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REBEL PIONEER CREATOR EXPLORER DEFENDER TRAILBLAZER CHALLENGER VISIONARY INNOVATOR ADVENTURER REBEL PIONEER CREATOR EXPLORER DEFEN  
TRAILBLAZER CHALLENGER VISIONARY INNOVATOR

OFFICE OF FAIR PRACTICES  
AND LEGAL AFFAIRS  
ANNUAL REPORT

APRIL 1, 2012 - MARCH 31, 2013



UNIVERSITY  
OF MANITOBA

# THE OFFICE OF FAIR PRACTICES AND LEGAL AFFAIRS

## Message from the Director

The Office of Fair Practices and Legal Affairs was created as a result of a restructuring initiative in 2010 in order to elevate the University's commitment to human rights, statutory compliance, transparency and general fair practices. The creation of the office was to support several of the University's strategic priorities, including providing an "exceptional student experience" and enhancing the University's status as an "outstanding employer", as well as to provide enhanced services to the University community.

The unit consists of four offices which are as follows:

- **The Office of Legal Counsel**
- **Access and Privacy Office**
- **Human Rights and Advisory Services**
- **Copyright Office**

The "Mission Statement" for the unit is: To support the University's faculty, staff and students by promoting a fair and equitable environment in which to work and learn. To encourage the University's efforts to comply with its statutory, regulatory, contractual and moral obligations. To help facilitate options for faculty and students to teach and learn in respected educational programs, to champion ground-breaking research, and to participate in inspiring service opportunities.

The "Vision Statement" is: Enabling excellence in education, research, service, and administrative endeavours through the provision of exceptional advice and service.

This Annual Report for the Office of Fair Practice and Legal Affairs is an office wide report and describes some of the highlights of the activities of the various offices within the unit, as well as a statistical representation of the files managed by each office. The report covers a twelve month period of April 1, 2012 to March 31, 2013 and is the first such report for this unit.

I am very proud of the huge contribution this young office has made to the University community.

**Gregory L. Juliano**

Director & General Counsel (Fair Practices and Legal Affairs)

# The Office of Legal Counsel

## The Role of the Office of Legal Counsel

The Office of Legal Counsel supports the University's academic, research and public service missions and initiatives by providing ethical, efficient and high-quality legal services on matters related to litigation and administrative hearings both internal and external to the University, negotiating and drafting of agreements, providing advice on a wide variety of issues, assisting with drafting and submission of policies and procedures and assisting with the development of effective compliance and risk mitigation strategies to facilitate the University's complex operations. It has conduct of the legal affairs of 23 different Faculties and Schools, dozens of administrative units, and nearly 9,000 faculty and staff.

## Staff

The real strength of any organization is reflected in the people who work there and the Office of Legal Counsel consists of a full complement of high caliber professionals who are dedicated, highly knowledgeable, widely experienced and service oriented.

The Office currently consists of 3 full time and 3 part time legal counsel and 3 legal assistants all of whom report to the Director of the Office of Fair Practices and Legal Affairs and General Counsel. The main office is located on the University's Fort Garry Campus, with one lawyer working out of an office on the University's Bannatyne Campus. The lawyers in the office are required to handle a broad range of legal issues however, each of them specialize in significant and recurring areas of University legal work.

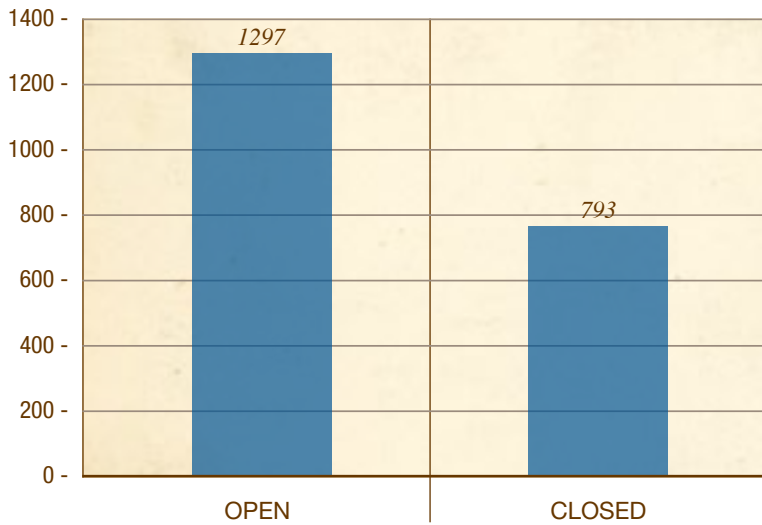
In an effort to stay up to date of current topics and recent trends in their areas of practice, the lawyers in the office participated throughout the year in focused in-person professional conferences and training sessions offered by a variety of sources including the Manitoba Bar Association and the Law Society of Manitoba. Some of the training was also done in the form of webinars and teleconferences. The lawyers also maintain participation in relevant associations and ListServes including the Canadian Association of University Solicitors (CAUS) and National Association of College and University Attorneys (NACUA).

## Overview of Files

Senior administrators, faculties, departments and administrative units contact the Office of Legal Counsel directly. Based on the nature of the request or assistance required a file will be opened within the Office and assigned to a particular lawyer depending on the subject matter and the faculty, department or unit initiating the request.

During the reporting period the Office of Legal Counsel opened a total of 1297 files. During that same period a total of 793 files were closed. As of March 31, 2013, the end date of the reporting period, the office had a total of 1278 active files.

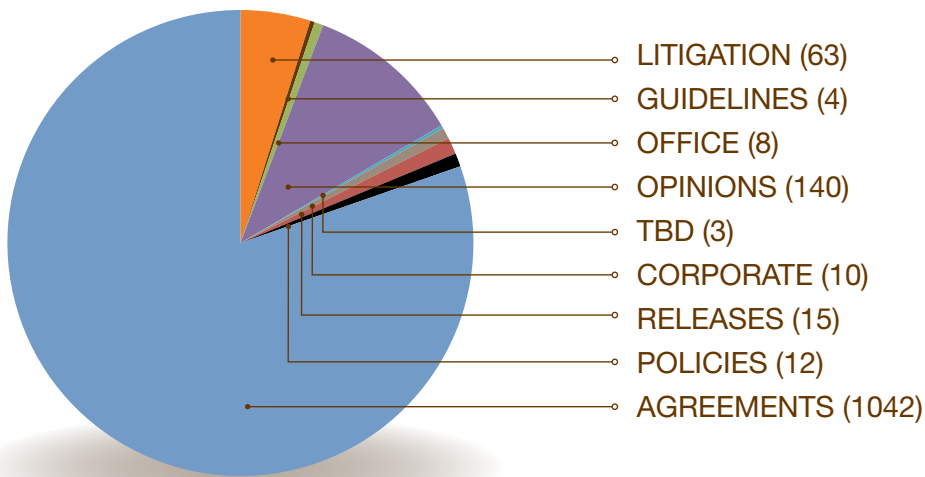
## Open and Closed Files for 2012



By comparison, during the previous reporting period (April 1, 2011 to March 31, 2012) the office opened a total of 962 files and closed a total of 475 files.

When a file is opened it is categorized into one of several different categories based on subject matter. The breakdown of the files which were opened during the reporting period is as follows:

## 2012 Files by Category

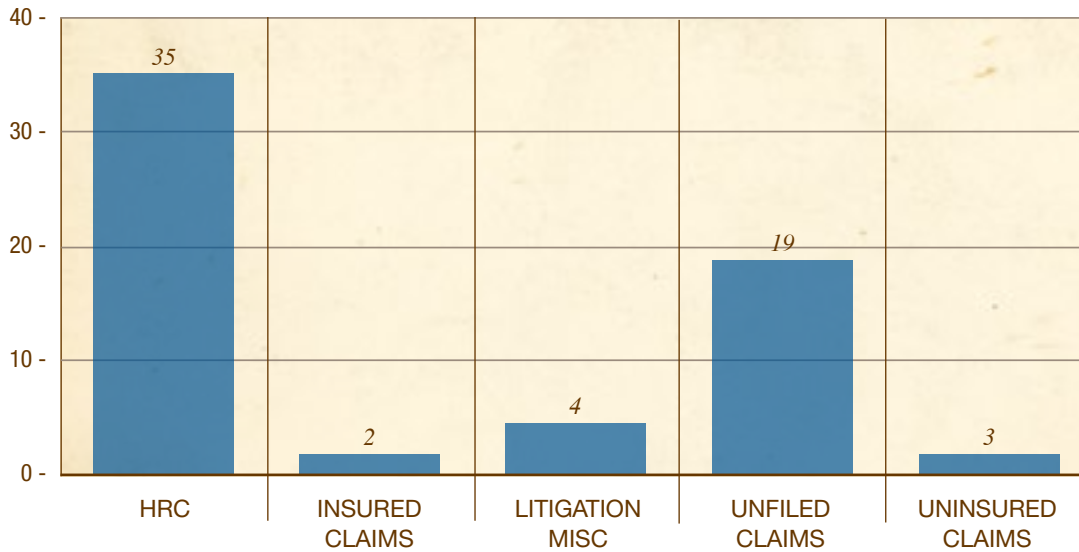


## Litigation Files

Litigation files are those files where there is an adversarial component involved. While there are a wide variety of matters which would fall into this category, some examples include academic disputes, class action suits, commercial disputes, discrimination, employee accommodation, intellectual property disputes, personal injury, professional malpractice, property damage, sexual assault, student accommodation, theft by employee and, wrongful dismissal. The lawyers in the office will often work with external counsel on litigation matters.

Of the files opened, 63 files fell into the Litigation category. This category is further broken down into subcategories which include human rights complaints, insured claims, potential claims which are not filed to date, uninsured claims and other miscellaneous litigation matters.

## 2012 Litigation File Breakdown by Subcategory

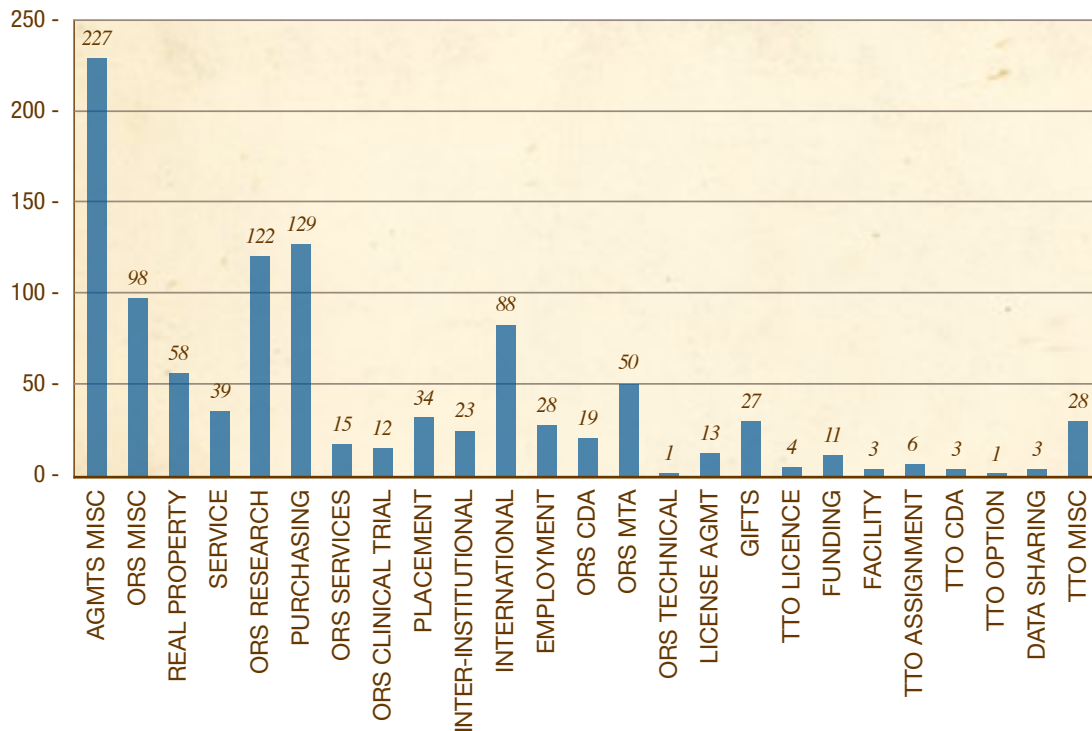


## Agreements

During this reporting period the Office provided vitally important transactional legal services on a variety of research agreements, technology commercialization efforts, real estate transactions, investments matters, gifts, and international agreements, as well as other important commercial activities.

The total number of files opened related to the review, negotiation and/or drafting of agreements was 1042, the largest single category of work for the office. Of these files, 317 were agreements related to research, which was the highest number of agreements from a single client unit, accounting for over 30% of the total number of agreements initiated in the reporting period. The office also helped to develop several template agreements which can be used by various departments in order to expedite the signing process for agreements.

The following chart depicts the overall breakdown of files related to transactional matters:



## Highlights

The following are examples of some of the important project which the office was involved with during the reporting period.

### **Phoenix Sinclair Inquiry**

The office has been involved with the Faculty of Social Work in the Phoenix Sinclair Inquiry and was successful in gaining intervener status in recognition of the fact that the University of Manitoba offers the only accredited social work program in Manitoba, and that most social workers in the Province have received a portion of their education at this institution. As such, the University felt that it had a societal responsibility to assist in building a strong child protection system in the Province and in finding solutions to prevent future tragedies. The University also wanted input into any education related recommendations which would come out of the Commission.

### **Truth and Reconciliation Commission of Canada National Research Centre**

The office worked closely throughout the reporting period with the Truth and Reconciliation Commission of Canada to negotiate and prepare an agreement entrusting the University to host a National Research Centre on Residential Schools.

### **Investors Group Field**

The office played a major role in the negotiation and drafting of several agreements, including event day planning, financing and operation, required to facilitate the establishment and operation of the new Investors Group Field, home field for the Winnipeg Blue Bombers, and University's own Manitoba Bison football team, on the University's Fort Gary Campus.

### **Kenya**

The office assisted with negotiations to renew the research collaboration with the University of Nairobi, and conclude an agreement governing joint facilities. The office also facilitated the creation of a new University-controlled Non-governmental Organization; Partners for Health and Development in Africa (PHDA). The office provided advice and guidance related to establishing the NGO and ensuring appropriate controls are in place.

### **Microsoft Student Email System**

The office worked closely with the Access and Privacy Office and the IST Department to negotiate agreements with Microsoft enabling the University to acquire a new system for student email, which provides enhanced security and reliability measures.

### **ROSE Governing Document Development and Review**

The office has sponsored the ROSE project on Governing Document Development and Review, which continues to be ongoing. As part of this project, a new policy and procedures were implemented to help ensure the preparation of quality policy documents and keep them current. In addition, all existing policies were reviewed and revised as required.

# Access and Privacy Office

## Executive Summary

The Access and Privacy Office is responsible for the central administration and implementation of *The Freedom of Information and Protection of Privacy Act* (FIPPA) and *The Personal Health Information Act* (PHIA) and other privacy requirements. The primary focus is to provide the public with the right of access to records in the custody or control of the University of Manitoba, while ensuring that personal information and personal health information are protected to safeguard the privacy of individuals.

The Access and Privacy Office responds to all access to information requests for the University. During the reporting year, the office responded to 88 formal access requests; a significant increase from previous years.

Similarly, the number of investigations into privacy complaints continues to rise, with 6 internal privacy complaints received during this reporting year. This may be due to technological developments and the increasing reliance on systems which make information more available.

As new systems are implemented and existing systems upgraded, the office helps ensure privacy compliance through the Privacy Impact Assessment process. The need for such consultation continues to rise, with 22 received during this reporting year.

Training is among the best tools to address privacy risks, and the office has continued to expand its educational outreach, with 41 training sessions offered during the reporting period.

The Access and Privacy Office is also responsible for the Records Management Program at the University. The office provides guidance and assistance with records management and data classification, including records retention schedules; records storage; transfer of records to the university archives; authorized records destruction; and digitization. Perhaps the most important project during the reporting period was implementing a process to review and revise the University's records authority schedules through the creation of a Common Records Schedule in collaboration with University executive management. Robust records management practices help to meet the University's business, fiscal and legal requirements; support program and service delivery; inform and document decisions and support accountability; and ensure compliance with access and privacy legislation.

## Access to Information Requests

The University of Manitoba received a total of 88 requests for information during the period of April 1, 2012 to March 31, 2013, and 1 request was carried over from the previous fiscal year, for a total of 89 access requests. Requests for information included requests for personal information and also general records held by the University. The number of access requests increased substantially over the same period the previous year.

## Types of Applicants

Individuals (including the public, staff and students) made 66 applications during the reporting period. Political parties submitted 13 applications and media submitted 9 requests.

## Access Decisions

Of the 89 requests that were processed during the reporting period, 28 requests were withdrawn or abandoned, and 4 were carried over to the next fiscal year. Of the remaining 57 access requests that were completed in the reporting period, 30% were granted access to all the record(s) or information requested. An additional 30% were provided with partial access. The remaining 40% were denied access or the requested records did not exist.

Access Decision	Number of Requests Applied
Access Granted in Full	17
Access Partly Granted	17
Access Denied	7
Record Does Not Exist	14
Refused to Confirm or Deny Existence of a Record	1
Incomprehensible, Frivolous or Vexatious	0
Record is Publicly Available or Out of Scope	1
Total Access Decisions	57

## Reasons for Denial of Access

When the University withholds information in a requested record or withholds a record completely, exceptions to disclosure under FIPPA must be cited and explained to authorize the decision. The most frequently used exceptions to disclosure during the reporting period were Section 17: Disclosure harmful to a third party's privacy and Section 18: Disclosure harmful to business interests of a third party.

Sections of the Act Used	Exceptions	Number of Requests Applied
<b>Mandatory Exceptions</b>		
17	Disclosure harmful to a third party's privacy	18
18	Disclosure harmful to business interests of a third party	18
19	Cabinet confidences	0
20	Information provided in confidence by another government	0
<b>Discretionary Exceptions</b>		
21	Harmful to relations between MB and other governments	0
22	Local public body confidences	0
23	Advice to a Public Body	3
24	Harmful to individual and public safety	0
25	Harmful to law enforcement or legal proceedings	0
26	Harmful to security of property	0
27	Solicitor Client Privilege	2
28	Harmful to economic and other interests to public body	6
29	Testing procedures, tests and audits	1
30	Confidential evaluations	0
31	Preservation of heritage resources and life forms	0
32	Information that is or will be available to the public	0



## Response Time

Under FIPPA, the University must respond to all access to information requests within 30 calendar days of receipt, unless an extension was taken which would allow up to an additional 30 days to provide a response to the applicant. A total of 100% of access requests received by the University were responded to within the legislated timelines.

## Complaints about Access Decisions

Access to information applicants have the right to submit a complaint to the Manitoba Ombudsman regarding access decisions under FIPPA. The complaint must be submitted within 60 days of receiving an access response from the University. The University received 8 formal complaints from the Ombudsman during the reporting period. Of these 8 complaints, 2 were withdrawn or abandoned, 4 were carried over to the next fiscal year, and 2 complaints were resolved.

The University works with the Manitoba Ombudsman closely to mediate acceptable solutions to all access to information complaints.

## Complaints about Privacy

Both FIPPA and PHIA require that the University implement standards and procedures in their day-to-day management of personal information and personal health information in their custody or under their control. This covers matters such as why and how personal information and personal health information be collected, how the accuracy and integrity of such information is maintained, appropriate disclosure outside the University when necessary or required, and the safe storage and destruction of such information.

There were no formal complaints submitted to the Ombudsman related to the protection of privacy during the reporting period. There were 6 internal privacy investigations conducted by the Access and Privacy Office during the reporting period.

## Privacy Impact Assessments

The Access and Privacy Office assesses compliance with privacy legislation and assesses risk on new and existing information management systems using a Privacy Impact Assessment (PIA). A completed Privacy Impact Assessment report provides advice and recommendations to ensure the University of Manitoba's compliance with FIPPA and PHIA. The PIA process helps to ensure that the University of Manitoba collects and uses only the minimum amount of personal information for authorized and lawful functions or activities, and that the information collected is protected appropriately against breaches.

Of the 31 information management system projects that were submitted to the Access and Privacy Office, 18 required a full Privacy Impact Assessment be completed and a report with recommendations issued.

<b>Projects Submitted</b>	<b>Number of Projects</b>
Carried over from previous year	9
Received during reporting period	22
<b>Total</b>	<b>31</b>
PIA not required	6
PIA completed, report and recommendations issued	18
Carried over to the next year	7
<b>Total</b>	<b>31</b>

## Personal Health Information Act (PHIA) Training

The Access and Privacy Office provides University of Manitoba (UM) Personal Health Information Act (PHIA) training, as well as Winnipeg Regional Health Authority (WRHA) PHIA training to persons associated with the University who are exposed to personal health information in the custody or under the control of either the University or the WRHA. The UM and WRHA PHIA training outlines the roles and responsibilities of individuals regarding the security and protection of privacy of personal health information. PHIA pledges of confidentiality are signed by the participants at the conclusion of the training.

During the reporting period, the Access and Privacy Office completed a total of 41 training sessions (UM and WRHA), with 1355 people signing Pledges of Confidentiality.

## Records Management

The Access and Privacy Office is responsible for the University of Manitoba's Records Management Program, which provides guidance and assistance regarding the systematic control of records creation, storage, use and disposal.

University records that do not have an archival value need to be destroyed in a controlled and confidential manner that meets the requirements outlined in the privacy legislation. The Requisition to Destroy Records (RDR) process ensures the authorized, confidential, controlled and documented destruction of University records once they have met their retention periods, as outlined in the approved retention period. During the reporting period, a total of 125 RDRs were received and approved by the Access and Privacy Office.

When University records of archival value (records with long-term legal, operational or historical use) are no longer being actively used, University of Manitoba offices, faculties, departments and schools can arrange to transfer them to the University of Manitoba Archives and Special Collections (Fort Garry Campus), or the Medical Archives department within the Neil John Maclean Health Sciences Library (Bannatyne Campus). Each transfer of records must be accompanied by a Requisition to Transfer Records (RTR) that is reviewed and approved by the Access and Privacy Office before the transfer is completed. During the reporting period, a total of 19 RTRs were approved.

# Human Rights and Advisory Services Annual Report

## Executive Summary

In the 2012 to 2013 fiscal year, Personal Harassment continued to make up the majority of all complaints at 74%; up 9% from last year. Females were most likely to be Complainants (61%), and also most likely to be Respondents (58%). The majority of concerns were brought forward by staff (54%), rather than students, with an increasing number initiated by academic administrators. Of note was that 77% of the Respondents were members of staff. These figures demonstrate a continuation of a similar trend from last year, and perhaps a need to focus educational activities on staff to enhance a respectful workplace.

This year three files were opened as Formal Complaints, a decrease from the 5 filed in the previous year. This may suggest an increase in the willingness to try to resolve concerns informally. The various informal processes offered at the Human Rights and Advisory Services have been effective in addressing that need, but there may be a requirement to expand such services.

The Human Rights category continues to have the second highest number of complaints at 23%. The most common Respondent was an academic or administrative unit (41%), rather than an individual (males 27%, females 32%). Typically, most cases involved decisions made regarding accommodation of disabilities, hiring, and other department/unit matters. This indicates a need to better educate staff on their Human Rights obligations. All files brought forward in this category were informal.

As with last year, Sexual Harassment represents the lowest percentage of complaints at 3% and all were informal. Complainants were 67% female while 33% were students. Of the Respondents, all were male and 67% were students. This may indicate a need to focus educational efforts on male students.

It is notable that, of all complaints forwarded to the University's external Investigator for review, the vast majority were found not to trigger the RWLE policy. This may indicate a desire in the university community to have a mechanism for resolving disputes which do not meet the narrow definitions of "Human Rights" or "Harassment".

## Advisory:

Any individual that contacts the Human Rights and Advisory Services Office, either by email, phone or in person for advice is recorded in Advisory. All contact with members of the University Community as well as the public is entered in order to track concerns. Advice and information will be given and/or referrals may be made to the individual. This year 41% of Advisory contacts became either informal or formal files, a decrease of 13% from last year.

Examples of concerns brought forward include; questions regarding reprisal, requests for Respectful Work and Learning Environment (RWLE) policy presentations, questions regarding privacy issues, concern regarding pre-employment inquiries.

## Informal Complaint:

Any person who believes that they or any member of the University has been subjected to harassment or discrimination in the course of University-related employment, study, training or activities may address their concerns informally under the RWLE policy. The Human Rights and Equity Advisor (HREA) facilitates resolution of informal complaints through mediation, conciliation and conflict management coaching.

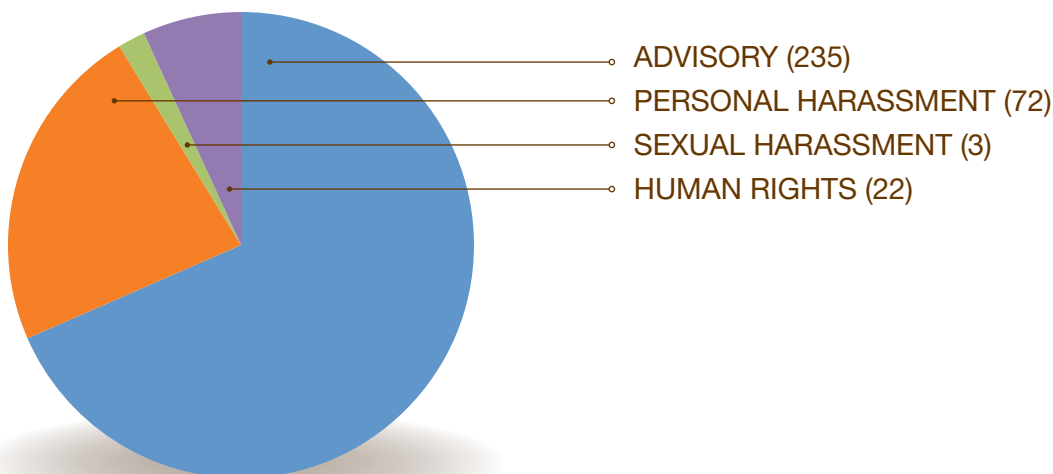
As an additional tool for informal resolution, the office recently began to offer conflict management coaching. This technique is a one-on-one process that helps individuals gain increased ability to manage their interpersonal conflicts and disputes.

## Formal Complaint:

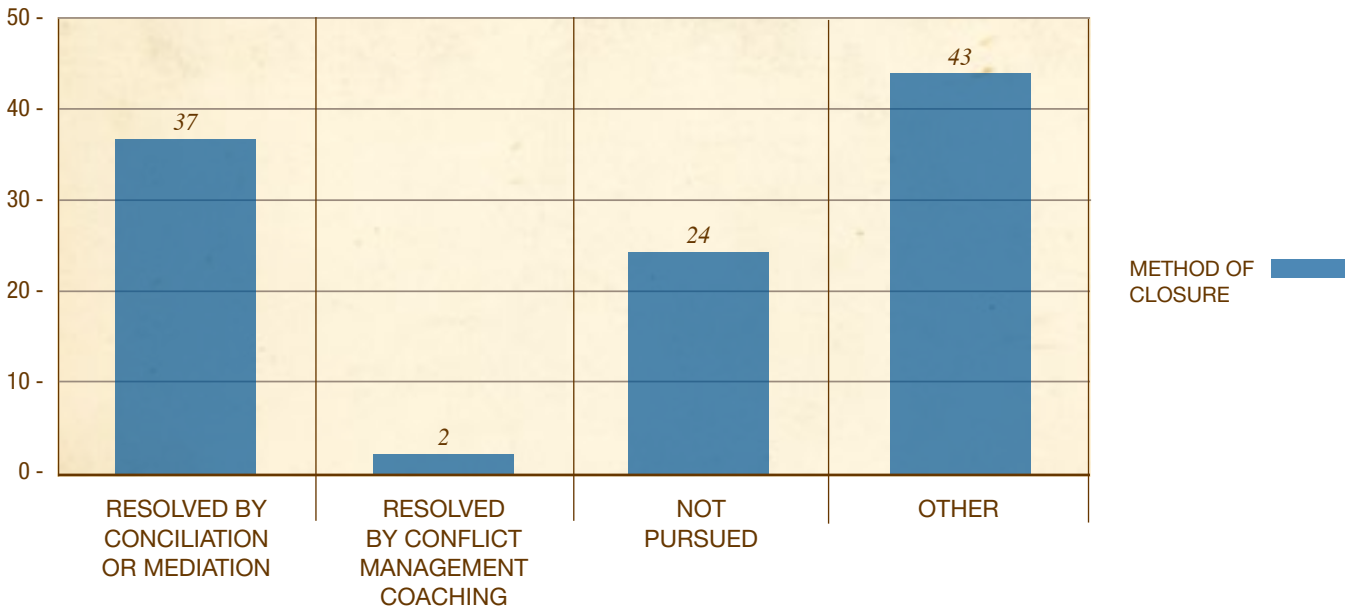
If a matter cannot be resolved informally, or if the behaviour continues or reoccurs, one has the option of proceeding to a formal complaint. All formal complaints must be made within one year from the date of the most recent alleged incident. It is important to note that a Complainant is not obligated to attempt to resolve a conflict informally; they have the right to proceed directly to a formal complaint if they choose. Formal complaints are reviewed by an Investigator independent of the University of Manitoba to determine applicability under the RWLE policy.

If there is found to be a breach of the RWLE policy, there will be a record of the outcome placed in the appropriate Respondent record (i.e. student file, employee records), and the Respondent could be subject to some type of discipline or other penalty. Academic or administrative units which have breached the policy are directed to remedy the breach.

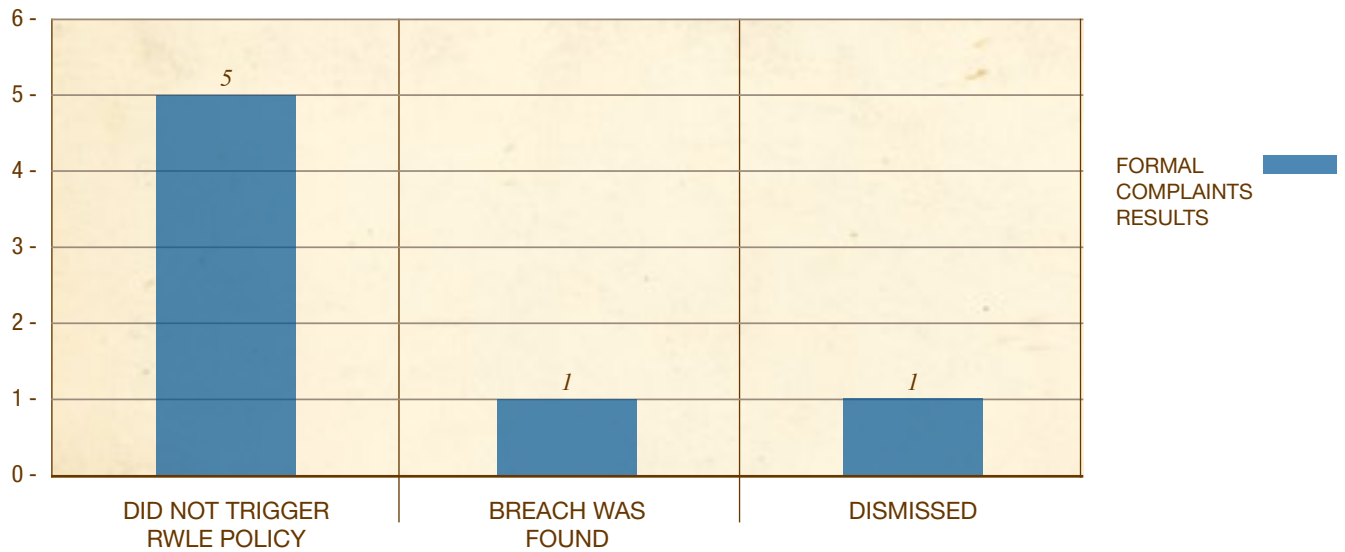
## New 2012 Complaints



### Method of Closure of Informal Files



### Formal Complaints Results



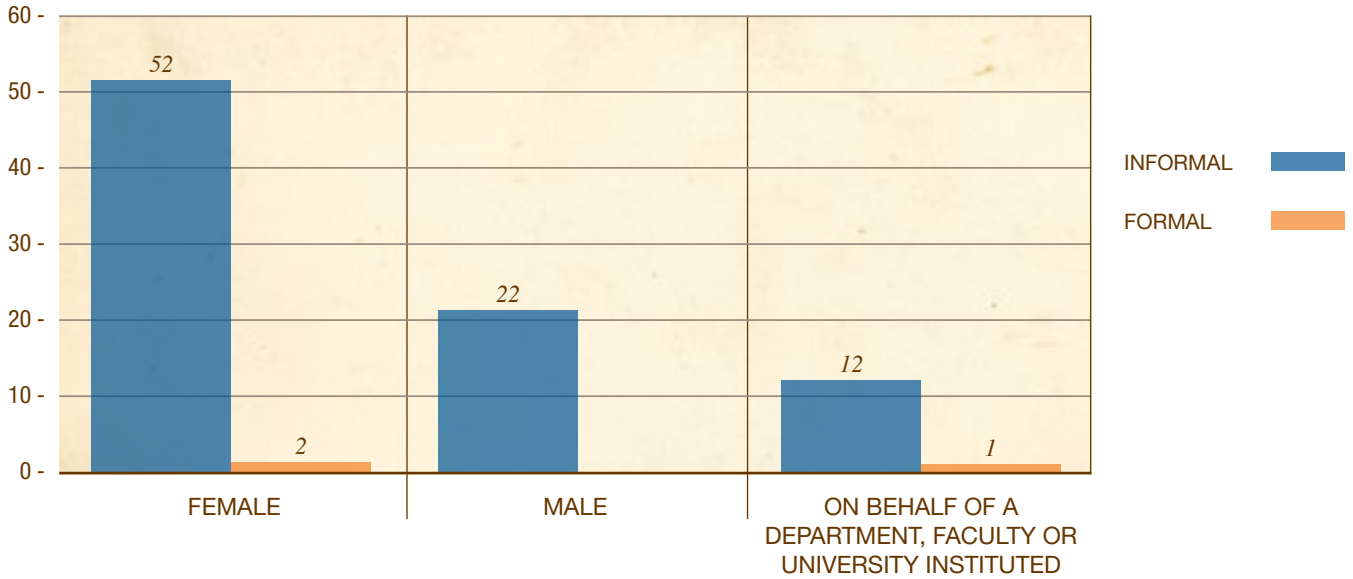
## Personal Harassment:

Personal harassment is behaviour that humiliates, intimidates, excludes and isolates an individual or group. It is objectionable and unwelcome comments or actions directed towards a specific target which serve no legitimate work or academic related purpose and have the effect of creating an intimidating, humiliating, hostile or offensive environment. The person exhibiting this type of behaviour does not need to be in a position of power. Examples of personal harassment include; repeated or continuous incidents of yelling, screaming or name calling, repeated or continuous threats to terminate employment or contracts for reasons unrelated to performance, repeated or continuous threats to withdraw funding, scholarships or advancement opportunities for reasons unrelated to performance.

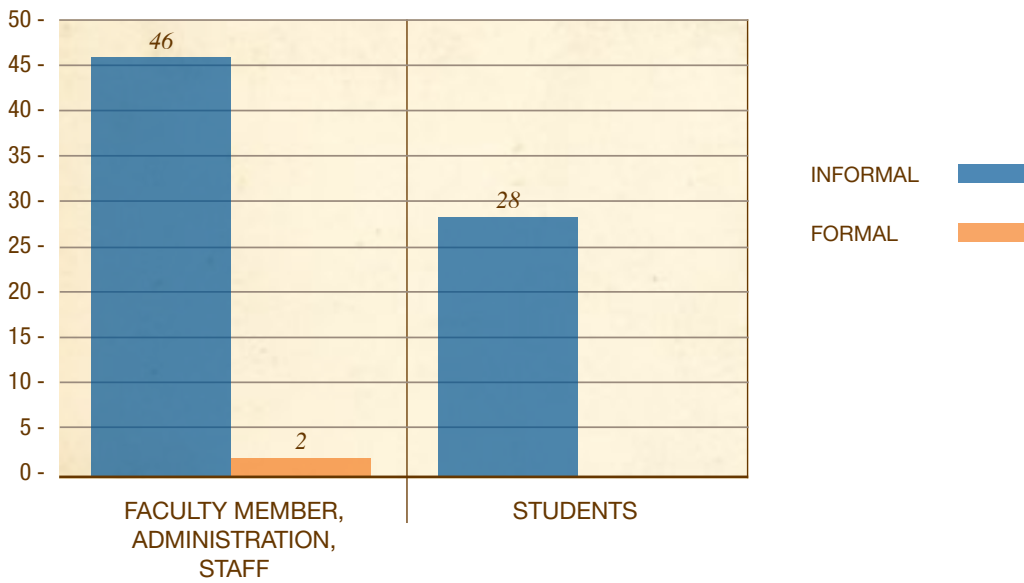
## Personal Harassment Files:

- **Total: 149** as of the end of the reporting period
- **72** opened (77 carried over).
- Of the **72** opened during the year; **3** were formal, **69** were informal including **6** which became coaching files.
- Of the **77** carried over **7** were formal and **70** were informal.
- Of the **10** formal complaints, **7** were closed. **5** found the RWLE policy was **not** triggered; **1** no breach was found; **1** a breach was found and **3** are pending a decision from the Investigation Officer.
- **66** informal files were closed; **21** were resolved either by conciliation, mediation or by advice and/ or information provided, **18** were *not pursued*, **2** were resolved by conflict management coaching and **25** were closed under the category of *other*, which includes inactive files for over 3 months, no contact information for respondent, or respondent no longer affiliated with the University.

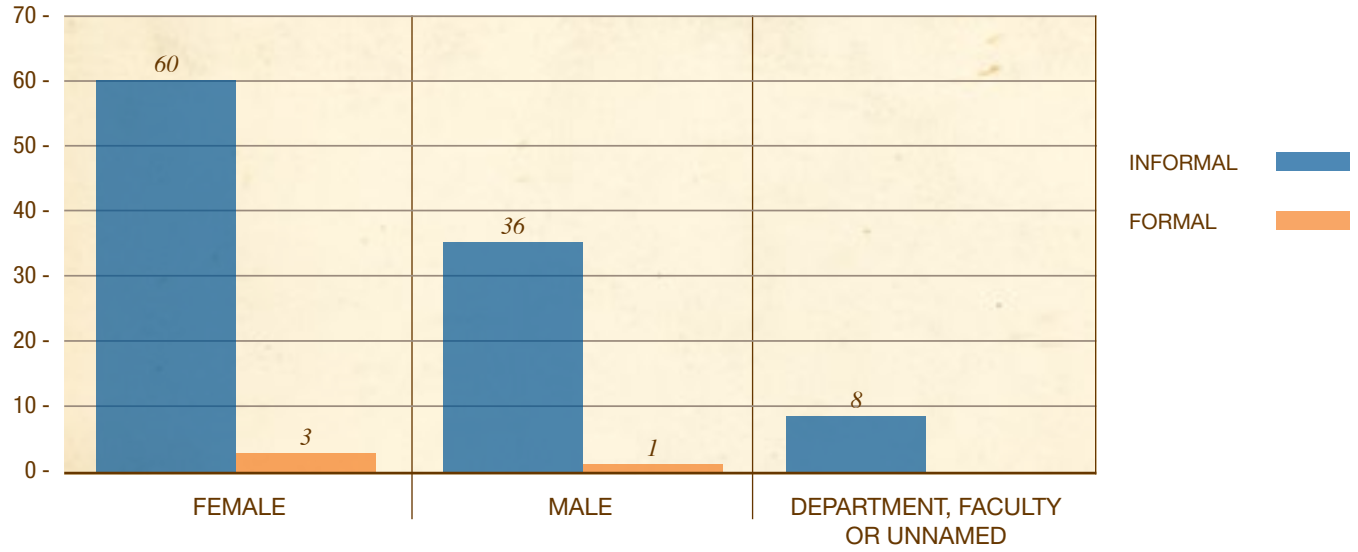
## Personal Harassment Complainants



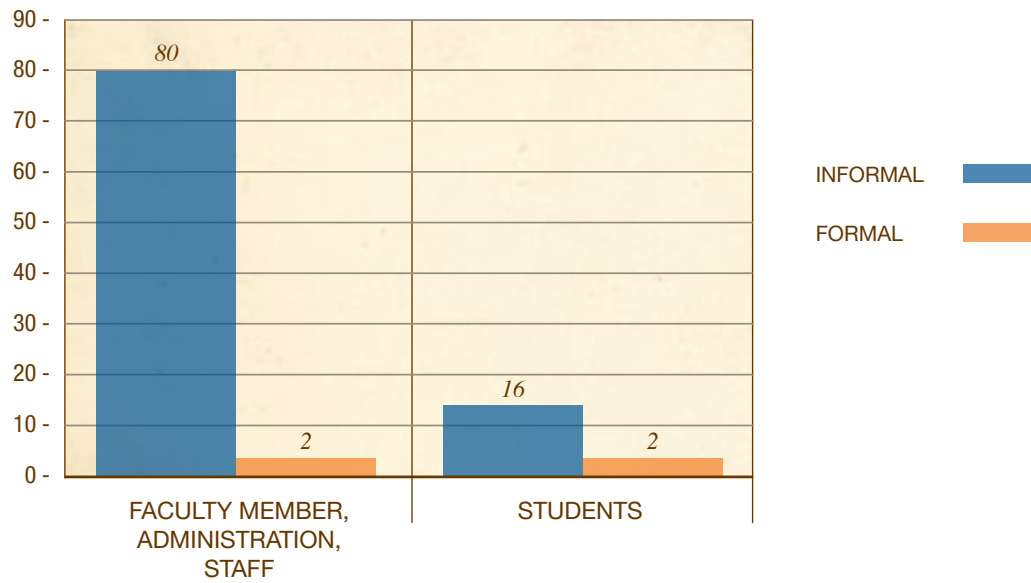
## Personal Harassment Complainants



## Personal Harassment Respondents



## Personal Harassment Respondents





## Trends:

Personal Harassment continues to represent the majority of files the HRAS deals with. The number of new Personal Harassment matters brought forward has increased only slightly from last year, however the number of files carried over from the previous year has increased considerably; with 40 carried over in 2011 compared to 77 carried over in 2012. A possible explanation for this high number of files carried over could be due to the fact that Personal Harassment is the “greyest” of categories, complaints are often conflict rather than harassment, and may be a symptom of climate issues in a workplace or classroom.

There has been an increase in requests for assistance from Supervisors, Department Heads and Deans on behalf of their department or faculty regarding conflict amongst staff. This increase may be partially attributed to the improvement of tracking data in this category with the introduction of the new database in September 2012.

Another possible explanation for the increase in files carried over is the introduction of conflict management coaching as another means to informally resolve complaints, as this process may take more time, however it is too soon to confirm in this reporting year. In addition, concerns within Personal Harassment often involve multiple Complainants or Respondents. To illustrate; of the 72 files opened this year, this represents 196 Complainants and Respondents, resulting in more work and time required to resolve such concerns. In comparison last year 68 files were opened which represented a total of 145 Complainants and Respondents.

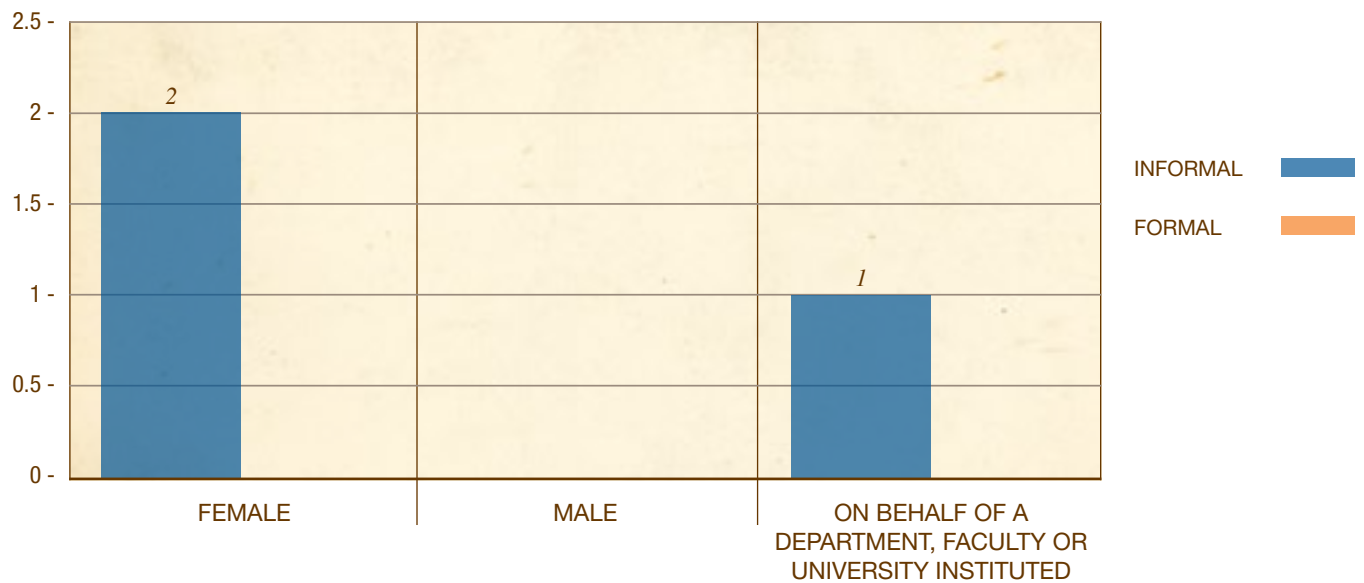
## Sexual Harassment:

Sexual Harassment is prohibited under the Manitoba Human Rights Code and the University's RWLE policy. It is uninvited and unwanted sexual attention made by a person who knows, or ought reasonably to know that it is unwelcome. It is defined as a course of abusive, unwelcome conduct or comment on the basis of gender; or, any sexual solicitation or advance that is unwelcome, especially if it may reasonably be seen to be putting a condition on employment, or the receiving or withholding of any benefit or service. The unwanted behaviour may be either physical or verbal. Some examples of Sexual Harassment are express or implied promise of reward for complying with a sexually oriented request and sexually oriented behaviour or gender-based abusive and unwelcome conduct or comment that has the purpose or effect of creating an intimidating, hostile or offensive environment.

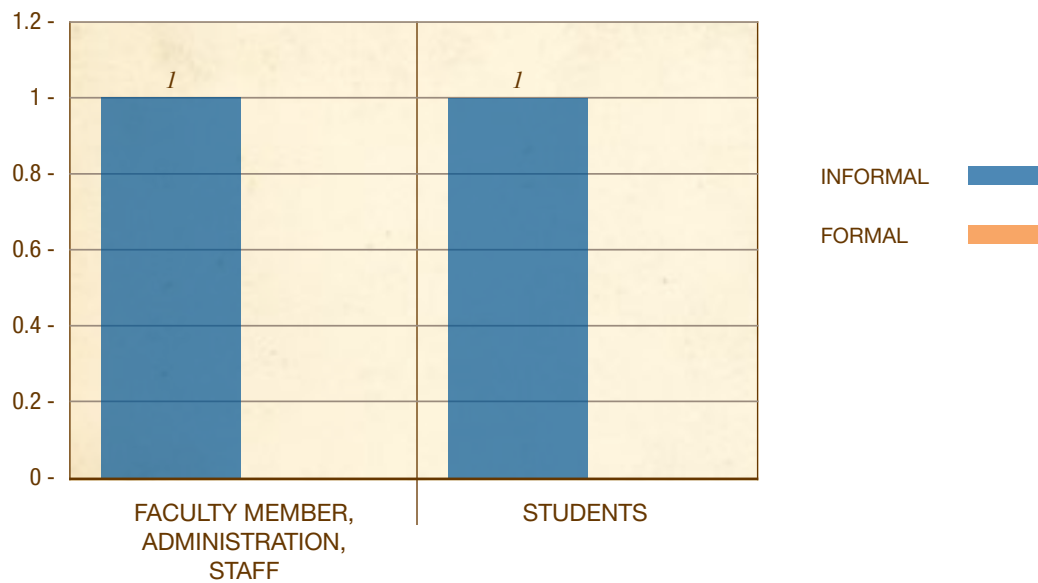
## Sexual Harassment Files:

- **Total: 14** as of the end of the reporting period
- **3** open (**11** carried over).
- Of the **3** complaints filed during the reporting year; **all** were informal. Of the **11** carried over, **10** were informal and **1** was formal.
- **11** informal files were closed; **6** were resolved by conciliation, **2** were not pursued and **3** were closed under the category of *other*, which includes inactive files for over 3 months, no contact information for respondent, or respondent no longer affiliated with the University.
- **1 formal** was closed as dismissed the RWLE policy was not breached.

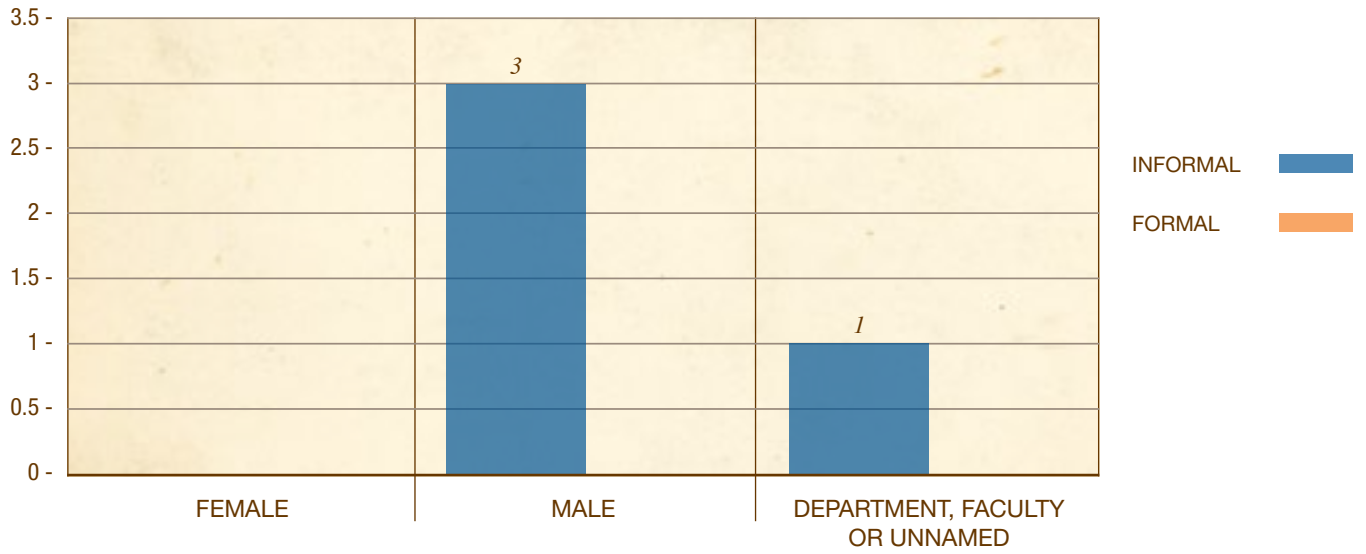
### Sexual Harassment Complainants



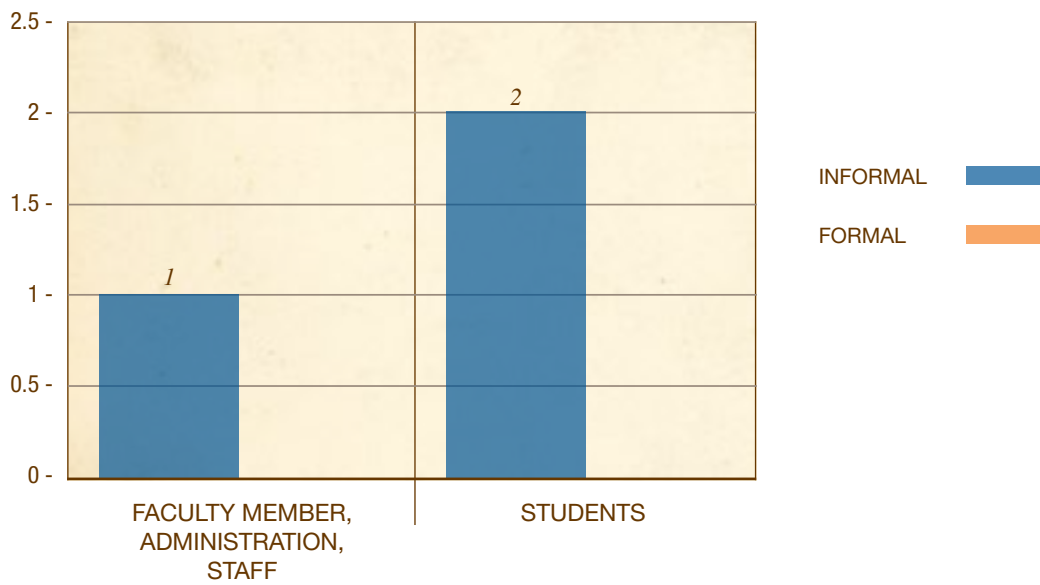
### Sexual Harassment Complainants



### Sexual Harassment Respondents



### Sexual Harassment Respondents



## Trends:

This year has seen a reduced number of new concerns brought forward in this category. In addition, there has been a continuation of similar types concerns brought forward. This year Respondents were exclusively males.

## Human Rights:

Human Rights Discrimination and Harassment are prohibited under the Manitoba Human Rights Code and the University of Manitoba's RWLE policy.

Discrimination, whether intentional or not, differential treatment of individuals and groups based on the categories set out in The Code and the University of Manitoba's RWLE policy.

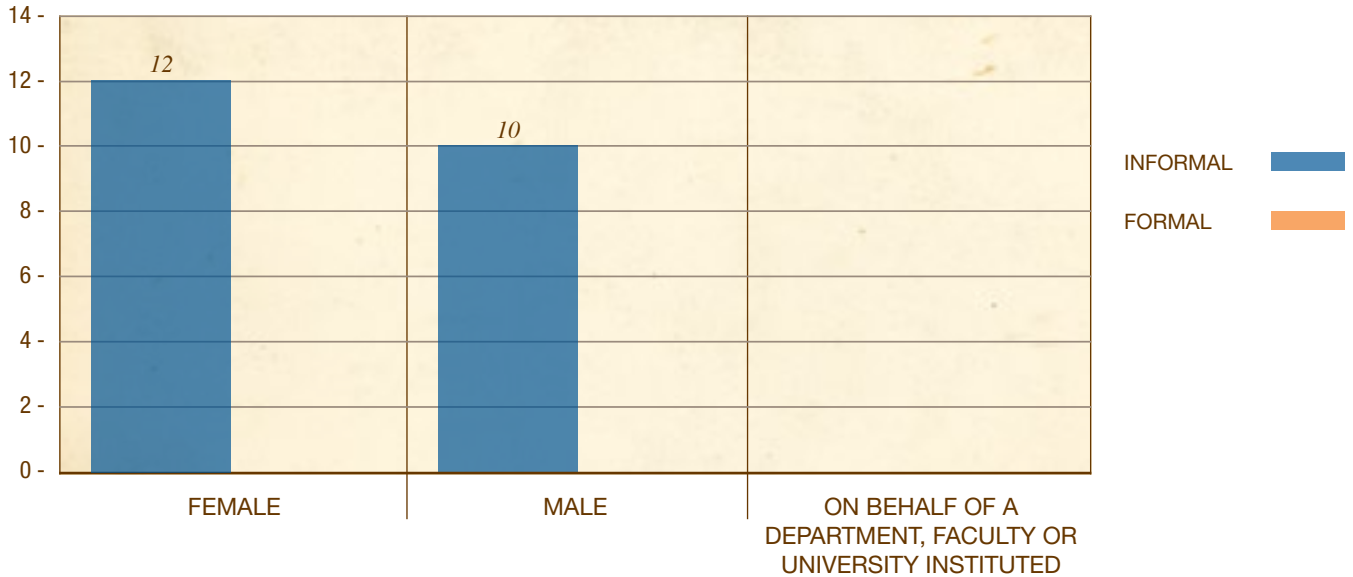
These categories include: ancestry, nationality or national origin, ethnic background or origin, religion or creed, age, sex, including pregnancy, gender identity, sexual orientation, marital or family status, income, political belief, association or activity and physical or mental disability. Of note, in July 2012 the Manitoba Human Rights Commission added "social disadvantage" as a prohibited ground under The Code.

Discrimination imposes burdens on, or denies opportunities to individuals or groups and is unfair because it is not based on actual academic or job performances, or any other form of competence. Instead, it is based on the assumption that a particular individual shares attributes, usually negative, stereotypically associated with a group to which he or she is perceived to belong.

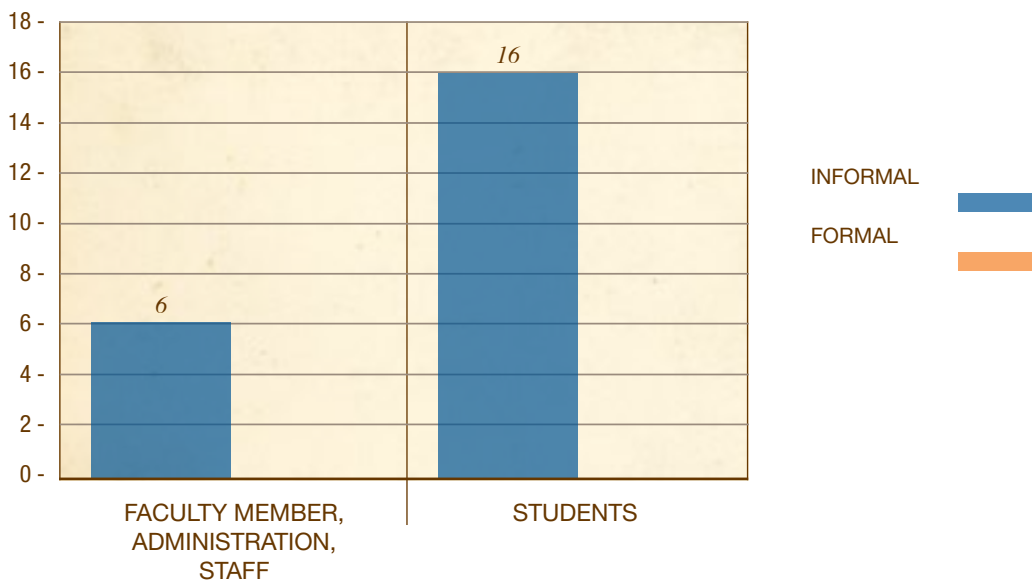
## Human Rights Files:

- **Total: 58** as of the end of the reporting period.
- **22** open (+ **36** carried over).
- Of the **22** complaints filed during the reporting year; all were informal.
- Of the **36** carried over, **34** were informal and **2** were formal.
- **29** informal files were closed; **10** of these were *resolved* either through conciliation, mediation or advice and/or information provided, **4** were not pursued, **15** were closed under the category of *other*, which includes inactive files for over 3 months, no response from the complainant, and the respondent no longer affiliated with the University.
- **2** formal files were closed; **1** a settlement was reached and **1** did not trigger the RWLE policy.

## Human Rights Complainants



## Human Rights Complainants

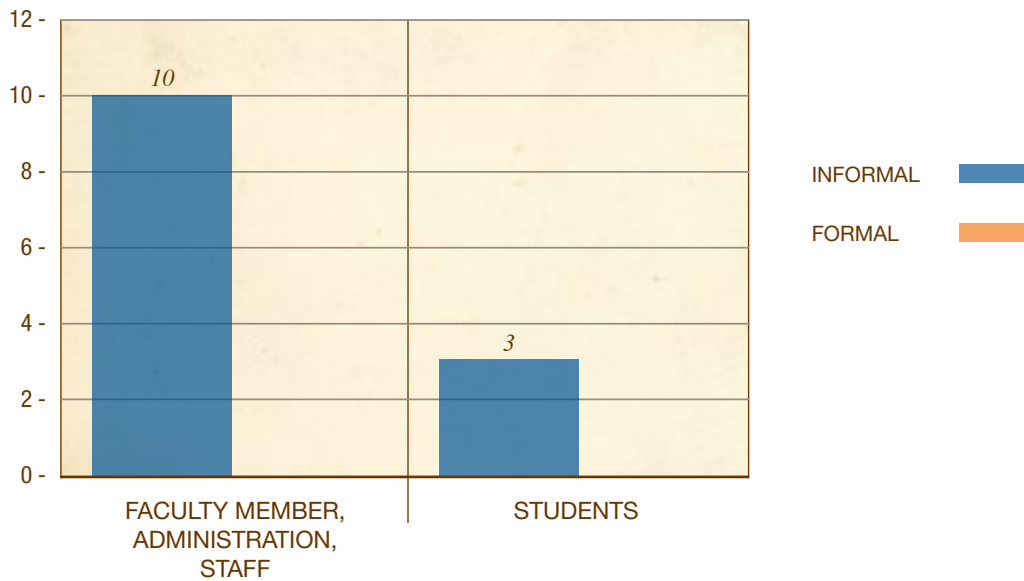


Examples of concerns include; discrimination based on gender, inappropriate questions being asked at an interview and racist remarks followed by threats of physical violence.

## Human Rights Respondents



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### Trends:

Students continued to be the largest group to bring forward concerns under the Human Rights category, and the number of females and males has evened out from the previous year in both Complainants and Respondents. Staff and units or departments continue to be largest category of Respondents.

## **RWLE Presentations: 28**

Presentations provide a means to educate members of the University community regarding their rights and responsibilities under the RWLE Policy. This year's presentations have been provided in conjunction with the following units or departments; Learning and Development Services, Student Advocacy, Student Accessibility Services and the Faculty of Medicine Professionalism and Diversity.

## **Speakers**

In partnership with the Faculty of Medicine and the *Manitoba Employment Equity Practitioners Association* (MEEPA) HRAS brought Dr. Lionel Laroche to the University of Manitoba to lecture about the importance of multiculturalism in the workplace.

# Copyright Office

## Executive Summary

During the 2012/13 fiscal year, the Copyright Office focused on a robust education campaign and continued to review courses in learning management systems. While there was good news with copyright-related Supreme Court of Canada cases, a revised *Copyright Act*, and liberal Fair Dealing Guidelines to work with, uncertainties and challenges remained which resulted in the University's decision to sign an agreement with Access Copyright.

The following table compares Copyright Office statistics from 2011/12 and 2012/13:

Copyright Office Statistics			
	2011/12	2012/13	Change
Training sessions offered	41	61	+49%
Number of attendees at training sessions	791	1,005	+27%
Learning management system courses reviewed	61	239	+292%
Copyright queries answered	1,125	1,754	+56%
Copyright clearances processed	273	235	-14%
Cost of copyright clearances	\$635	\$579	-9%

## History of the Copyright Office

The Copyright Office was established in May 2011 as a result of changes in how the University deals with copyright issues. Juliette Nadeau was appointed as the first Copyright Officer and Michelle Laarissa was hired as a full-time Copyright Assistant shortly after. To help with the review of online courses, a summer employee was hired, followed by a one-year term employee. Office staff worked quickly to publicize the Office's services, to establish a website, to prepare an education campaign, to develop a process to review courses, to determine funding requirements, to develop a database, and more. A copyright email address was established to ensure efficient and speedy responses to queries. The Copyright Office reports to the Director of the Office of Fair Practices and Legal Affairs. This annual report is the first for the Copyright Office.

## Major Copyright News

For 18 months beginning in January 2011, the University operated without an Access Copyright agreement. During this time, University community members worked with very restrictive Fair Dealing Guidelines prepared by the Association of Universities and Colleges of Canada (AUCC). While some Canadian universities and colleges chose to continue operating without an Access Copyright agreement, the University of Manitoba decided to mitigate its risk and take advantage of a reduced retroactive rate offered by Access Copyright and signed an agreement in June 2012. The University administration absorbed the \$26 FTE fee rather than pass it on to students.

Shortly after, the Supreme Court of Canada issued five important decisions supporting the rights of users and the revised *Copyright Act* (Bill C-11) came into force with new provisions. As well, AUCC developed new and more liberal Fair Dealing Guidelines.



The changes in copyright over the year have affected copyright processes in the Copyright Office, as well as in the Libraries, the Bookstore, Distance Education, the Faculty of Music, the Faculty of Kinesiology and Recreation Management, and Conference and Catering Services. In turn, staff from virtually every unit at the University has had to re-think how they use copyrighted content in teaching and research.

The Copyright Office worked closely with the Desire2Learn team to ensure good communication to the University community about copyright compliance in learning management systems.

### **Publicity and Training**

The Copyright Office offered many copyright presentations to different groups of the University community during the year: new faculty and academic administrators, existing faculty and academic administrators, library staff, graduate students, researchers, and support staff. Face-to-face presentations appeared to be most effective in educating the community about changes in copyright rules. Presentations were sometimes requested by a Faculty, Unit or Department; and sometimes offered as part of Desire2Learn workshops. Overall, 61 presentations were offered this fiscal year (59% more than the previous fiscal year), and 1,005 university community members attended (an increase of 27%).

Other ways to publicize copyright news included sending emails to associate deans, adding a notice on Desire2Learn's home page; sending an information brochure to all faculty, instructors, and librarians; publishing articles in news bulletins and blogs; revising a Copyright Quiz for graduate students; creating short videos for the website; and adding a copyright poster near photocopying machines, scanners, computer labs, etc.

### **Reviewing Courses for Copyrighted Content**

The Copyright Office refined its process to randomly review course content in learning management systems and completed 239 reviews in 2012/13, a 292% increase from the previous fiscal year.

### **Copyright Queries**

An ongoing task in the Copyright Office is to respond to copyright queries via email, telephone or in person. During the fiscal year, 1,754 queries were answered (a 56% increase since 2011/12).

### **Copyright Clearances**

The Copyright Office received fewer clearance requests than in the past, largely as a result of the new Fair Dealing Guidelines and new provisions in the *Copyright Act*. In 2012/13, a total of 235 copyright clearance requests were received (a drop of 14% from the previous fiscal year). Fees for clearances totalled \$579, a reduction of 9%.

### **Other Activities**

The Copyright Officer was a member of the Desire2Learn Team as well as the Graduate Student Workshop Committee.

The Copyright Office prepared a detailed procedures manual and established service level commitments during the year.

## Trends in Copyright

Because the University is relying on AUCC's Fair Dealing Guidelines and new *Copyright Act* provisions, the Copyright Office expects fewer requests for copyright clearances in the future and thus a reduced need for clearance funds.

As Desire2Learn becomes more stable and accepted, it is expected to become used by more instructors, resulting in an increased workload in reviewing course content for copyright issues. Courses in OPAL will continue to be reviewed randomly as well. More human resources may be needed in the future to accommodate the increased use of learning management systems.

Of greater concern is the trend for some instructors to use non-sanctioned products, such as Dropbox, to share copyrighted material with students. Products such as these are considered higher risk because they are not controlled by the University and the content posted to them cannot be reviewed for copyright compliance.

A robust education campaign will continue to ensure University community members are aware of copyright and its changing environment.