and advice this past year. This is a slight decrease in the number of consultations from last year (267 consultations in 2007/08).
Since 2004, our numbers of consultations have varied from 216 to 286. While these numbers give a sense of our office’s activity, they do not adequately reflect the variation in the amount of work done by our office or the level of concern raised by a party at each consultation.

Our office’s largest “client group” is University employees – staff, faculty or administrators. Percentage-wise, the number of students consulting with our office, relative to the number of students at Western, is low. This may be in part explainable by the great breadth of available student services at Western where assistance may also be found. However, it is worth considering whether our office should engage in more outreach to our student population.

The majority of our consultations continue to relate to general harassment (104). Included in this number are meetings with staff and academic leaders in regards to handling situations of general harassment. 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.

This year, our office continued to receive information about “sexual harassment” issues (43). This past year, 14 consultations involved students (undergraduate and graduate) expressing concerns regarding members of their peer group or faculty members. Nineteen of these consultations would be termed “administrative” - meaning that an employee was seeking advice on how to support and/or manage a situation where sexual harassment may be occurring. For many of these clients, our office relies on our network of campus supports and confidently refers individuals to other offices, as necessary. We will often follow-up with the client on a “check-in” basis. Any matter that has the potential to result in physical or emotional harm is taken very seriously and may present an exception in our usual confidentiality.

We receive a high number of “resource-related” requests each year and, specifically, we receive consultations for advice or assistance with religious accommodation (26). Over the past several years, EHRS has worked to increase resources related to religious accommodation. This past year, we introduced a new and “greener” online Multifaith calendar. We have received positive feedback about the online calendar and we hope to be able to continue to offer it. For more information, please see (note: a UWO user name and password are required for access): [http://www.uwo.ca/equity/accommodation/resources.htm](http://www.uwo.ca/equity/accommodation/resources.htm)

This year, we also noticed a number of issues raised related to “discrimination on the basis of sex” and in particular, concerns and questions regarding breastfeeding and the rights of mothers to nurse their children at Western. We are pleased that all the concerns raised were quickly addressed and the outcomes, we hope, created a more positive and welcoming environment for breastfeeding on campus. Information about a women’s right to breastfeed and specific access to private nursing areas on campus may be found on our website.

* Note: We have noticed over the past several years some inconsistency in the recording of issues in the category, “Discrimination – Religion”. In past years, we have placed all consultations of a religious-based nature in this category. However, this did not allow for differentiation between concerns about a lack of accommodation or discrimination on the basis of religion and those proactive requests for assistance in supporting religious-based accommodations. Mindful of this not actually depicting why individuals are contacting our office, we have decided to record as “Resources – Religious Accommodation” those proactive and positive times when we are contacted about the methods of supporting a religious accommodation request. And, conversely, the consultations recorded in the
“Discrimination-Religion” category reflect concerns that were raised about a lack of accommodation. Figure 7 indicates that we had 26 consultations about how to accommodate religious accommodation requests. We are pleased to see that many people are taking such requests seriously and supporting the diversity of our community!

**B. EMPLOYMENT EQUITY**

Equity & Human Rights Services (EHRS) provides the primary support to the University to achieve its employment equity goals. Through its various policies, statements and initiatives, Western continues to work toward increasing the representation on campus of members of the designated groups (women, visible minorities, Aboriginal persons, and persons with disabilities). Diversity enriches our experience, broadens our perspectives, and allows us to compete effectively for talent at the local, provincial, national and global level.

**FCP Compliance**

Since 1988, Western has been a signatory to the Federal Contractors Program (FCP). The FCP applies to provincially regulated organizations, which receive federal government goods or services contracts of $200,000 or more. As a condition of bidding on federal contracts, Western is required to certify in writing its commitment to employment equity. In May of 2008, the University renewed its Certificate of Commitment to implement employment equity as required under the FCP.

**Employment Equity Survey**

The employment equity self-identification survey continues to be 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. EHRS engages in regular email communication with new staff and faculty, as well as with those who have not yet responded to the survey. This system of regular reminders is essential in maintaining a high response rate to the employment equity survey. As a result of these ongoing efforts, Western’s overall response rates currently stands at 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**

Through the participation of both faculty and staff in the employment equity survey, Western’s workforce analysis has revealed gaps in the representation of designated group members in specific occupational groups within the University. For more information on the specific gaps in representation please refer to EHRS’s Workforce Analysis Summary Report 2008, which can be accessed online at: [http://www.uwo.ca/equity/docs/workforce_analysis_report_2008.pdf](http://www.uwo.ca/equity/docs/workforce_analysis_report_2008.pdf).

With the support of EHRS, Western undertook an Employment Systems Review (ESR) pursuant to the requirements of the Federal Contractors Program. An ESR is a review of all formal and informal employment policies and practices in order to eliminate systemic, actual or potential barriers to employment that exist in the ways Western traditionally recruits, selects, hires, develops and trains, promotes, retains, terminates and accommodates staff and faculty. By examining those areas where members of the designated groups are not fully represented, Western can take steps to ensure that it is encouraging the full participation of every member of our community and attracting the best talent.
An experienced consulting firm, Barbara Herring and Associates, was hired to conduct the ESR and develop a final report. Between January and March of 2009, EHRS facilitated the participation of staff and faculty members in confidential focus group sessions and interviews to share their experiences working at Western. The consultant’s report will outline the identified formal and informal barriers and make recommendations to reduce or eliminate the barriers for designated group members and will be released to the community during the fall of 2009. The ESR report and subsequent campus-wide consultations will help form the basis of Western’s Employment Equity Plan in the coming years.

Communication

EHRS continued its efforts to raise awareness across campus about employment equity at Western. During the course of the year, our office presented on employment equity to a variety of committees\(^1\), employee groups, as well as academic and administrative leaders. Additionally, our office was instrumental in implementing a campus-wide communications strategy in support of the Employment Systems Review. The purpose of the communications strategy was two-fold: 1) to inform and engage the campus community in understanding the focus and scope of the ESR and 2) to invite members of the designated groups to participate in focus group sessions with the consultants. EHRS also assisted Western’s Unions and Associations to understand the importance of their role in the ESR consultation process and engaged their assistance in effectively communicating with the campus community.

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. Our office presented the results of the workforce analysis to PSCEE and solicited feedback from committee members at various stages of the Employment Systems Review. PSCEE also received regular updates on the new Accessibility for Ontarian with Disabilities Act (AODA) from Equity & Human Rights Services.

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

Staff

- Assisted with the development of, and facilitated discussion at, ‘Saying Yes to Respect Sessions’ for members of Western’s Leaders Forum, UWOSA, PMA and CUPE 2692
- Provided information sessions on EHRS at several Welcome to Western sessions (an orientation program offered to new employees)

\(^1\) EHRS presented to the following committees: The President’s Standing Committee on Employment Equity, Joint Employment Equity Committee (UWOFA and Administration) and PMA Equity Committee.
• Presented to administrative leaders and staff who were enrolled in Western’s Canadian Institute of Management (CIM) Program
• Facilitated discussion after a viewing of the ‘Voices of Diversity’ video at Western’s Staff and Leaders Conference
• Piloted the ‘Respect in Action’ training program for leaders
• Responded to several requests to attend unit or departmental meetings to present on equity, diversity, harassment, and/or discrimination issues, provide information on the work of the office, or to take part in related discussion and dialogue.

Faculty

• Facilitated discussion at ‘Violence and Bullying: Not Just on the Playground’ at the Annual Academic Leaders Summer Conference
• Assisted with the development of, and facilitated discussion at, ‘Saying Yes to Respect Sessions’ for Faculty members
• Responded to several requests to attend Faculty or departmental meetings to present on equity, diversity, harassment and/or discrimination issues, provide information on the work of the office, or to take part in related discussion and dialogue.

Students

• Facilitated a workshop on diversity as part of the training program for English Conversation Leaders (International Student Services)
• Conducted an education and awareness session for International Student Service’s Peer Guides Program
• Facilitated 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
• Presented on harassment and discrimination for graduate students at the Graduate Student Conference on Teaching (TA Day)

Community

• Participated as a panel discussant on ‘Equity in Times of Fiscal Instability’ organized by Western’s Caucus on Women’s Issues
• Continued to work with the Thames Valley District School Board to recruit and train Western students to facilitate the ‘Violence Prevention Program’ in local high schools
• Participated in the Diversity Open House hosted by the City of London’s Diversity and Race Relations Advisory Committee (LDRRAC)
• Provided training and facilitated discussion on issues of diversity, harassment and discrimination for management employees of the City of London

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 professional development opportunities in the past year, including:

• Attended ‘Race and Diversity in Higher Education: Finding Strength in Difference’ a joint conference of the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education (CAPDHHE) and the Ontario University Employment and Educational Equity Network (OUEEEN)
• Engaged in *Leader Effectiveness Training* offered by Learning and Development at Western
• Participated in ‘Diversity in the Workplace’ workshop offered in partnership between the City of London and Spencer Leadership Centre
• Attended Employment Equity Training Sessions offered by The Labour Program of Human Resources and Skills Development Canada
• Participated in the UWO/Aboriginal Community Strategic Planning Session sponsored by Indigenous Services
• Completed a Mediation Skills and Processes course offered through Western’s Continuing Studies

**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. We have identified three important issues to discuss in this year’s report.

*Dealing with Harassment and Discrimination – An Academic Leader’s Role*

Along with other offices, our office has done a great deal of training over the past number of years and specific training has been offered to both academic and administrative leaders. Our office’s consistent message is that those in supervisory (leadership) roles must take action to address harassment and discrimination issues. A proactive and reactive model is encouraged. Leaders should “set the stage” for a respectful working or academic environment by defining clear expectations and modelling respectful behaviour themselves. If a concern about harassment and/or discrimination arises, or is suspected, a leader should take immediate action in accordance with Western’s non-discrimination and harassment policies and associated procedures. Assistance is always available through our office and through Faculty Relations and Staff Relations.

We wish to recognize that a considerable number of academic leaders have taken their role in dealing with these issues seriously and are genuinely committed to providing and maintaining an environment free of harassment and discrimination. However, over the past year, we have recorded some examples where the management of a difficult issue related to harassment or discrimination was not effectively handled by an academic leader. Some academic leaders have expressed reluctance to take action when academic colleagues are involved, particularly given that they are colleagues within the same bargaining unit. In other instances, there seems to be a lack of understanding about one’s responsibility to take positive action.

Amongst academic leaders, there also appears to be a tendency to not become involved in student-to-student conflicts and we frequently see responsibility for managing these situations delegated to administrative officers. We feel that leaders or managers should address discrimination and harassment concerns themselves. However, should a matter be delegated to an administrative support person, we recommend that the leader ensures that they receive regular updates about the situation and that the administrative support person is in contact with EHRS, Human Resources, Faculty Relations, Campus Police or such other campus offices which may be of assistance. In all cases, the leader should also ensure that all conversations and actions taken with respect to the issue are carefully documented.

While these observations do not apply to every academic leader, nor do we mean to suggest that administrative leaders do not face similar challenges, we wish to report on a
key observation. Our concern is that reluctant or avoidant leaders may inadvertently expose themselves to potential liability should matters be ignored or addressed without due consideration to proper methods of investigation and fair process. In recognition that these issues can be challenging to manage, beginning in the fall of 2009, all University leaders and managers will be invited to participate in “Respect in Action” workshops. These workshops follow up on the “Say Yes to Respect” workshops and will explore leaders’ responsibilities in dealing with harassment and discrimination and provide guidance and tools for leaders.

**Employment Equity**

The Employment Systems Review was a major initiative supported by our office over this past year. Through the support of numerous campus members, the external consultants for this project were able to conduct interviews and focus groups – all with the goal of making Western a more diverse and equitable place to work. A final report is expected in the summer, with release to the community during the early fall of 2009.

However, this report marks the beginning of the next stage of equity work at Western – preparing a new Employment Equity Plan. EHRS will be relying on the support, dedication and engagement of many campus partners as we work towards identifying and achieving Western’s employment equity and diversity goals.

Over the past year, there has been some discussion regarding the term, “visible minority”. According to the Canadian Race Relations Foundation, “visible minority” is a:

> Term used to describe non-dominant groups who are not White. Although it is a legal term widely used in human rights legislation and various policies, currently the terms racialized minority or people of colour are preferred by people labelled by others to be “visible minorities”.

The Committee for the Elimination of Racial Discrimination, a United Nations committee, released a report in 2007 that raised concerns regarding use of the term “visible minorities” in Canadian legislation, such as the Employment Equity Act, or within the Federal Contractor’ Program. To date, in accordance with the terminology set out under the Federal Contractors Program, Western has used the term, “visible minority (ies)” and more recently, EHRS has received concerns from campus members. Based on these concerns, and those concerns raised at the international level, EHRS recommends using the preferred term of “racialized groups” instead of visible minorities for Western’s equity survey and other internal employment equity-related materials. For the purposes of compliance reporting to the Federal Contractors Program, we will likely need to retain the term “visible minorities” until otherwise directed.

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Non-Discrimination and Harassment Policy and the Role of Equity & Human Rights Services

Western’s non-discrimination and harassment policy framework is nine years old. Much has changed over these nine years, including a marked increased in awareness about general harassment and more broadly, a growing understanding of the rights and responsibilities of those involved - directly or indirectly – in harassment and discrimination issues.

The policy (and the related collective and employee agreement articles) sets out a structure which is based on the assumption that one party – the complainant(s) – will file a complaint against another party – the respondent(s) (see Appendix for more information).

The policy is not always effective for addressing all harassment and discrimination matters. For example, it is not effective where one party is reluctant to file a complaint. Usually reluctance is due to a fear of retaliation or safety issues. Concerns with respect to the “climate” or “culture” within a department or unit are also inadequately addressed by the policy. Typically, these concerns are not linked directly to one complainant or respondent, but are more systemic or pervasive in nature. The informal resolution process – that gives rise to facilitated discussion and/or mediation and therefore, is best when individuals are involved – is not particularly useful.

Given the areas where the policy is not effective and the fact that EHRS can only administer the University’s non-discrimination and harassment policies, within a confidential office, we have been presented with challenges about the role of our office. When matters are outside the scope (or jurisdiction) of the policy (ies), clients frequently demand action nonetheless and are frustrated when their needs cannot be met. Despite our efforts to make appropriate referrals, clients will often question why our office cannot become involved and take action on a client’s behalf.

We recommend further discussion about the effectiveness of the non-discrimination and harassment policies. We believe that EHRS is integral to the creation of a safe, respectful and diverse community at Western and we require a policy directive (and process) to reflect this goal. Many years have been spent developing good relations with our campus partners and we are uniquely positioned to explore ways to adapt our office’s procedures to respond to our community’s needs and expectations. We encourage any campus member with feedback to contact us.

A final word of thanks...

Looking forward, we anticipate another busy and dynamic year at Equity & Human Rights Services! Many large projects are on the horizon including, along with a team of colleagues, the implementation the Customer Service Standard guidelines under the Accessibility for Ontarians with Disabilities Act; the development of a new employment equity plan for Western; as well as, a review of our own internal processes and practices.

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.

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⁴ The first article on Non-Discrimination and Harassment was found in the UWOFA Collective Agreement
⁵ In the appropriate case, and only with the consent of the party, our office will intervene in order to provide advice or assistance to individuals involved.
Appendix

What Is Equity & Human Rights Services (EHRS)?

EHRS supports 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.

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, 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 where there is a collective or employee agreement.
B. Employment Equity Policy

This policy outlines the University’s commitment to employment equity and 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 are 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.
Definitions of Terms Used in this Report

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

**Action by EHRS**
Where a matter has been resolved following an intervention by EHRS (with the party’s consent and only in an appropriate circumstance) or through facilitated discussion between parties outside the formal complaint process.

**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.

**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 and which is arrived at through negotiation with the assistance of EHRS.

**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.

**University Action**  
Where action is undertaken by another university office. Usually, this is following some involvement by EHRS and a referral to another office where alternative outcome, such as disciplinary proceedings, exist.