Executive Summary

In the fiscal reporting year 204 concerns were recorded under Advisory, among these 54% went on to become either informal files or formal complaints. Complaints are categorized under three categories: Personal Harassment, Human Rights and Sexual Harassment. Personal Harassment comprised 65% of all complaints. Complainants were 60% female, and 69% staff (faculty, administration or support) while females were slightly more likely to be the respondents at 47%, than males at 44% or unit or department at 9%. Of note, 79% of these respondents were members of staff. These numbers reflect the importance to members of the University of Manitoba community of the need to be respected in the work and learning environment. Personal harassment is the greyest area of the Respectful Work and Learning Environment (“RWLE”) Policy. Many times, when an individual attends the office with a concern, what they think is personal harassment may in fact be workplace conflict. We need to address these concerns early with regard to conflict in the work or learning environment; informal resolution in the form of coaching, conciliation and/or mediation may be the best manner to address such concerns.

Human Rights had the second highest number of complaints representing 25% of all complaints, males made up the majority of respondents at 43% as females represented 26%, and units or departments were at 31%. The majority of respondents in the area were staff members at 57%.

Sexual Harassment represents the lowest percentage of complaints at 10%, however complaints in this category can often be quiet serious. Complainants were overwhelmingly female at 82% while 88% were students. Of the respondents, 94% were male and 69% were students.
History of HRAS:

The Equity Services Office opened in January, 1995 as a response to the increased concern for and interest in equity and human rights issues on campus. Initially, there was a half time Human Rights Officer, along with the Employment Equity Staff and the Sexual Harassment Officer, the office was located in the Drake Centre. In July 2010, the Equity Services Office was restructured; the office was divided and relocated out of the Drake building; the Employment Equity Officer and the Assistant remained reporting to Human Resources and were relocated to the Administration building; the Equity Officer was relocated to University Centre, and began reporting to the Office of Fair Practice and Legal Affairs. The office and position were renamed as follows: The Human Rights & Advisory Services Office (“HRAS”) and the Human Rights and Equity Advisor (“HREA”). Shortly thereafter the HREA retired, in September 2010 Jackie Gruber was hired as the new HREA and in January 2011 the Confidential Intake Officer Anitra Squires started.

Overall the office has seen an increase in calls and contact from the University community requesting resource information, an increase in advertising materials by way of posters and pamphlets in addition to an increase in the number of presentations may have contributed to this. This document is the first report submitted since the restructure in 2010.

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. Matters entered as Advisory will not necessarily proceed to a file, in fact, this year 54% of Advisory contacts became either informal or formal files, suggesting that once advice has been given, a referral made to another department or the individual has had the opportunity to discuss their concerns for example, that is often sufficient. Advisory became a category in September 2010.

- **Total number of advisory contacts:** 204

- Examples of concerns brought forward include; position discontinuation while on maternity leave, appropriate wording for dress code policy, inappropriate questions asked during a job interview, racist graffiti, requests for Respectful Work and Learning Environment Policy presentations.

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 Respectful Work and Learning Environment Policy (RWLE). The HREA facilitates resolution of informal complaints through mediation, conciliation and education.

- **Total number of informal complaints:** 153

Formal Complaint:

If a matter cannot be resolved informally, or if the behaviour continues or reoccurs, then 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.

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).

- **Total number of formal complaints:** 14
Total number of **New** Files
Opened April 1, 2011 - March 31, 2012

<table>
<thead>
<tr>
<th>Category</th>
<th>INFORMAL</th>
<th>FORMAL</th>
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<tbody>
<tr>
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<tr>
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</tr>
<tr>
<td>HUMAN RIGHTS</td>
<td>30</td>
<td>0</td>
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</table>

Total number of **Active** Files
up to March 31, 2012

<table>
<thead>
<tr>
<th>Category</th>
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<th>FORMAL</th>
</tr>
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<tbody>
<tr>
<td>PERSONAL HARASSMENT</td>
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</tr>
<tr>
<td>HUMAN RIGHTS</td>
<td>41</td>
<td>2</td>
</tr>
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</table>
New 2011 Complaints

- **HUMAN RIGHTS**
  - All 30 Informal

- **SEXUAL HARASSMENT**
  - All 12 Informal

- **PERSONAL HARASSMENT**
  - 5 Formal / 63 Informal

- **ADVISORY**
  - 204 Total

Total Active 2011 Complaints

- **HUMAN RIGHTS**
  - 2 Formal / 41 Informal

- **SEXUAL HARASSMENT**
  - 1 Formal / 15 Informal

- **PERSONAL HARASSMENT**
  - 11 Formal / 97 Informal

- **ADVISORY**
  - 204 Total
Total Files Closed for the Year

- Personal Harassment: 53
- Sexual Harassment: 6
- Human Rights: 19

Method of Closure

- Resolved: 23
- Not Pursued: 18
- Other: 37
Personal Harassment:

Personal harassment is behaviour that humiliates, intimidates, excludes and isolates an individual or group, but is not based on one of the Manitoba Human Rights Code's prohibited grounds of discrimination. 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. Many complainants would sum up the feeling of being personally harassed as having the weight of a “ton of feathers” on them.

- **Total number of personal harassment files: 108**
- 68 open (+40 carried over from 2010)
- Of the 68 opened during the year; 5 are formal, 63 are informal
- Of the 40 carried over 6 are formal and 34 are informal
- Of the 11 formal complaints, 4 found the RWLE policy was not triggered; 2 had reached agreements and the complaints were dropped and 5 are pending decisions from the Investigation Officer.
- 53 files were closed; 11 were resolved either by conciliation, mediation or by advice and/ or information provided, 14 were not pursued and 28 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

**Formal and Informal**

- 66 female (60%)
- 42 male (38%)
- 2 on behalf of a Unit, Department or UM (2%)
- 75 staff (faculty, administration and support) (69%)
- 32 students (29%)

Examples of concerns include; feelings of walking on eggshells, being pushed out and set up, feeling singled out, public humiliation, yelling, snide comments, and micromanaging behaviours.
Personal Harassment Respondents

Formal and Informal:

- 59 female (47%)
- 56 male (44%)
- 11 N/A (either not named, or a Unit or Department) (9%)
- 99 staff (faculty, administration and support) (79%)
- 15 students (12%)

Complaints

<table>
<thead>
<tr>
<th>Gender</th>
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</thead>
<tbody>
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<td>11</td>
</tr>
<tr>
<td>Male</td>
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<td>14</td>
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<tr>
<td>Students</td>
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</table>

Personal Harassment Formal Complaints Results

<table>
<thead>
<tr>
<th>Category</th>
<th>Score</th>
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</thead>
<tbody>
<tr>
<td>Did Not Trigger RWLE Policy</td>
<td>4</td>
</tr>
<tr>
<td>Complaint Dropped</td>
<td>2</td>
</tr>
<tr>
<td>Decision Pending</td>
<td>5</td>
</tr>
</tbody>
</table>
Trends in Personal Harassment Complaints:

Personal Harassment embodies the majority of files the HRAS office deals with, comprising 65% of all complaints. Females and members of Faculty, Staff or Administration make up the majority of complainants with 60% and 70% respectively. Interestingly, although the majority of complainants are female, respondents were only slightly more likely to be female at 47% compared to 44% for their male counterparts; overall the majority of respondents were staff at 79%. One possibility for this high number is that members of staff, whether faculty, administration or support staff, may be more informed regarding the RWLE policy and the HRAS office than students.

Student/Advisor:

Many students were concerned about not being treated fairly by professors; many graduate students spoke to feeling intimidated by their Graduate Advisor and fear of reprisal should they attempt to remove themselves from the relationship due to the power imbalance. Many Graduate students were fearful that even if they were able to leave the advisor this would be detrimental overall to their career in the long run and they were scared of what the advisor may tell other colleges about them.

Employee/Employee:

Generally there are “known” areas, departments or units within the University where employees have been difficult for some time but as there has been no documentation that speaks to that, it appears as if the behaviours are acceptable as they have never been addressed. Office dynamics may speak to employees feeling the environment is toxic and there is a division in the environment. Rumors and gossiping do not help, and when a supervisor neglects to step in and handle the matter the behavior appears to be acceptable. Mistrust ensues, and the end result may be employees are off on a medical/stress leave, other employees in the office will tend to look for work elsewhere, and retention rate is thus low. Often, when there is conflict between two employees, the supervisor needs to address the situation and advise what is expected from each party in order to perform the duties of their job.
**Supervisor/Employee:**

As there is a power differential, there may be difficulty in distinguishing between conduct that is part of the role of a supervisor, and conduct that is considered harassing. Behaviour that is defined as Personal Harassment that would trigger the RWLE Policy in a formal complaint, may be a lot more severe than most of the instances of Personal Harassment that make up the bulk of informal complaints, yet are still distressing for the employee. Complainants report feeling “singled out” or picked on, differential treatment, micromanaging, rude emails, yelling, berating, anger management issues and withholding of information. As with other parties that are in conflict, resolution was often achieved through coaching, conciliation and or mediation.

**Student/Student:**

There have been many instances of harassing and inappropriate, bullying behavior. It appears that a lot of students do not realize their rights and responsibilities under the RWLE Policy while a member of the University of Manitoba community. Some of the inappropriate comments were through social media such as Facebook, Memes, Twitter and texts, and took the form of rude comments or pictures directed at a particular student or group of students. Some of the behaviours involved excluding, whispering, and name calling. Some students felt that comments made outside of the University setting do not affect the classroom setting, however this is not the case, and such behaviour can lead to a toxic learning environment for the affected student.
Sexual Harassment:

Sexual Harassment 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.

- **Total number of sexual harassment files: 16**
- 12 open (4 carried over from 2010)
- Of the 12 complaints filed during the reporting year; all were informal. Of the files carried over from 2010, 1 is formal, and is pending a decision from the Investigation Officer.
- Examples of concerns include; inappropriate touching, harassing emails in which to pursue a romantic relationship and will not take no for an answer.
- Of the 6 files closed; 2 were not pursued and 4 were resolved by conciliation, including one memorandum of understanding.
Sexual Harassment Complainants

**Formal and Informal:**

- 14 female (82%)
- 2 male (12%)
- 1 on behalf of a Unit, Department or UM (6%)
- 1 staff (faculty, administration and support) (6%)
- 14 students (88%)
- Examples of concerns include: harassing emails of a sexual nature, stalking, inappropriate comments on an exam, leering, inappropriate touching (i.e. massages)

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<table>
<thead>
<tr>
<th>Category</th>
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<td>Faculty, Administration, Staff</td>
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<td>0</td>
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<tr>
<td>Students</td>
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</table>

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HUMAN RIGHTS AND ADVISORY SERVICES ANNUAL REPORT - APRIL 1, 2011 - MARCH 31, 2012
**Sexual Harassment Respondents**

**Formal and Informal**

- 1 female (6%)
- 15 male (94%)
- 5 staff (faculty, administration, and support) (31%)
- 11 students (69%)

**Complaints**

<table>
<thead>
<tr>
<th>Complainant Type</th>
<th>Informal</th>
<th>Formal</th>
</tr>
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<tbody>
<tr>
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<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Students</td>
<td>11</td>
<td>0</td>
</tr>
</tbody>
</table>

**Trends in Sexual Harassment Complaints:**

It is unfortunately not surprising that 82% of the complainants in this category were female, and that 88% of complaints came from students. Also, the majority of respondents at 94% were male, and 69% were students. These figures may indicate that students need to be better informed regarding their rights and responsibilities under the RWLE Policy, with specific emphasis on Sexual Harassment, and the many forms it can take. It is important to point out however that 31% of respondents were staff, support staff, faculty, or administration. Although at 10%, Sexual Harassment represents a rather small portion of the complaints, instances of Sexual Harassment can often be quite serious and there are some trends worth noting.

**Student/Advisor:**

There have been some cases of inappropriate conduct from an instructor or advisor towards a student, in such cases due to the power imbalance it may be difficult for the student to say no firmly enough to be understood without risking reprisal, which can also take the form of Personal Harassment. Many times when a student has attended the office, the matter has continued for some time before they have realized what had occurred to them. Sometimes a student will come a few years after the fact as they want a “record” of what has happened to them but they do not wish to pursue a formal complaint. Not much can be done with an “anonymous” complaint. An approach of inquiry with regard to an informal concern may be the best way to pursue the matter along with education to the student population. Also, in balance there may be frustrations for the respondent who has been singled out yet there is no formal complaint. The role of the HREA is to work in a neutral capacity to resolve concerns so they do not need to become a formal complaint. In a preventative lens, hopefully, one can utilize this as learning experience.
**Student/Student:**

The majority of complaints in the category of Sexual Harassment occur between students; often the respondent is seeking a romantic/physical relationship with the complainant who is not interested, the respondent carries on with their pursuit; asking inappropriate personal questions, inappropriate touching, making the complainant uncomfortable, or even scared. The respondent is often surprised that their behaviour and actions had such a negative effect on the complainant. Sometimes there has been a past relationship between the parties and the respondent is not able to move on.

**Human Rights:**

Human Rights Discrimination and Harassment are prohibited under the Manitoba Human Rights Code and the University of Manitoba's Respectful Work and Learning Environment Policy.

Discrimination, whether intentional or not, is unfair, differential treatment of individuals and groups based on the categories set out in the Manitoba Human Rights Code and the University of Manitoba's Respectful Work and Learning Environment 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.

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.

- **Total number of human rights files: 43**
- 30 new (+ 13 carried over from 2010, 2 of which were formal; 1 was not pursued by the complainant, and 1 is pending a decision from the Investigation Officer).
- Of the 30 complaints filed during 2011 year; all are informal
- 19 files were closed; of these 8 were resolved either through conciliation, mediation or advice and/or information provided, 2 were not pursued, and 9 were closed under the category of other, which includes inactive files for over 3 months, no response from the complainant, which included the one formal complaint, and the respondent no longer affiliated with the University.
- Examples of concerns include; comments of a racist nature, failure to provide reasonable accommodation and discrimination based on gender and age.
### Human Rights Complainants

**Formal and Informal:**
- 29 female (66%)
- 10 male (23%)
- 5 N/A (either on behalf of unit/department or UM) (11%)
- 12 were staff (faculty, administration and support) (27%)
- 27 were students (62%)
- Examples of concerns include: failure to accommodate a learning disability, discrimination based on association, gender and age.

<table>
<thead>
<tr>
<th></th>
<th>Female</th>
<th>Male</th>
<th>On Behalf of Unit, Department or UM</th>
<th>Faculty, Administration, Staff</th>
<th>Students</th>
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<tr>
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<td><strong>10</strong></td>
<td><strong>5</strong></td>
<td><strong>12</strong></td>
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<td><strong>0</strong></td>
<td><strong>2</strong></td>
</tr>
<tr>
<td><strong>Informal</strong></td>
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<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>
Human Rights Respondents

Formal and Informal:

- 13 female (26%)
- 22 male (43%)
- 16 N/A (either not named, or a unit/department) (31%)
- 28 were staff (faculty, administration and support) (57%)
- 5 were students (5%)

Human Rights Respondants

Trends in Human Rights Complaints:

Human Rights complaints represented 25% of the total complaints brought to the HRAS. Females represented 66% of complainants and 62% were students. Allegations relating to failure to provide reasonable accommodation accounted for 42% of these complaints. Accommodation was requested for a variety of reasons: due to a learning disability, a physical disability, family status or religious belief.
**Student/Unit, Faculty or Department:**

A fairly large percentage of respondents 33% in Human Rights were either not named or represented a Unit or Department within the University, this may be explained by the fact that often it is a policy within a Faculty or a Department that complainants have a problem with, not the individual who is administering the policy. However, a large number of staff do make up the respondents at 57%, indicating there may be some work to be done in terms of education by the University in regards to improving accommodation issues.

There were also a fair number of complaints brought forward regarding discrimination based on ethnicity; racist comments, and feelings of being treated differently in the classroom. Through informal resolution, a student may be able to have their concerns addressed and be provided with more information that resolved their concern.

**Other Activities:**

**Presentations**

Presentations provide a means to educate members of the University community regarding their rights and responsibilities under the RWLE Policy. Presentations are often requested by a Unit or Department as part of orientations such as when there is a new intake of students or staff, for example the New Faculty Orientation. Presentations to a specific Unit are also often requested by their administrator when there have been a number of concerns; it has been determined that a review of the RWLE Policy is needed. Many times, when pursuing informal resolution education may be included in the resolution. Typically, in preparation for presentations, the HREA meets with the administrator of the Department or Unit to determine specific needs, if any. If needs are identified, presentations can then be tailored specifically to address the issues and concerns in that particular Department. Often, Presentations are provided in conjunction with other Units, such as: Learning and Development Services, Student Advocacy, Access and Privacy Office, Copyright Office and the Office of Fair Practices and Legal Affairs.

- **Total number of RWLE Presentations: 25**

**The Human Rights and Equity Advisor:**

- Is an active member of the following committees; the Faculty of Dentistry’s Outstanding Workplace Committee, The Faculty of Medicine’s Diversity Working Group, and STATIS (Student Threat Assessment Triage Intervention Support); Member at Large The Canadian Association for the Prevention of Discrimination and Harassment in Higher Education (CAPDHHE);

- Attended The Canadian Association for the Prevention of Discrimination and Harassment in Higher Education (CAPDHHE), conference in Edmonton, Alberta;

**Speakers**

In partnership with other departments and units HRAS brought Stephen Hammond to University of Manitoba twice to lecture about Human Rights obligations in the workplace. Cindy Blackstock was brought by UMSU and HRAS to lecture about first nation’s children as part of Equity month.