

# Office of Human Rights and Conflict Management

Annual Report  
2017-2018



UNIVERSITY  
OF MANITOBA

## Introduction

As specified in the Respectful Work and Learning (RWLE) Policy and the Sexual Assault (SA) Policy, the Human Rights and Conflict Management Officer (HRCMO) is obliged to provide this report outlining data regarding the number and types of complaints, observable trends, educational activities and other relevant information which may further the implementation of the Policies and their Procedure.

The mission of the Office of Human Rights and Conflict Management (OHRCM) is to promote a respectful work and learning environment in which individuals are treated equitably and diversity is valued. During the period of this Annual Report the OHRCM was staffed by:

- **Jackie Gruber:** Human Rights and Conflict Management Officer (HRCMO)
- **Joel Lebois:** Human Rights Legal Counsel
- **Brian Barth:** Conflict Management Advisor (CMA)
- **Anitra Squires:** Confidential Intake Officer (CIO)

The OHRCM carries out four key functions at the University of Manitoba:

### 1. Policy Administration

The OHRCM works to reduce and eliminate discrimination and harassment at the University of Manitoba by promoting, supporting, and administering the following University of Manitoba Policies and Procedure:

- **Respectful Work and Learning Environment (RWLE) Policy**  
[http://umanitoba.ca/admin/governance/media/Respectful\\_Work\\_and\\_Learning\\_Environment\\_RWLE\\_Policy\\_-\\_2016\\_09\\_01.pdf](http://umanitoba.ca/admin/governance/media/Respectful_Work_and_Learning_Environment_RWLE_Policy_-_2016_09_01.pdf)
- **Sexual Assault (SA) Policy**  
[http://umanitoba.ca/admin/governance/media/Sexual\\_Assault\\_Policy\\_-\\_2016\\_09\\_01.pdf](http://umanitoba.ca/admin/governance/media/Sexual_Assault_Policy_-_2016_09_01.pdf)
- **RWLE and Sexual Assault (RWLE/SA) Procedure**  
[http://umanitoba.ca/admin/governance/media/Respectful\\_Work\\_and\\_Learning\\_Environment\\_RWLE\\_and\\_Sexual\\_Assault\\_Procedures\\_-\\_2016\\_09\\_01.pdf](http://umanitoba.ca/admin/governance/media/Respectful_Work_and_Learning_Environment_RWLE_and_Sexual_Assault_Procedures_-_2016_09_01.pdf)

### 2. Conflict Management Services (CM)

The OHRCM provides informal conflict management services to the University community in the form of conflict coaching, mediation, conciliation and facilitated group dialogue.

### 3. Training for Staff and Students

The OHRCM provides training for the University community through orientations for new staff and students, workshops on topics including the RWLE/SA Policies and Procedure, and continuing education for the entire University community.

### 4. Compliance with the Accessibility for Manitobans Act (AMA)

The OHRCM works in conjunction with Human Resources to ensure the University meets its obligations under the AMA.

## Major Office Activities

### Advisory

Any individual who contacts the OHRCM for assistance is initially recorded as advisory for case file purposes. Advice and information will be given and/or referrals may be made to the individual during the intake process and the first meeting

with OHRCM staff. While most casefiles remain under the advisory category (404 casefiles), others begin or develop to more specific categories.

## Informal Complaint

Any person who believes that they or any member of the University has been subjected to harassment, discrimination, or sexual assault in the course of University-related employment, study, training or activities may address their concerns informally (where appropriate) under the RWLE and SA Policies. The HRCMO and CMA facilitate resolution of informal complaints through conflict management coaching, conciliation, mediation and/or education.

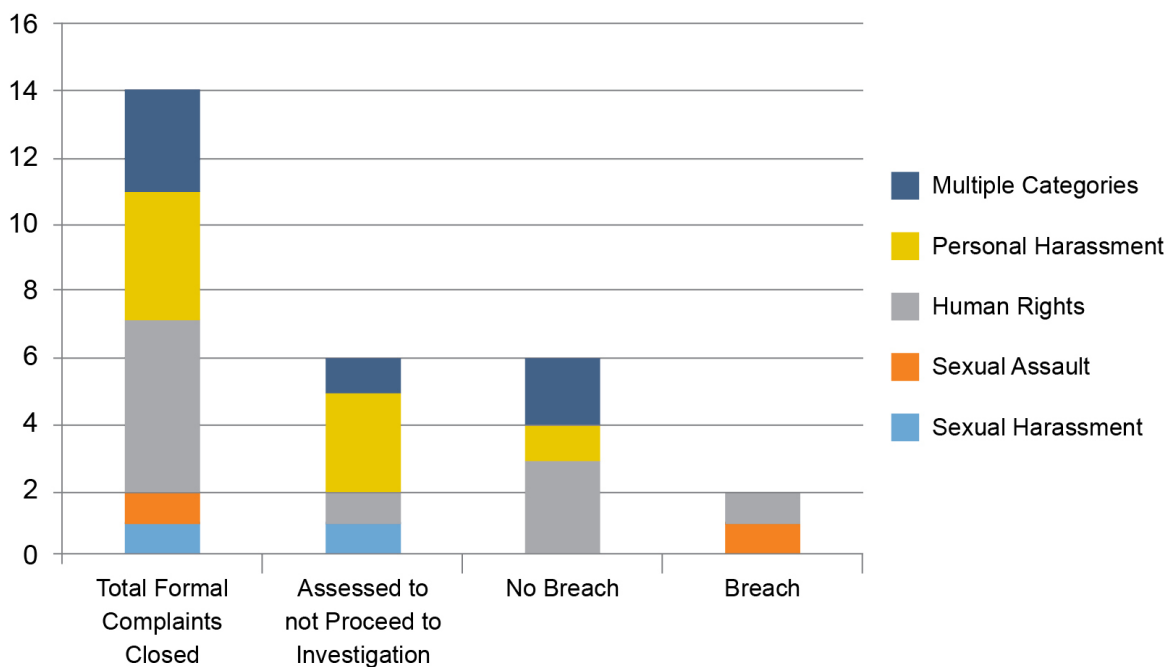
## Formal Complaint

All formal complaints must be submitted to the OHRCM in writing within one year from the date of the most recent alleged incident; if an allegation is beyond the one-year timeline then a request for an extension may be considered. When a matter cannot be resolved informally, or if the behaviour continues, one has the option of proceeding to a formal complaint. It is important to note that a complainant is not obligated to attempt to resolve a concern informally; they have the right to proceed directly to a formal complaint if they choose.

Under the RWLE/SA Procedure, formal complaints may be assessed by the HRCMO to determine applicability under the RWLE or SA Policies. This reporting year (2017/2018) 6 of the 14 active written formal complaints submitted to OHRCM proceeded to the formal investigation process.

During the 2017/2018 reporting year, 14 formal complaint casefiles were closed. Some of those 14 had been submitted in the previous reporting year (2016/2017). Of those 14 formal complaints, 43% (6) did not result in an investigation; 43% (6) resulted in an investigation conclusion of no breach of RWLE/SA Policies; 14% (2) resulted in an investigation conclusion finding of a breach of the RWLE/SA Policies.

### ***Closed Formal Complaints***



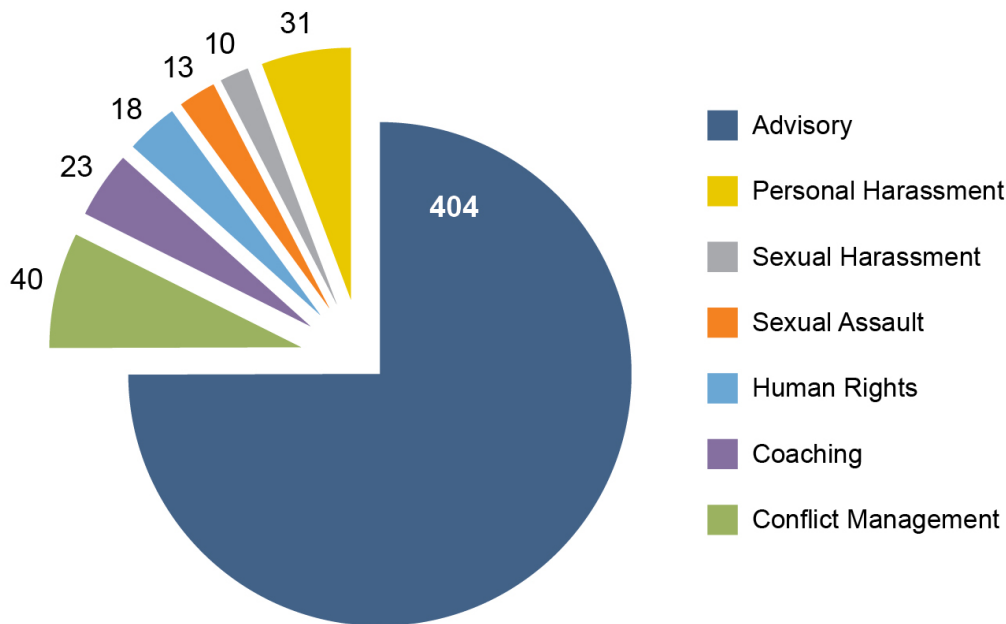
## Conflict Management

Conflict management (CM) services have been offered to the University community by OHRCM since 2014. CM involves the voluntary, participant-driven and cooperative resolution of disputes between and among pairs and small groups. CM is facilitated by OHRCM staff and may take the form of conflict coaching, conciliation, mediation, facilitated group

dialogue, or restorative justice forums. These options often allow for win-win outcomes for participants, and thus can de-escalate conflicts and help foster better relationships. It is important to note that while most CM strategies involve all parties in a conflict, conflict coaching is a one-on-one process with a trained coach (OHRCM staff) to help individuals gain increased ability to manage their interpersonal conflicts.

## 2017/2018 Complaint Categories and Counts

### New Complaints



### Trends

This reporting year saw a total of 539 cases, representing an increase from the 423 cases from the 2016/2017 year. The majority of the cases from the 2017/2018 year (404) were categorized as advisory.

## Human Rights Discrimination and Harassment

Human rights based discrimination and harassment are prohibited under *The Human Rights Code (The Code)* and the University's RWLE Policy.

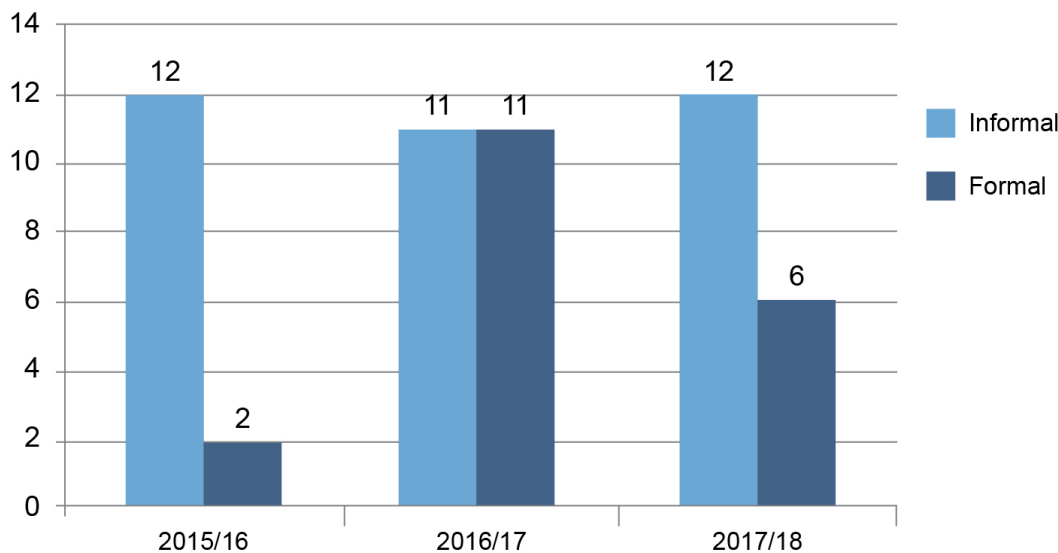
Human rights based discrimination is differential treatment, whether intentional or not, of individuals or groups based on the protected characteristics set out in *The Code* and the University of Manitoba's RWLE Policy. Failure to provide reasonable accommodations based on the protected characteristics is also considered to be a breach of *The Code*. These characteristics 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, source of income, political belief, association or activity, physical or mental disability and social disadvantage.

Discrimination imposes burdens on, or denies opportunities to individuals or groups and is unfair because it is not based on actual academic or job performance, 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 based harassment is prohibited under *The Code* and the University's RWLE Policy. Human rights based harassment is one severe single incident, or series of incidents, of objectionable and unwelcome comments or actions, based on any of the characteristics protected in *The Code* and the University of Manitoba's RWLE Policy, directed

towards a specific target which serves no legitimate work or academic related purpose and has the effect of creating an intimidating, humiliating, hostile or offensive environment.

### *Human Rights Files:*



### **Trends**

The data shows a decrease in formal complaints of human rights based discrimination or harassment. Ongoing education and promotion activities of the OHRCM could have played a role. Also of note is the relatively constant number of informal human rights complaints over the past three reporting years.

#### ***Example (Anonymized and De-identified) Case of Human Rights Based Harassment (Informal Complaint)***

An instructor approached OHRCM after one of their students complained to them about classmates making derogatory comments about the student's perceived race or ancestry. The instructor contacted the respective classmates and gathered them for a meeting with OHRCM staff. During the meeting, the instructor discussed the concern, and the OHRCM staff reviewed the rights and responsibilities described in the RWLE Policy and RWLE/SA Procedure. The classmates expressed remorse and worked with the instructor to relay an apology to the student complainant.

#### ***Example (Anonymized and De-identified) Case of Human Rights Based Harassment (Formal Complaint)***

A prospective student approached OHRCM with a complaint of human rights based discrimination. The student had applied to a faculty under a special consideration category which matched a protected characteristic in *The Code*. The student's application was rejected, and they subsequently submitted a formal complaint alleging the rejection had been the result of discrimination based on the protected characteristic. An investigation concluded there was no breach of the RWLE Policy.

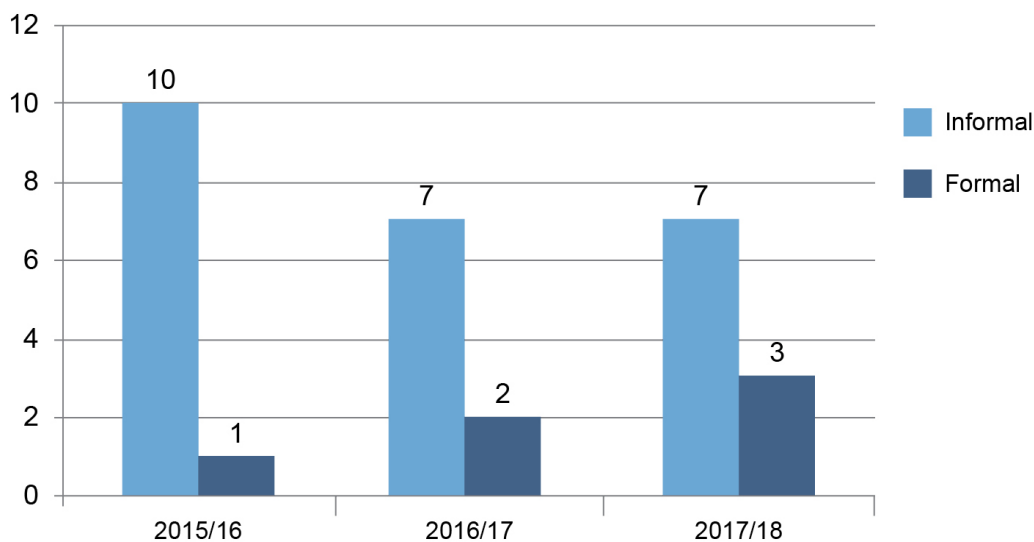
### **Sexual Harassment:**

Sexual harassment is prohibited under *The Code* and the University's RWLE Policy. Sexual harassment is a form of human rights based harassment and refers to a course of objectionable and unwelcome conduct or comments undertaken or made on the basis of the Protected Characteristics: sex (including sex-defined characteristics) gender identity, and/or sexual orientation. Sexual harassment includes but is not limited to:

- i. Unwanted sexual attention, including persistent invitations for dates, by a person who knows or ought reasonably to know that such attention is unwanted or unwelcome;

- ii. Gender-based abusive or unwelcome conduct or comments that would objectively have the effect of creating an intimidating, humiliating, hostile or offensive work or learning environment;
- iii. Sexist jokes or remarks, including comments regarding a person's appearance or clothing;
- iv. Leering, ogling, or other sexually oriented gestures;
- v. Questions about a person's sexual history, sexuality, sexual orientation, or sexual identity by a person who knows or ought reasonably to know that the questions are unwanted or unwelcome;
- vi. Offensive physical contact by a person who knows or ought reasonably to know that the contact is unwanted or unwelcome;
- vii. A single sexual solicitation or advance or a series of solicitations or advances made by a person who is in a position to confer any benefit on or deny any benefit to the recipient, and who knows or ought reasonably to know that the solicitation or advance was unwanted or unwelcome; or
- viii. A reprisal for rejecting a sexual solicitation or advance.

### ***Sexual Harassment Files:***



### ***Trends***

The data for 2017/2018 cases of sexual harassment complaints is nearly identical to that from 2016/2017. This could be the result of ongoing education by OHRCM and other campus offices. At the same time, it may be the result of the ongoing discussion of sexual harassment in the national and international media. Further, emergent social movements including "#MeToo" and "Time's Up" may also have contributed to awareness. In other words, while complaints may be reduced by ongoing education, the numbers may have also risen due to the ongoing advocacy and discussion of sexual harassment on a broader level.

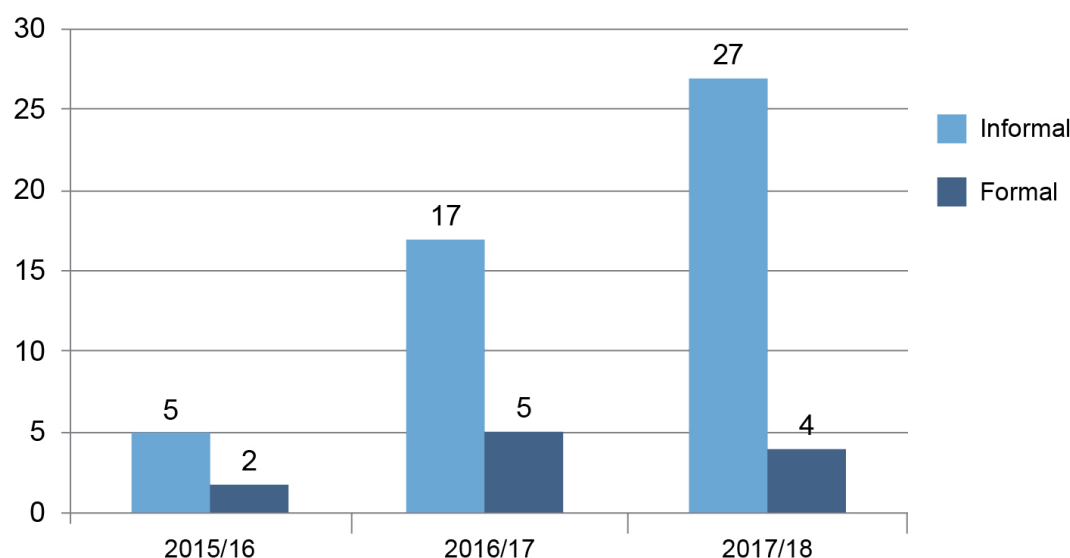
### ***Example (Anonymized and De-identified) Case of Sexual Harassment (Informal Complaint)***

A student met with OHRCM to discuss concerning text messages and behavior of a classmate. The student wished to resolve their concerns informally under the procedure. The OHRCM staff met with the classmate and a Student Support Case worker to review the RWLE/SA Procedure, to tell the classmate to not contact the student by any means, and to provide supports to the classmate.

## Personal Harassment

Personal harassment is prohibited under the *Workplace Safety and Health Regulation* of Manitoba, and the University's RWLE Policy. Personal harassment is one severe incident, or a series of incidents, of objectionable and unwelcome comments or actions, directed towards a specific target, that serve no legitimate work or academic related purpose and have the effect of creating an intimidating, humiliating, hostile or offensive environment. 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:**



### **Trends**

The data reflects a continued overall rise in the number of personal harassment cases. Informal cases account for nearly all of this increase over the past three reporting years. This is most likely attributable to the implementation and promotion of conflict management services, including coaching and mediation and of the education and training offered by the OHRCM.

### **Example (Anonymized and De-identified) Case of Personal Harassment (Informal Complaint)**

A student approached OHRCM with concerns about how they were being treated by a student advisor in their home department. They felt comments from the advisor were humiliating and berating in nature. OHRCM staff liaised with Faculty-level student advising coordinators to create a solution whereby the student would be advised at the faculty level.

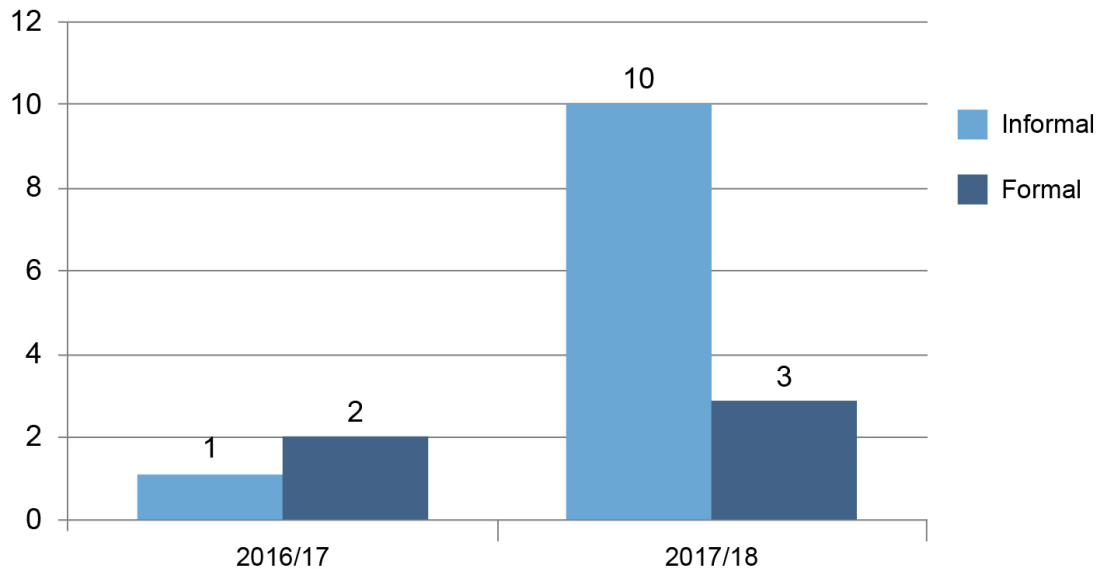
### **Example (Anonymized and De-identified) Case of Personal Harassment (Formal Complaint)**

A staff person complained one of their coworkers had repeatedly personally harassed them in the workplace. The staff person submitted a formal complaint which was investigated under the RWLE/SA Procedure. No breach was found, however, OHRCM staff subsequently provided training on respectful behavior in the workplace.

## Sexual Assault

Sexual assault is prohibited conduct under the Sexual Assault Policy and *The Sexual Violence Awareness and Prevention Act* of Manitoba. Sexual assault means the intentional sexual touching of another person with any object or body part without consent or by force.

### *Sexual Assault Files*



### **Trends**

The 2016/2017 reporting year was the first instance where sexual assault was reported separately from sexual harassment (as per the policy change separating those behaviors in September 2016). Although there appears to be a large increase of sexual assault cases, it is important to note that in previous reporting years these instances would have been reported under the sexual harassment category. For context, see the previous section on sexual harassment for a graph showing the apparent decrease in cases over the past three reporting years.

### **Example (Anonymized and De-identified) Case of Sexual Assault (Informal Complaint)**

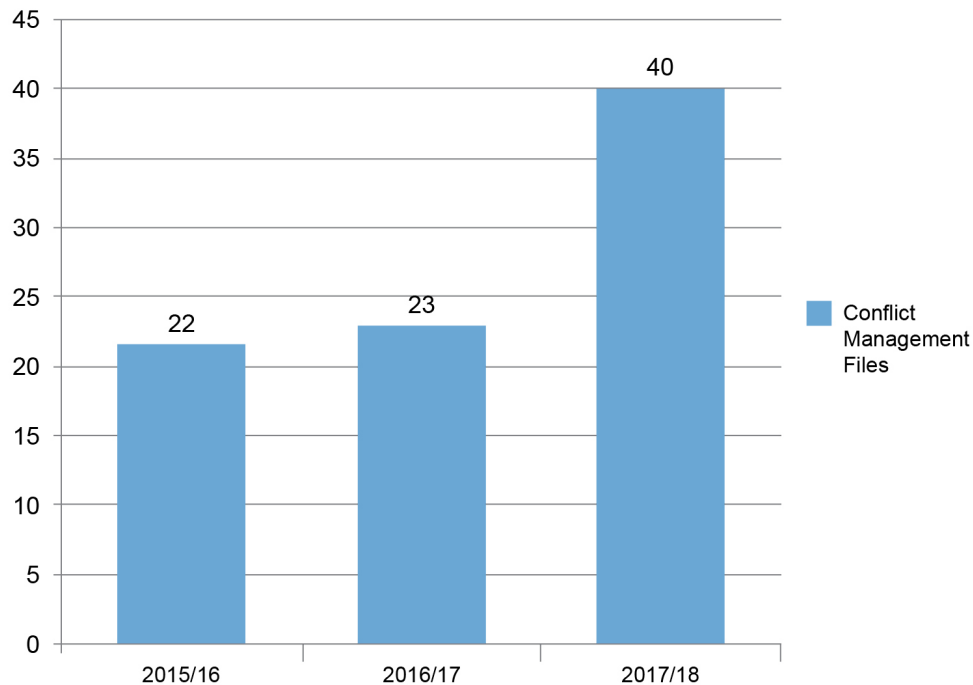
A University manager came forward to OHRCM to relay a concern conveyed by a staff person. The staff person alleged an external contractor had inappropriately touched staff during a training demonstration. OHRCM worked with various University offices to address the concern. The issue was resolved by the University discontinuing the hiring of the specific trainer. Finally, University staff who had previously been trained by the respondent were provided with OHRCM's contact and appropriate support/resource information.

## Conflict Management

Conflict management services are provided in cases where members of the University community request assistance with interpersonal conflict and communication problems. Examples include: misunderstandings, disagreements or personality differences between and among students, faculty or staff.

The HRCMO and CMA provide services in the form of conflict coaching, mediation, conciliation, facilitated group dialogue, and workplace or learning environment assessment. The services are designed to be voluntary, cooperative and participant driven. Further, the services are in line with the encouragement for early resolution described in section 2.5 of the RWLE Policy.



**Conflict Management Files:****Trends**

Conflict management services, including conflict coaching, mediation and conciliation, have been provided to the University of Manitoba community by the OHRCM since 2014. The data shows a sharp increase from 23 to 40 cases between the last two reporting years. This increase could likely be the result of established conflict management services and continuous promotion and education across the University community.

**Example (Anonymized and De-identified) Case of Informal Conflict Resolution: Coaching**

A department head contacted OHRCM with concerns about the conduct of a faculty member. The head referred the faculty member to the OHRCM for conflict coaching to address the concerns. The faculty member participated in three one-on-one conflict coaching sessions to discuss, address and remediate their behavior.

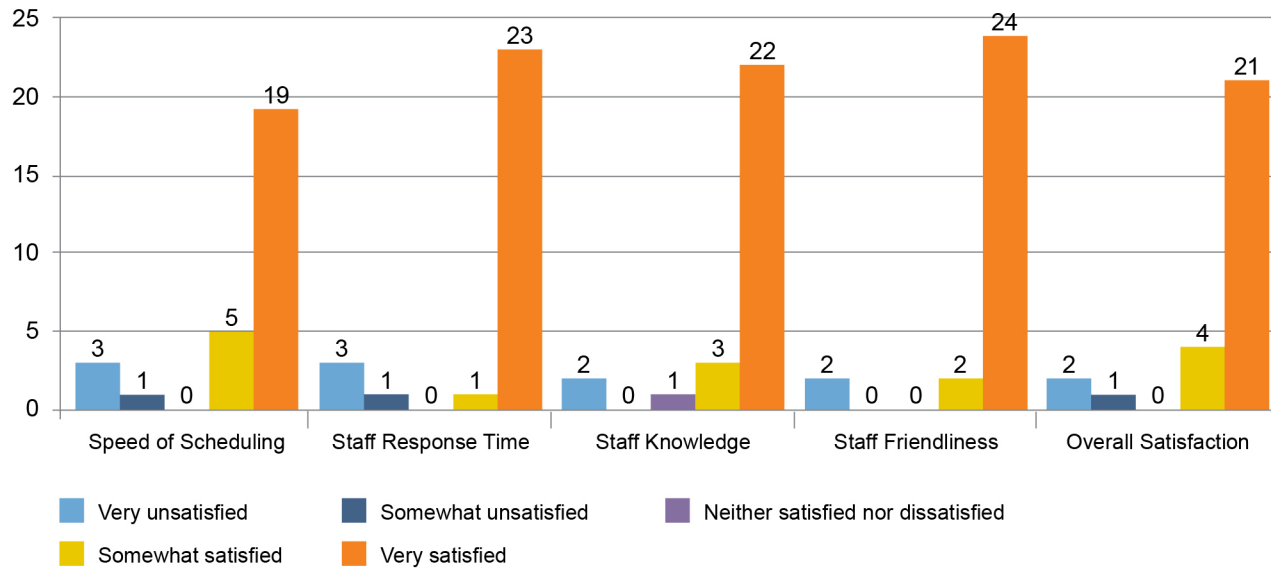
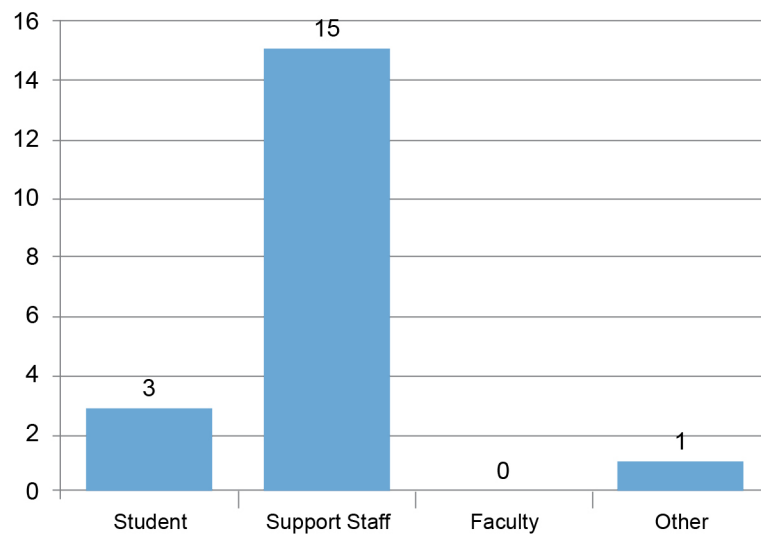
**Example (Anonymized and De-identified) Case of Informal Conflict Resolution: Mediation**

A staff person had submitted an informal complaint against their manager and several coworkers. The staff person and manager agreed to mediation with OHRCM staff. OHRCM staff met the two participants separately, and then mediated a conversation between the two. The two participants were able to discuss their concerns and work cooperatively to prevent further concerns in the future.

**Other Activities****Client Satisfaction Survey**

The OHRCM began surveying clients at the time of file closure for their feedback on service. The surveys were sent to clients beginning in the 2017/2018 reporting year, and measured overall satisfaction, including satisfaction with staff knowledge, friendliness, and timing of first appointment.

The data for the 2017/2018 reporting year include responses from 28 clients. Most of the survey questions included a five point Likert scale for satisfaction. Clients expressed they were very satisfied in nearly all cases, across all questions. Further, most respondents to the survey identified as support staff.

**Survey Respondent Satisfaction:****Survey Respondent Distribution:****Presentations**

A variety of the OHRCM presentation and workshop activities provide a means to educate members of the University of Manitoba's community regarding their rights and responsibilities under the RWLE/SA Policies, and to impart important conflict resolution skills. Most of the training this year had been conducted by OHRCM alone. On occasion, training is provided collaboratively with the following units or departments: Learning and Organizational Development, Human Resources, Student Advocacy, Student Accessibility Services and Faculty of Graduate Studies.

Training encounters include a wide variety of durations, audiences and topics. OHRCM provides many short (15-30 minute) orientations to students, staff and employees. The office also provides longer sessions (1-3 hour seminars and workshops) where specific learning outcomes are the goal.

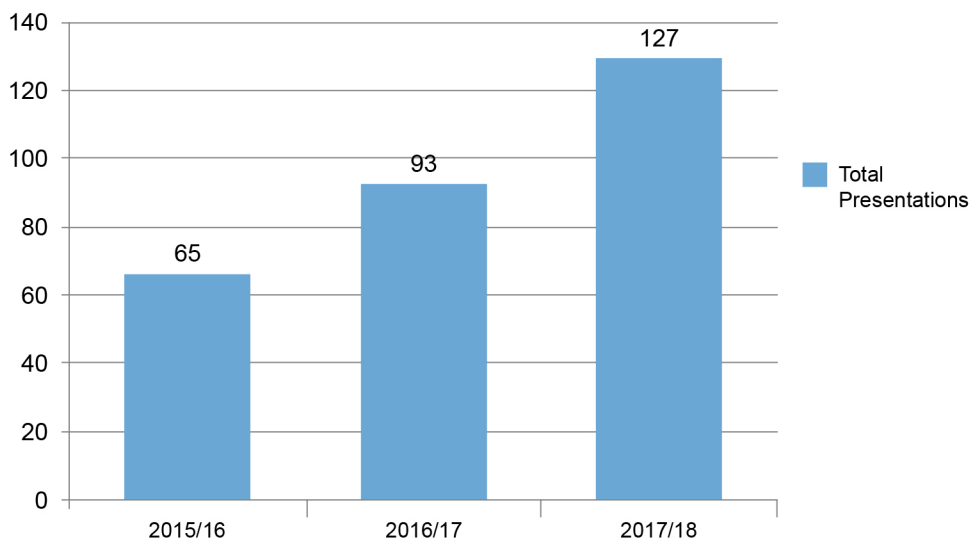
The graph below shows the steady increase in presentations by OHRCM over the past three years. It is exciting to note a significant increase from 65 total presentations in 2015/2016 to 93 in 2016/2017, and 127 in 2017/2018.

Among the sessions provided were workshops given as part of the UM Leaders and Supervisory excellence programs of LOD, and OHRCM presenting as guests for various faculty councils.

This reporting year the OHRCM began collaboratively presenting sessions to the University Community on “Responding to a Disclosure of Sexual Assault.” These sessions were fully attended throughout the reporting year. Collaborators included student affairs, student residence, and employee health and wellness. A total of 16 sessions were offered during the 2017/2018 year.

Of note, a “Responding to Allegations and Disclosure of Sexual Harassment and Assault Training” was provided to the UM senior leadership as part of their executive retreat in December 2017. This led to many further training sessions requested by deans to be provided at the faculty/departmental council level.

#### **Total Presentations:**



## Learning and Workplace Assessments

Learning and workplace assessments are an informal mechanism to engage the stakeholders in a given faculty/unit, and to gather information about what is working, what is not, and possible improvements. Such assessments are aimed at describing trends and key features of a unit’s strengths and areas for improvement. Any undertaking of an assessment is done with collaboration and agreement from the stakeholders in the given unit. During the 2017/2018 reporting year, OHRCM collaborated with a large college to assess the learning environments across a number of units.

## Service

OHRCM staff were involved on the following committees during the 2017/2018 reporting year:

- Co-Chair AMA Steering Committee
- Chair AMA Accessibility Plan Subcommittee
- AMA Information and Communication Subcommittee
- Chair AMA Customer Service Training Subcommittee
- AMA Service Disruption Working Group
- AMA Supplemental Materials Working Group

- AMA Communication Working Group
- AMA Employment Subcommittee
- AMA Post-Secondary Institutions Working Group
- AMA Post-Secondary Institutions Training Subcommittee
- Human Rights Advisory Committee
- Rady College of Medicine Professionalism Sub-committee on Admissions 2018
- Rady Faculty of Health Sciences Diversity Committee
  - Equity, Diversity and Inclusion Sub-committee
- RWLE and Sexual Violence Training Group
- RWLE/SA Policy Review Committee
- Cooper Commission for BFAR Review
- Joint Committee on Substance Use and Recreational Cannabis
- Campus Alliance for Diversity and Inclusion (CADI)
- Bill 15 Post-Secondary Institutions Network
- Behavioural Policy Working Group
- Campus Alliance on Diversity
- Professionalism Advisory Committee
- Age Friendly Working Group
- Sexual Assault and Violence Steering Committee (Formerly the Sexual Assault Working Group)
  - Sexual Assault Response Guide Sub-Committee
- Mental Health Services Advisory Working Group
- Gaa wii ji'i diyaang Committee
- Bringing in the Bystander Program Committee
- Spiritual Care Advisory Committee
- UMQueer (Pride) Committee

All OHRCM staff members belong to the Mental Health First Aid UM Community of Practice.