

TRAILBLAZER CHALLENGER VISIONARY INNOVATOR
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Office of Human Rights and Conflict Management

Annual Report
2016-2017



UNIVERSITY
OF MANITOBA

Introduction

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. The OHRCM is staffed by:

- **Jackie Gruber:** Human Rights and Conflict Management Officer (HRCMO)
- **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
- **Sexual Assault (SA) Policy**
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

2. Conflict Management Services

The OHRCM provides informal Conflict Management services to the University community in the form of conflict coaching, mediation, conciliation, restorative justice, 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, and workshops on topics including the RWLE/SA Policies and Procedure.

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.

Update: New RWLE/SA Policy Framework

A new policy framework was implemented in September 2016 for supporting a respectful work and learning environment. During 2015 several University of Manitoba stakeholders worked together and consulted others to make changes to all of the behavioural policies. The Respectful Work and Learning Environment (RWLE) Policy and Procedure were superseded by the Respectful Work and Learning Environment (RWLE) Policy, the Sexual Assault Policy, and the RWLE and Sexual Assault Procedure. The new policy framework covers the same prohibited behaviours as the former one, but with the following reorganization:

EARLIER (pre-Sept. 2016) RWLE POLICY FRAMEWORK:

Respectful Work and Learning Environment Policy

Prohibited Behaviours:

- Human Rights Based Harassment
- Human Rights Based Discrimination
- Personal Harassment
- Sexual Harassment (Including Sexual Assault)

Respectful Work and Learning Environment Procedure

UPDATED POLICY FRAMEWORK (as of Sept. 1, 2016):

Respectful Work and Learning Environment (RWLE) Policy

Prohibited Behaviours:

- Human Rights Based Discrimination
- Human Rights Based Harassment
- Sexual Harassment
- Personal Harassment

Sexual Assault (SA) Policy **Prohibited Behaviour:**

- Sexual Assault

RWLE and Sexual Assault (RWLE/SA) Procedure

Reasons for the behaviour policy changes included:

- The need to ensure compliance with regulatory requirements;
- To provide support for complainants;
- Clarification of behavioural expectations for students and employees;
- To outline and streamline response to sexual assault; and
- To be responsive to a changing environment (e.g. ongoing and expanding use of social media).

Like the previous policy framework, the new framework provides for both informal resolution and formal complaint options and supports early resolution wherever possible.

It is important to note three other key changes to the updated policy framework:

1. Formal complaints submitted in writing may be assessed by the HRCMO to determine if they should proceed to an investigation. If an investigation proceeds for a given complaint, the HRCMO may delegate an investigator.
2. To provide support for those who have experienced sexual assault by means of providing academic or work accommodations and safety planning without needing to make a formal report.

3. Aside from the categories of prohibited behaviour listed in the new policy framework, other behaviours were also articulated:
 - Disrespectful behaviour (behaviour falling short of harassment, but that is detrimental to a respectful environment).

Update: New Record-Keeping System

On May 9, 2016, the OHRCM began using a secure, paperless, case management and record-keeping system. The product, Legal Files, is a robust web-based platform with expansive features. This tool has enabled many advantages:

- Better recording of a variety of different cases and incidents;
- Rapid case management; and
- Better security of document and information storage.

Major Office Activities

Advisory

Any individual that contacts the OHRCM for assistance is initially recorded in advisory for casefile 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 (326 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 or 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 Policy and SA Policy. The HRCMO and CMA facilitate resolution of informal complaints through conflict management coaching, conciliation or mediation.

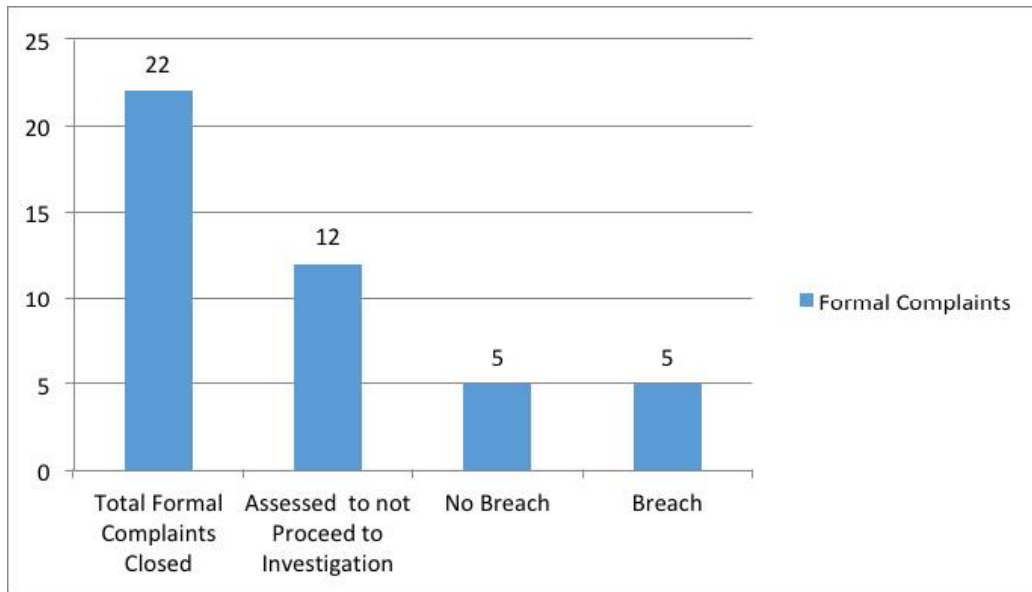
Formal Complaint

All formal complaints must be submitted in writing within one year from the date of the most recent alleged incident; 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 new RWLE/SA Procedures, formal complaints may be assessed by the HRCMO to determine applicability under the RWLE or Sexual Assault Policies. This reporting year (2016/2017) 9 of the 20 active written formal complaints submitted to OHRCM proceeded to the formal investigation process. It is important to note that of the total 20 formal complaints, some remained active (e.g. under investigation) at the closing date of this reporting year (2016/2017).

During the 2016/2017 reporting year, 22 formal complaint casefiles were closed. Some of those 22 had been submitted in the previous reporting year (2015/2016). Of those 22 formal complaints, 55% (12) did not result in an investigation; 22.5% (5) resulted in an investigation conclusion of no breach of RWLE/SA Policies; 22.5% (5) resulted in an investigation conclusion finding of a breach of the RWLE/SA Policies.

Closed Formal Complaints

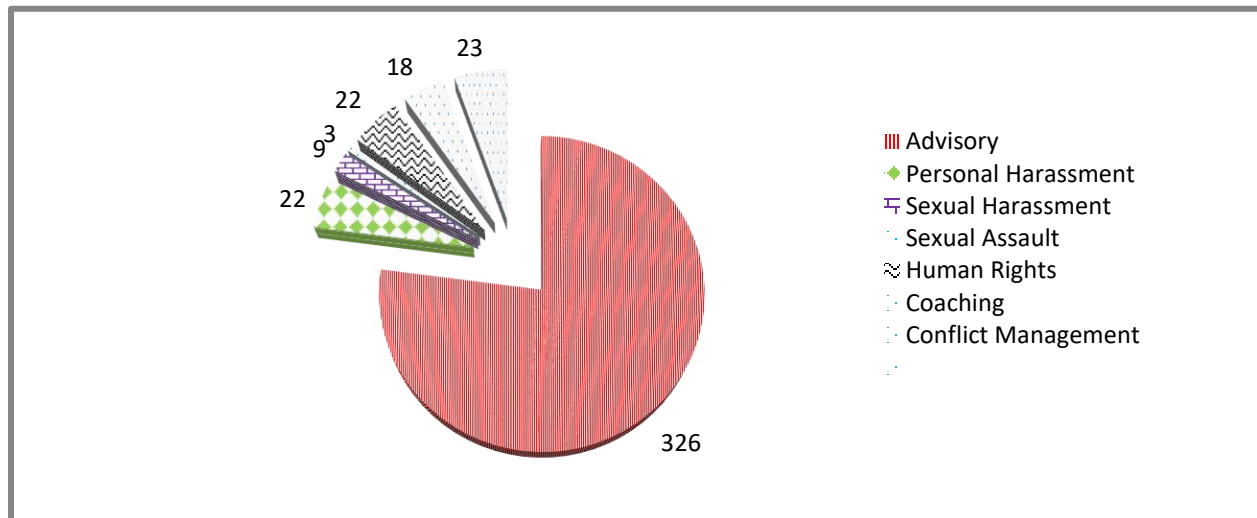


Conflict Management

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 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 and disputes.

2016/2017 Complaint Categories and Counts

New Complaints



Trends

This reporting year saw a total of 423 cases. The majority of the cases (326) were categorized as advisory.

Human Rights Discrimination and Harassment

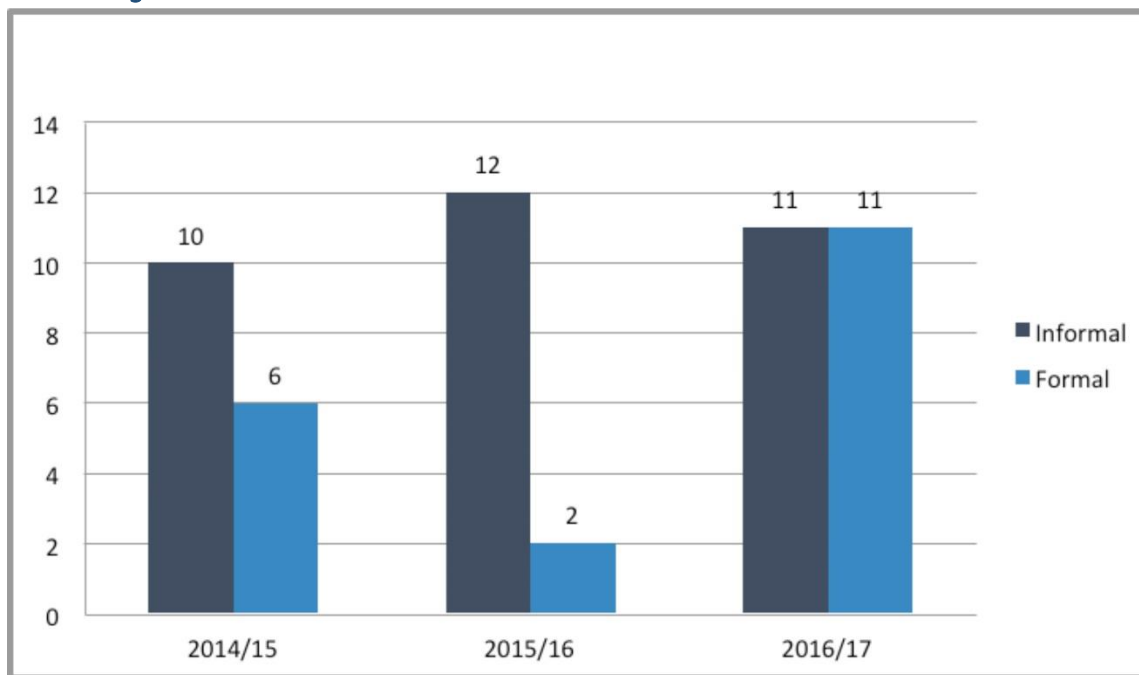
Human Rights based Discrimination and Harassment are prohibited under *The Human Rights Code, (The Code)* and the University's RWLE Policy.

Human Rights 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 Human Rights 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 Human Rights Code, (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 show a distinct increase in formal complaints of Human Rights based Discrimination or Harassment. This increase is perhaps the result of ongoing education and promotion activities of the OHRCM.

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

Social media posts were captured via screenshot, and submitted anonymously by email to the Dean of a University of Manitoba faculty. The anonymous poster alleged students in the respective faculty had posted comments that were harassing in nature based on religious association in the attached social media posts. The students were contacted by the Vice-Provost (Students) and were each required to attend separate information sessions by the OHRCM. OHRCM

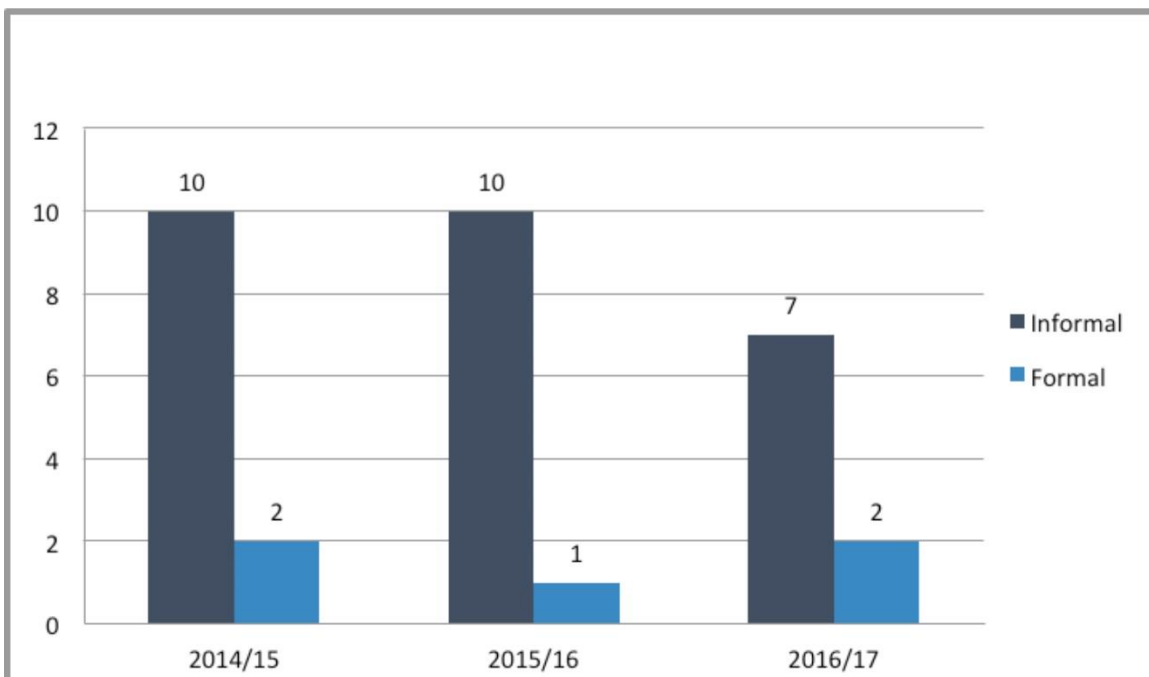
staff met one-on-one with each student to provide a thorough review of the RWLE/SA Policies and Procedures. During each meeting, specific attention was focused on the definitions of Human Rights based Harassment, student rights and responsibilities, and the scope of the RWLE/SA Policies and Procedure. Written confirmation of the meetings was provided by OHRCM to the Vice-Provost (Students).

Sexual Harassment:

Sexual Harassment is prohibited under *The Human Rights Code, (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

Of particular note in the Sexual Harassment data is the breakdown for 2016/2017, the prohibited category of behaviour “Sexual Assault”, under the earlier policy framework, was included in the category of “Sexual Harassment”. Although the data above appear to show a decrease in Sexual Harassment cases, it is important to note that the 2016/2017 data does not include the count of Sexual Assault cases, as were included in the two earlier reporting periods.

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

A staff member came forward with concerns of Sexual Harassment in the form of questions asked by a co-worker about their sexual orientation. The staff member elected to proceed with an informal process. OHRCM communicated with the co-worker to provide education on the RWLE/SA Policies and Procedure. The co-worker expressed understanding and apology, and the staff member considered the matter resolved.

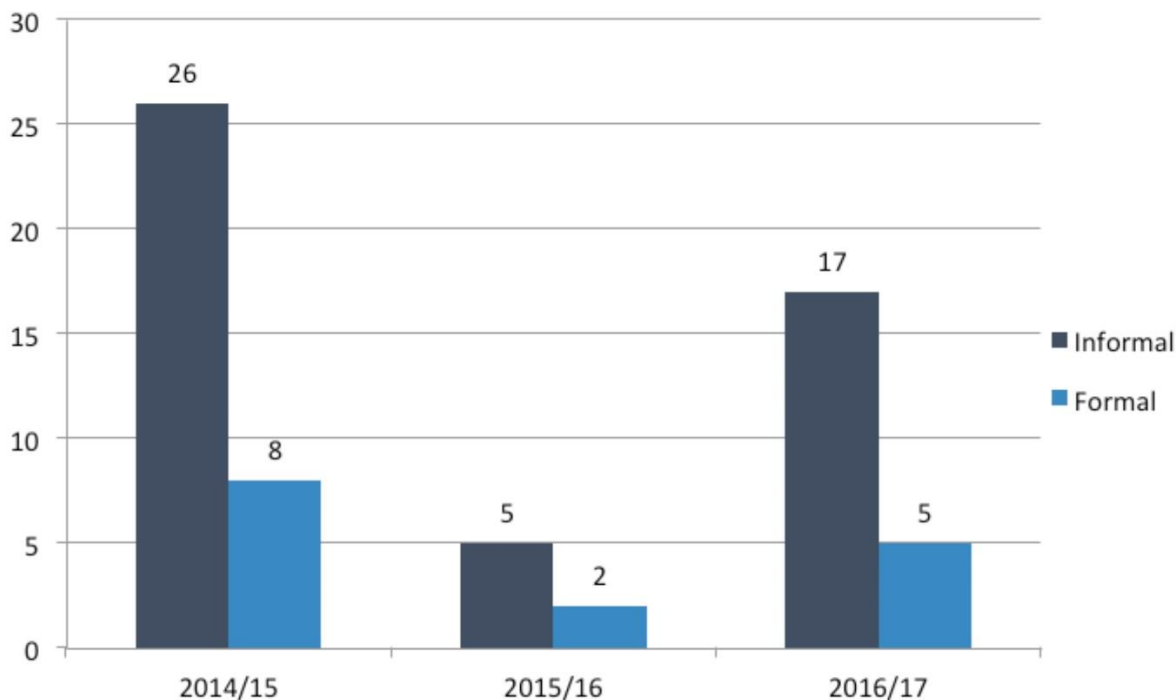
Personal Harassment

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.

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

A student came forward with a concern of Personal Harassment against University of Manitoba staff members. After OHRCM canvassed the staff members, they agreed to a face-to-face mediation process with the student. OHRCM facilitated a mediation where participants were able to share their perspectives on the alleged behaviour. Participants worked together to agree on an approach to communication and interaction for the future.

Personal Harassment Files:



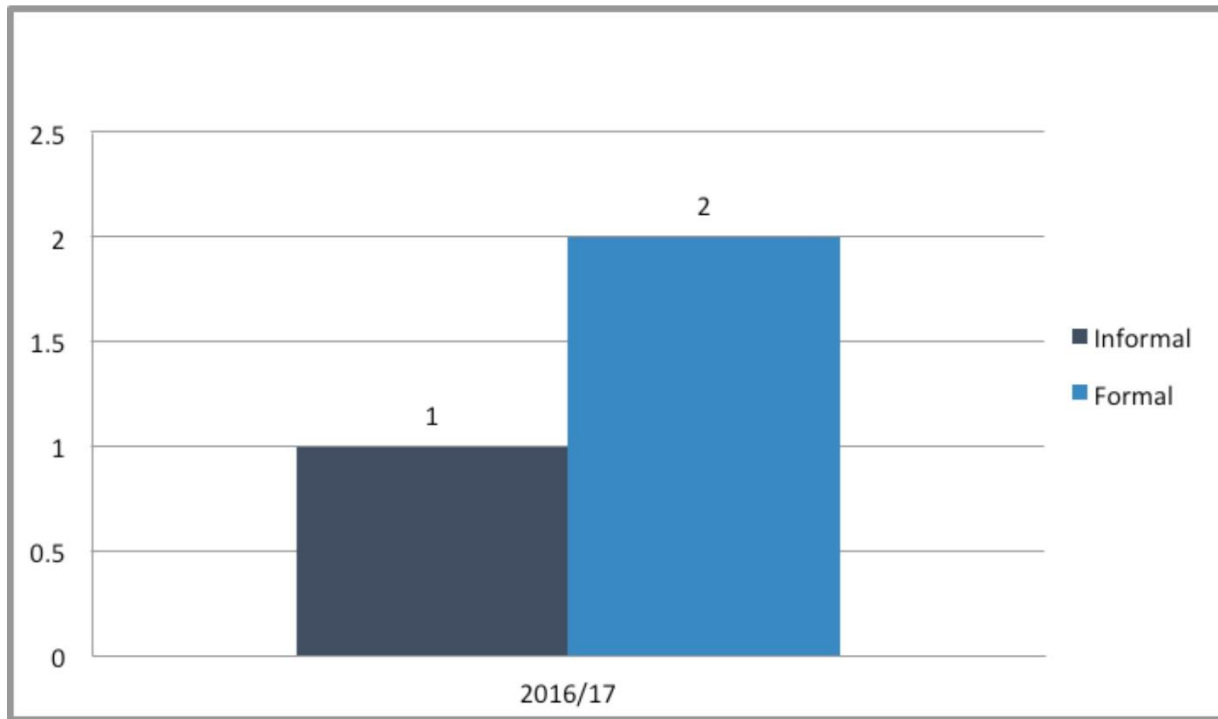
Trends

The data reflect a continued overall drop in the number of Personal Harassment cases. 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.

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. Before September 1, 2016, Sexual Assault was a nested sub-category of Sexual Harassment in the earlier policy framework.

Sexual Assault Files

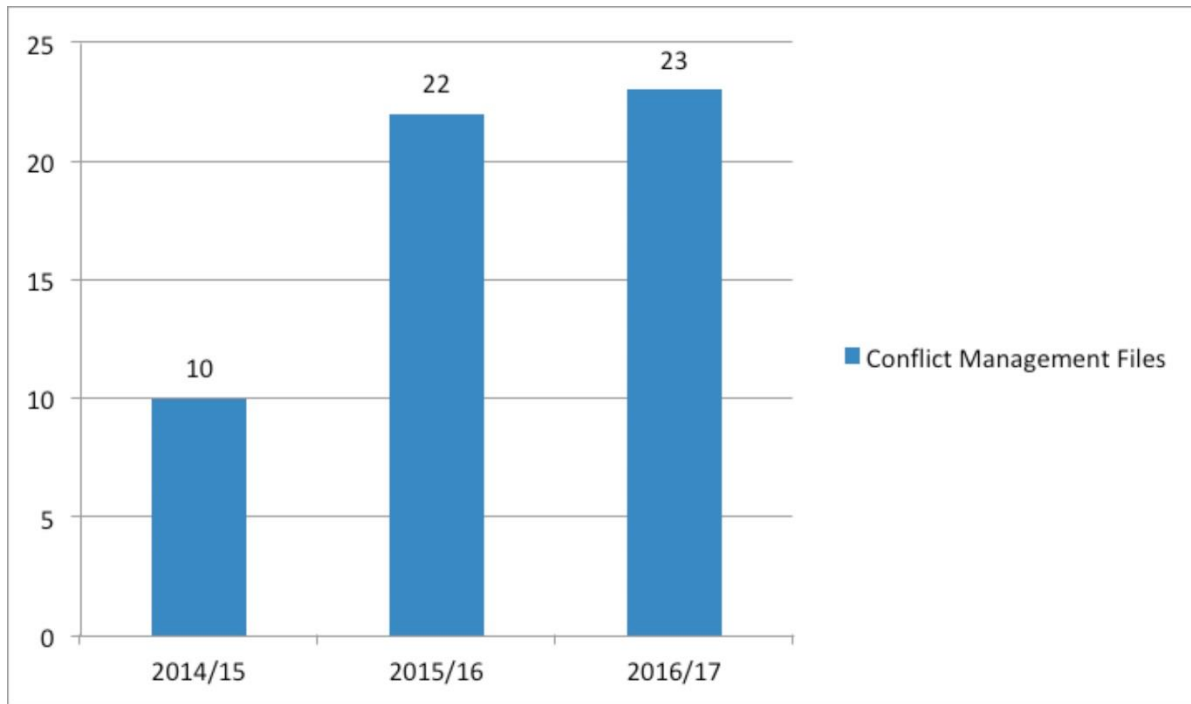


As noted above, prior to September 1, 2016, Sexual Assault was a category of prohibited behaviour included in the reporting category of Sexual Harassment. The data above show one informal complaint and two formal complaints of Sexual Assault.

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.

Conflict Management Files:**Trends**

Conflict Management services, including conflict coaching, mediation and conciliation, were available to the University of Manitoba community by the OHRCM beginning in 2014. The data show a sharp increase (from 10 to 22 cases between the 2014/15 and 2015/16 years) and then leveling-off. It is likely the leveling off is the result of steady and ongoing promotion and education activities by the OHRCM.

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

A student (participant A) came to OHRCM to discuss concerns related to a peer (participant B). Participant A asked for informal resolution (mediation) of a disagreement between them and participant B. OHRCM staff canvassed both participants, and hosted a mediation meeting. The participants were able to express their concerns, and come to understanding of each other's perspectives. While the participants did not completely agree on a shared outcome, they did agree on some key issues, and considered the matter resolved.

Other Activities**Training**

A variety of OHRCM training 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 has 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.

It is exciting to note a significant increase from 65 total presentations in 2015/2016 to 93 in 2016/2017; a 43% increase. In addition, the OHRCM provided 13 presentations in 2016/2017 to the University of Manitoba community on the Accessibility for Manitobans Act (AMA). This is also a significant increase from the 3 AMA presentations in 2015/2016.

Further, the OHRCM worked to provide LGBTQ Awareness Training co-sponsored in partnership with Learning and Organization Development, May 31, 2016.

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 2016/2017 reporting year, OHRCM collaborated with a large faculty to assess the learning environments across a number of units.

Service

The HRCMO is a member of the following committees:

- 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 Communication Working Group
- AMA Employment Subcommittee
- AMA Post-Secondary Institutions Working Group
- AMA Post-Secondary Institutions Training Subcommittee
- Bill 15 Post-Secondary Institutions Network
- Behavioural Policy Group Working Group
- Advisory Committee on Diversity
- Professionalism Advisory Committee
- Age Friendly Working Group
- Sexual Assault and Violence Steering Committee (Formerly the Sexual Assault Working Group)
- Mental Health Services Advisory Working Group

The CMA is a member of the following committees:

- Gaa wii ji'i diyaang Committee
- Bringing in the Bystander

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

Other Activities

The HRCMO attended the Association of Workplace Investigator's Niagara Training Institute May 2-6, 2016.

The HRCMO presented to the Canadian Association of College and University Student Services (CACUSS) on the implementation of AMA standards at the University of Manitoba.

In partnership with Human Resources, the OHRCM brought together Lisa Snider, Jeff Buhse and Jim Hounslow to give a presentation, Access Changes Everything, February 27, 2017 on creating accessible digital and paper documents.