

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

OFFICE OF FAIR PRACTICES
AND LEGAL AFFAIRS

ANNUAL REPORT

APRIL 1, 2015 - MARCH 31, 2016



UNIVERSITY
OF MANITOBA

Office of Human Rights and Conflict Management

April 1, 2015-March 31, 2016

Executive Summary

The University of Manitoba is committed to an inclusive and respectful work and learning environment. The Respectful Work and Learning Environment (RWLE) policy establishes the University's approach to maintaining a climate of respect within this community and to address any situations in which respect is lacking.

The Office of Human Rights and Conflict Management (OHRCM) experienced slight growth of the number of contacts for advice and assistance. These contacts increased 4% from last year, and presentations in education and awareness are up 1.5% from last year. New presentations were added this past year to promote awareness of the University's obligations under the *Accessibility for Manitoban's Act (AMA)*.

Conflict management has become the largest category of files the office manages. Personal harassment historically had been the largest. Interestingly, this year personal harassment has the fewest files amongst all categories. As with personal harassment in the past, the majority of conflict management files are employment related at 61%. It is important to note that conflict management incorporates the largest number of parties; of 22 files, 51 participants were involved.

This year the same number of informal files under sexual harassment and one less formal complaint were brought forward. It is likely that ongoing education with regards to support and resources for instances of sexual assault have influenced these numbers. Complaints were brought forward by students (65%), staff (21%) and third parties (14%).

There has been a slight increase in the number of Human Rights files. A significant difference to report is that last year 50% of the complainants in this category were staff, this year that

number dropped to 17%. 50% of complaints were brought forward by students, and 33% were brought forward by third parties.

There was a significant decline of formal complaints; last year there were sixteen, this year there were five: two under human rights, one of which was university instituted, two under personal harassment and one under sexual harassment. It is possible this decline in formal complaints is the result of ongoing conflict management services provided by our office. Of the formal complaints received, 18.5 % did not warrant an investigation, 13% were found to have a breach, 18.5% were found to not breach the policy and 50% were ongoing. Although more complaints proceeded to investigation, once investigated 58% fewer were found to have been in breach than last year.

Advisory:

Any individual that contacts the OHRCM for assistance is initially recorded in advisory. Advice and information will be given and/or referrals may be made to the individual. This year 15% of advisory contacts became either informal, formal or conflict management files, a decrease of 25% from last year; which represents a continuing trend. This could be the result of the initial contact is addressing concerns in a concise manner therefore informal files are not as necessary. For example, several advisory intake meetings result in simple referrals to other services such as Student Advocacy or collective bargaining units.

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 conflict management officer (HRCMO) facilitates resolution of informal complaints through conflict management coaching, conciliation or mediation.

Formal Complaint:

All formal complaints must be submitted in writing within one year from the date of the most recent alleged incident. 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 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. This year 40% of written formal complaints submitted to OHRCM proceeded to the formal investigation process, a significant decline from the past two years; 86% and 88% respectively.

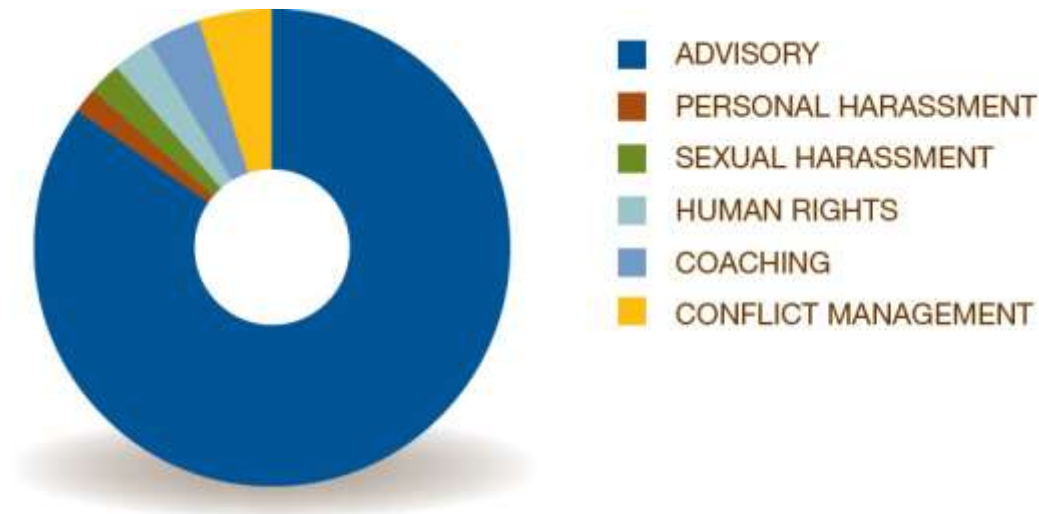
Conflict Management

Conflict management (CM) was a newly developed service offered by OHRCM in 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 deescalate 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 and disputes.

During this reporting year the OHRCM opened files for 39 cases by providing various forms of conflict management (as described above) to members of the University community, a 34% increase from last year.

Coaching Trends: 71% of participants are staff. It is possible that because employees are more likely to have ongoing working relationships, they are more likely to choose conflict coaching as a way to maintain these.

New 2015 Complaints

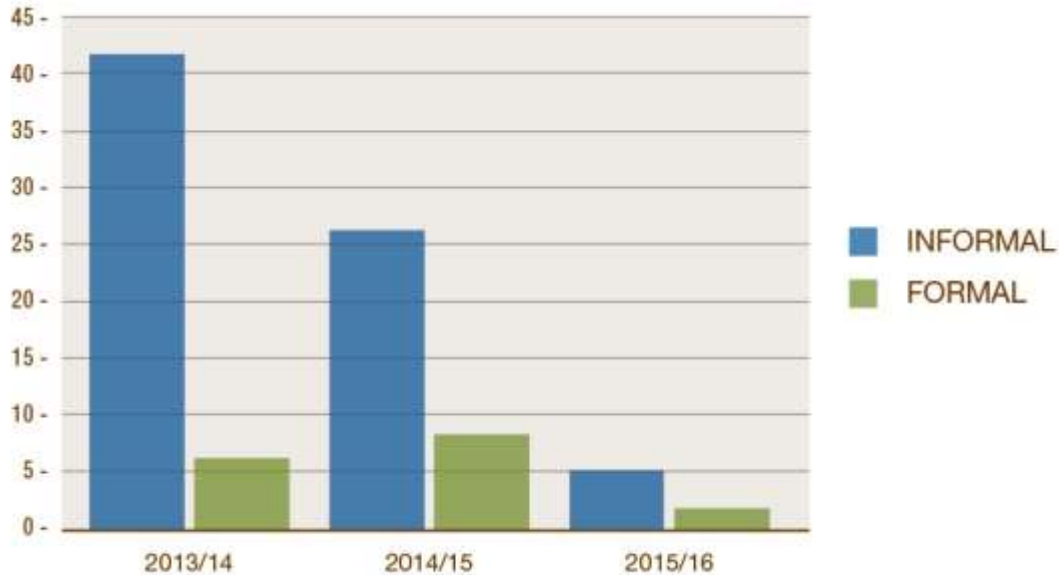


The data suggest an increase in cases closed as “resolved by conflict management coaching”. It is also of note, in this regard, the decline in cases closed in the “not pursued” and “other” categories. In some cases, it may be referral to other services or complaint mechanisms which results in clients not pursuing a matter with the OHRCM.

Personal Harassment:

Personal harassment 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. 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 tendency of fewer informal complaints under the category of Personal Harassment continues. This is perhaps explained by the continued work by OHRCM staff to provide conflict resolution services in such cases. Further, significant work by our staff is done to refer students, faculty and staff to other avenues which may be complimentary or more appropriate (e.g.: Student Advocacy or a collective bargaining unit).

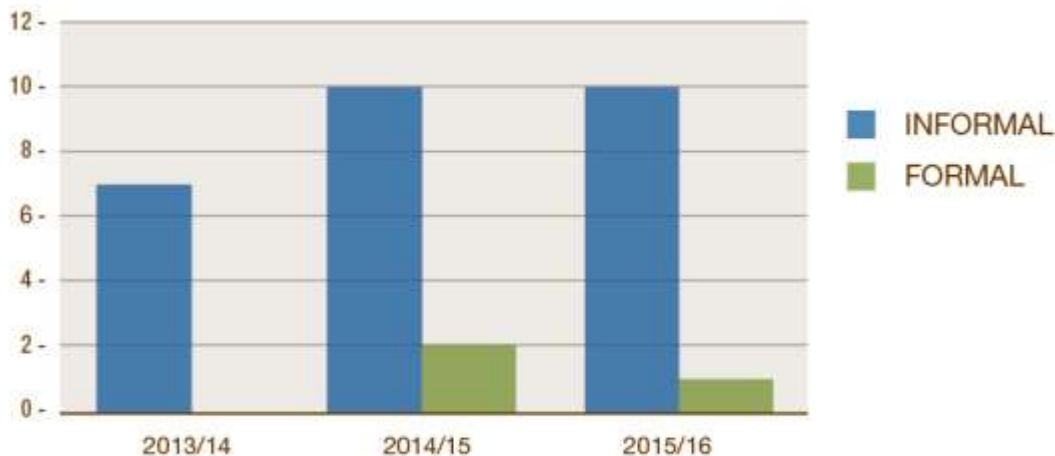
There were also fewer formal complaints of Personal Harassment than in the previous two years. This may in part be explained by ongoing education of staff and supervisors regarding their role in preventing and responding to disrespectful behaviour.

Also of note is the continuing trend of more employee complainants, and fewer student complainants under this category.

Sexual Harassment:

Sexual Harassment is prohibited under *The Human Rights Code, (The Code)* and the University's RWLE policy. It is defined as a course of abusive and unwelcome conduct or comment that is detrimental to the environment; a series of objectionable and unwelcome sexual solicitations or advances; a sexual advance made by a person who is in a position of power; promise of reward or threat of reprisal for rejecting a sexual solicitation or advance, and sexual assault.

Sexual Harassment Files:



Trends:

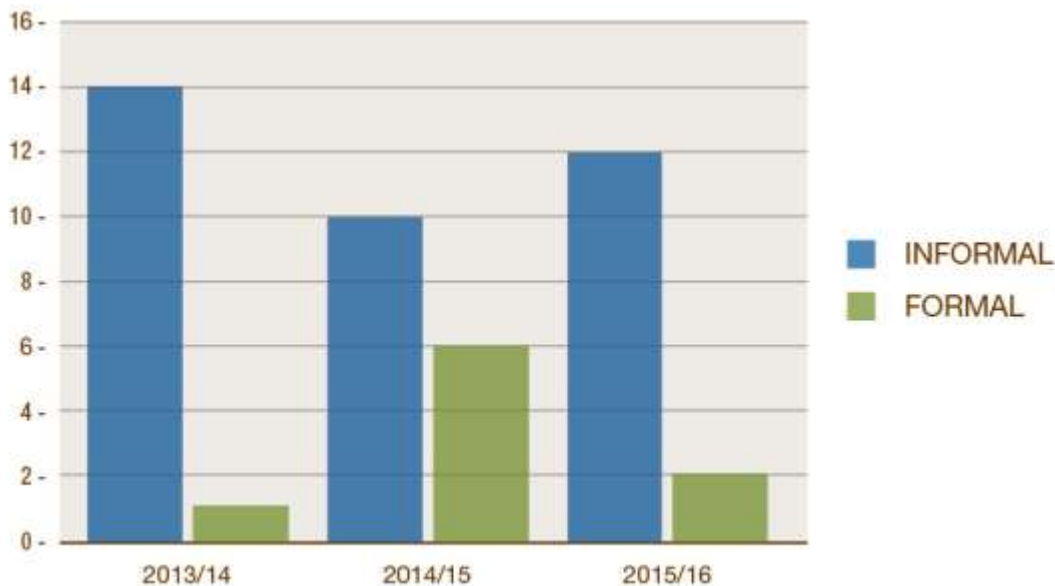
The numbers of informal complaints seems to be holding steady in this reporting year. This is perhaps due to ongoing education and supports for students at the U of M (e.g.: the work of the Sexual Assault Working Group). Data from this year shows there were more students bringing forward complaints than staff. Again, this may be the result (as in the past year) of a more concerted focus on education and support for students who encounter Sexual Harassment at University.

Human Rights:

Human Rights discrimination is differential treatment, whether intentional or not, of individuals or 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, 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 Files:



Trends:

While there has been a slight increase in the number of informal complaints (12 this year vs. 10 last year), there has been a significant decrease in the number of formal complaints (6 last year and 2 this year).

There has been a large change regarding complainants. Last year 50% were staff, this year 17% were staff and 33% complaints were brought forward by third parties on behalf of someone else. Fifty percent of complaints were brought forward by students. Respondents to informal complaints in this category were 60% U of M or not named, 27% students and 13% staff. Last year respondents were 30% students and 70% staff (either an individual, or a specific unit or administrator).

Matters seen at our office this year include: various forms of discrimination based on the following protected characteristics: disability, ethnic background, gender, age and sex. Further advice and assistance was provided regarding accommodations for physical or mental disability.

Conflict Management Files:



Trends:

Data shows conflict resolution is being accessed more and more by clients of the OHRCM. The striking increase of cases over the past year is perhaps explained by ongoing education and training sessions provided by OHRCM staff to various audiences in the U of M community. Of note are the many instances we have seen cases brought to our office initially not by the complainant, but by someone else on behalf of them (e.g.: a supervisor).

Concerns brought forward under this category this year included: altercations between staff members; inappropriate comments (i.e., threats of violence implied); slander and gossip between colleagues; offensive film; comments regarding a colleague's skill level; confrontations regarding projects; and tone of emails being inappropriate (e.g. all caps to represent yelling).

Presentations: 62 Respectful Work and Learning Environment (RWLE) and 3 Accessibility for Manitobans Act (AMA)

Presentations provide a means to educate members of the University of Manitoba's community regarding their rights and responsibilities under the RWLE Policy. This year's presentations have either been conducted by the office alone or in conjunction with the following units or departments; Learning and Organizational Development, Student Advocacy, Student Accessibility Services and Faculty of Graduate Studies. The number of presentations has increased from last year by 1.5%.

Other Activities

The HRCMO attended the 2015 University Management Course May 9-15, 2015 in Banff, Alberta. The CMA attended the Canadian Association for Prevention of Harassment and Discrimination in Higher Education Conference in Toronto, Ontario from May 20-22, 2015.

In partnership with Human Resources, the Disability Issues Office of the Government of Manitoba and various Post-Secondary Institutions the OHRCM brought special guest speaker Jutta Treviranus, Director of the Inclusive Design Research Centre for an Accessibility Learning Event on March 16, 2016.

The HRCMO spoke at the Human Resource Association of Universities in Western Canada on the University's plan for the AMA.

Service

The HRCMO is a member of the President's Advisory Committee on Respect, and the following AMA committees: Steering Committee, Accessibility Plan Subcommittee, Information and Communication Subcommittee, Customer Service Training Subcommittee, PSI Working Group and the PSI Training Subcommittee.

Both the HRCMO and the CMA are members of the following committees: Sexual Assault Working Group, the College of Medicine's Cultural Inclusiveness Working Group, Diversity Working Group, and Digital Identity Working Group.

The OHRCM participated in the following Orientations: New Student Orientation, College of Medicine, Access Awareness Day, and New Faculty Orientation.