



Office of Human Rights and Conflict Management

Annual Report
2018-2020

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A message from the Associate Vice-President Fair Practices and Legal Affairs and General Counsel

It is my pleasure to present this report to the University of Manitoba community, showcasing the work of the Office of Human Rights and Conflict Management over the last two years. It covers two reporting periods (fiscal years) between April 1, 2018 and March 31, 2020.

The report is part of our accountability to the University community. It is also an opportunity to highlight the breadth of services provided by the Office of Human Rights and Conflict Management staff and the many ways in which they support the University community in advancing equity and human rights.

In its Strategic Plan, the University has articulated a commitment to increasing diversity among leadership, staff, faculty and students and creating a culture of inclusion. The Path Forward report (2019) further highlighted the need to increase support and promote safety for groups who have been historically and systemically marginalized. Human rights are central to these strategic priorities and our office is a key partner in their implementation.

As AVP (Fair Practices and Legal Affairs) and General Counsel, I have the privilege of working with a team of knowledgeable and dedicated staff who are driven by a common vision of a positive and equitable campus environment where every person's dignity and rights are respected. The OHRCM puts this vision into practice by providing mechanisms for addressing human rights and conflict related complaints and concerns and by educating students, staff and faculty about their rights and responsibilities. Conflict management services have been offered to the community by OHRCM since 2014, and I am pleased to see that the data shows these services are well utilized. The OHRCM also engages in proactive work by advising on policies and processes, including compliance with the Manitoba Human Rights Code, and providing education opportunities on the Respectful Work and Learning Environment policy, Sexual Violence policy, and conflict management.

The increased OHRCM presence across campuses through the various outreach and education activities, as well as the ongoing relationship building with other services that act as referral points to the OHRCM, show that community members are able to reach our office when needed. We recognize that there is still room for improvement and the OHRCM is looking at enhancing and expanding its outreach and education activities in order to identify and remove any barriers to accessing services.

Naomi Andrew

Associate Vice-President (Fair Practices & Legal Affairs)

OHRCM Team

The following people were part of the OHRCM team during the period of this report between April 2018 and March 2020:

Joel Lebois	Human Rights and Conflict Management Officer (Acting) 2019-2020 Human Rights Legal Counsel 2018 - Present
Meghan Menzies	Human Rights and Conflict Management Advisor 2018 - 2019 Human Rights and Conflict Management Officer 2020 - Present
Megan Bowman	Conflict Management Advisor
Faye Brandson	Human Rights and Conflict Management Advisor
Ilaneet Goren	Human Rights and Conflict Management Advisor, 2019 – 2020
Anitra Squires	Confidential Intake Officer 2011 – 2020
Jackie Gruber	Human Rights and Conflict Management Officer 2010 – 2018
Brian Barth	Conflict Management Advisor 2014 – 2018

Acknowledgements

The OHRCM would like to acknowledge the following staff members who have transitioned into new roles and opportunities and thank them for their significant contribution to the growth and success of the office (listed chronologically):

- Ilaneet Goren**, Human Rights and Conflict Management Advisor, 2019 - 2020
- Anitra Squires**, Confidential Intake Officer 2011 - 2020
- Jackie Gruber**, Human Rights and Conflict Management Officer 2010 - 2018
- Brian Barth**, Conflict Management Advisor 2014 – 2018

OHRCM Services

Our Vision

The work of the Office of Human Rights and Conflict Management (OHRCM) is guided by the vision of a University community that values diversity and practices inclusion, and where equity is part of the culture of every learning and working environment. We envision a campus community where everyone is working together to uphold human rights and dignity for all.

Our Mission

The OHRCM works collaboratively with UM faculties and administrative offices to promote a respectful and inclusive working and learning environment in which all individuals are treated equitably, and are free from discrimination and harassment based on the protected grounds outlined in the Manitoba Human Rights Code.

Our Mandate

The OHRCM works to address and prevent discrimination, harassment and sexual violence at the UM by promoting, supporting, and administering the University’s Respectful Work and Learning Environment policy (RWLE), Sexual Assault policy (SA), and the RWLE and Sexual Assault procedure. The Office is a safe, confidential, and private space for individuals to discuss their concerns, to seek advice and assistance on human rights related matters, and to access the various complaint resolution processes including consultation, mediation, and formal complaint investigation.

Policies and Procedure

The OHRCM works to address and prevent discrimination and harassment at the UM by promoting, supporting, and administering the following University of Manitoba policies and procedure:



Our Process

The OHRCM provides a range of options to help students, staff and faculty address concerns relating to human rights and conflict. The first step is a confidential intake consultation during which key information is gathered and options are explored.

OHRCM advisors work collaboratively with the individual(s) bringing the complaint forward to determine the best course of action. Formal and informal resolution options are explored, depending on the type and severity of the incident and the individual's wishes. Our process balances centering the person's goals and wishes, protecting privacy and confidentiality within the limits of the law, and complying with the University's legal obligation to investigate and take action when there is a risk to the individual(s) and the community.

The OHRCM also supports institutional work to identify and remove barriers to equity by advising on policy and compliance, participating in key stakeholder activities such as working groups and committees, and providing education across the campus community.

Advisory Services

The first step in the complaint resolution process is to meet with the OHRCM advisor. The advisor meets with the complainant in person or by phone, as many times as needed, to gather information on the nature of the incident or complaint and to advise on the process, applicable policies, and resolution options available. In many cases, inquiries are resolved when the individual receives information about their rights and options.

The advisor may also consult with other university offices, with the consent of the complainant, and/or make a referral to other services within and/or outside the UM. While most case files stay within the advisory category, others develop into more specific categories explained below.

Informal Complaint Resolution Process

The OHRCM provides a variety of informal resolution options to address conflict and human rights related concerns, where appropriate. The OHRCM staff facilitate resolution of Informal Complaints through conflict management coaching, conciliation, mediation and/or education on the obligations and expectations under the RWLE/SA policies and procedure. Informal/alternative resolution can also take the form of clarifying and educating individuals about the relevant policies and procedure and/or helping them communicate with the parties/UM offices involved in order to reach a satisfactory resolution.

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 so choose.

Formal Complaint and Investigation Process

Under the RWLE and SA policies and procedure, any person who believes that they have been subjected to harassment, discrimination, or sexual violence in the course of University related employment, study, training or activities may submit a formal complaint requesting that the matter be investigated.

Formal complaints should be submitted to the OHRCM in writing as close to the alleged incident (or most recent incident) as feasible. Upon submission, the complaints are assessed by the HRCMO to determine applicability under the policies and whether or not the matter proceeds to an investigation.

Conflict Management Services

Conflict management is the voluntary, participant-driven and cooperative process of addressing and resolving disputes between individuals and within small groups. Conflict management services are provided in cases where members of the University community request assistance with interpersonal conflict or challenging dynamics, including difficulty communicating needs, boundaries and feedback.

Conflict management is facilitated by the OHRCM staff and may take the form of conflict coaching, conciliation, mediation, facilitated group dialogue, or restorative justice forums.

These options often allow for mutually desirable outcomes for participants, and thus can de-escalate conflicts and help foster better relationships. Most of the conflict management strategies, with the exception of conflict coaching, involve all parties in a conflict. When addressing a matter through conflict coaching, however, an individual will meet one on one with a trained coach (OHRCM staff) to help improve their ability to manage interpersonal conflicts.

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. Consultations are provided on a proactive and ad-hoc basis, as well as in response to an identified issue or gap.

The OHRCM is also represented on the University's AMA Committee and on the AMA Resources Advisory Group administered by the Disabilities Issues Office of the Province of Manitoba which includes government agency representatives, Crown corporations and post-secondary institutions.

Data Analysis and Trends

A Word on Data

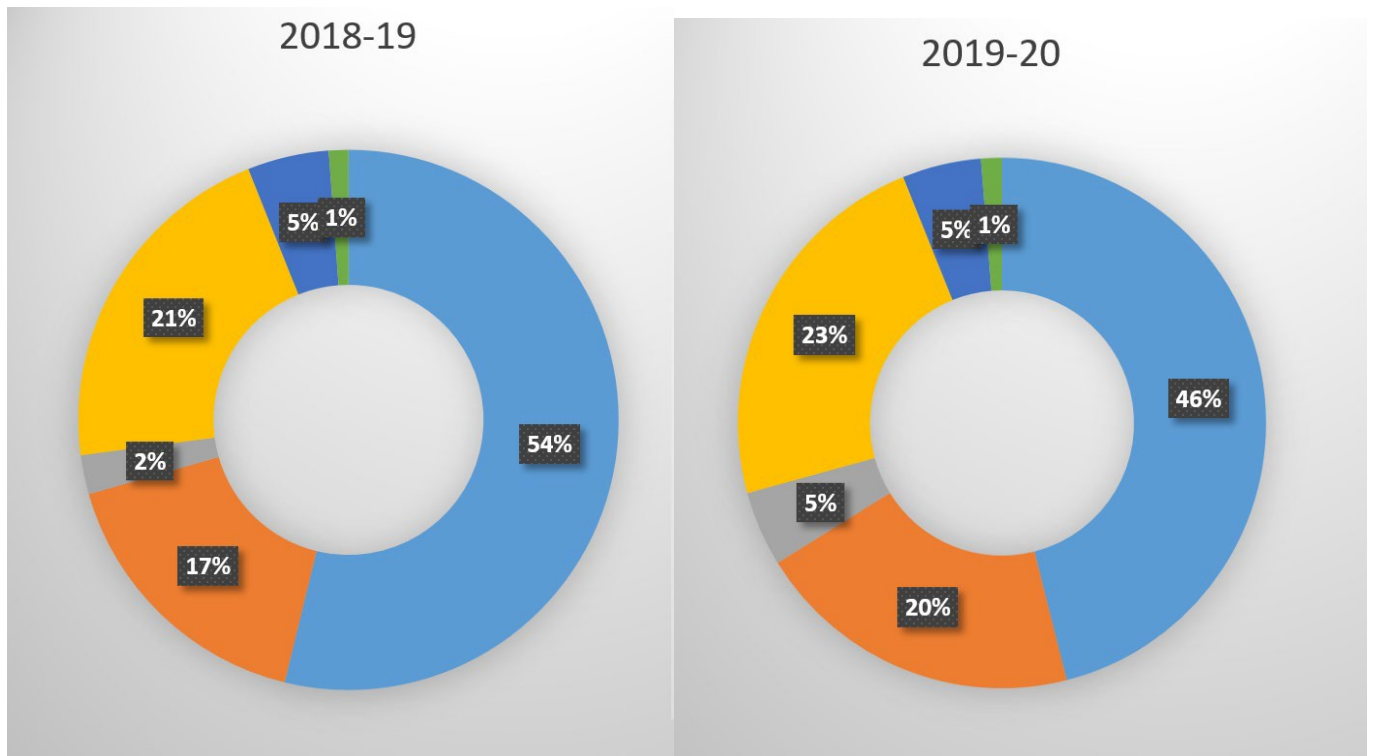
Strong data collection practices are critical to ensuring accountability to the UM community, quality of services, and efficacy of RWLE/SA policies and procedure. With that, data collection and analysis within the human rights sphere poses a unique set of challenges for practitioners.

It is well known that correlation does not mean causation, and it is therefore difficult to attribute a rise or drop in complaints to one specific intervention without controlling for other variables that influence the context. For example, an increase in reports of discrimination, harassment and sexual violence may be related to the increase in education and awareness activities, making the complaint process more user-friendly, or making individuals feel safer to come forward because of a shift in culture. Conversely, a decrease in the number of complaints does not necessarily indicate an absence of discrimination, harassment or sexual violence in that environment, considering the potential presence of hidden structural barriers (e.g. inaccessible forms and office location) or a culture of fear of reprisal preventing individuals from disclosing incidents or concerns. Furthermore, the decision to file a formal complaint is typically influenced by multiple factors, including individual and societal factors.

The OHRCM has taken multiple factors into account in deriving meaningful information from the data collected in order to determine how well our services meet the University community's needs. Most importantly, we are open to feedback from the community and welcome opportunities to work together to make our data collection methods as effective as possible.

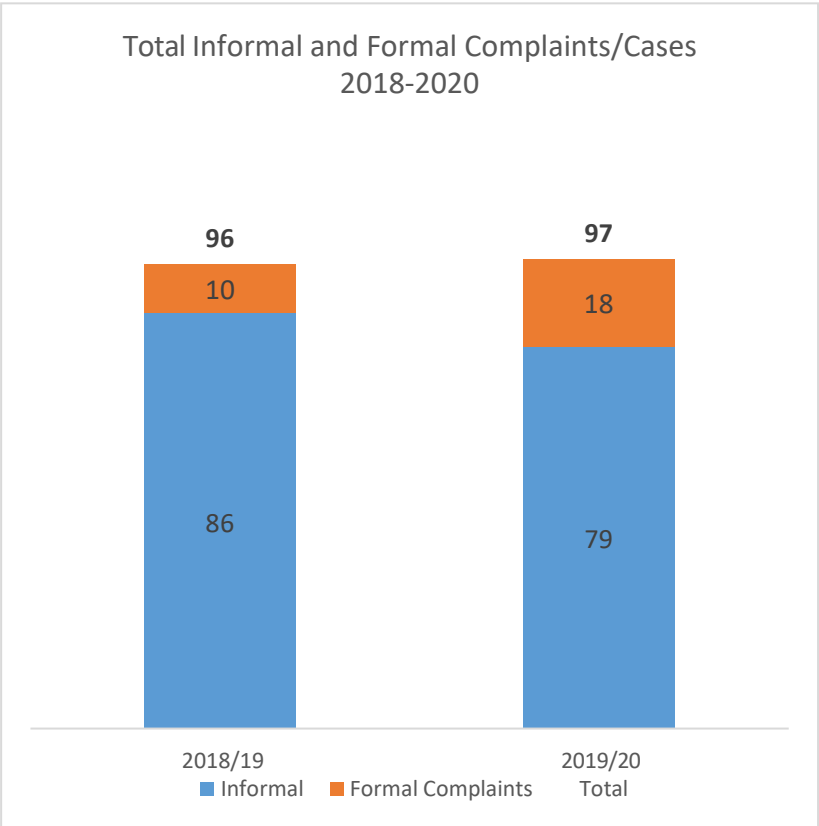
OHRCM Scope of Work and Major Activities

The charts below show the range of OHRCM activities on campus in 2018-2020 and the proportion of each activity category within the overall scope of work. Advisory services continue to represent around half of our client interactions, while informal resolution and education represent another significant portion of the work.

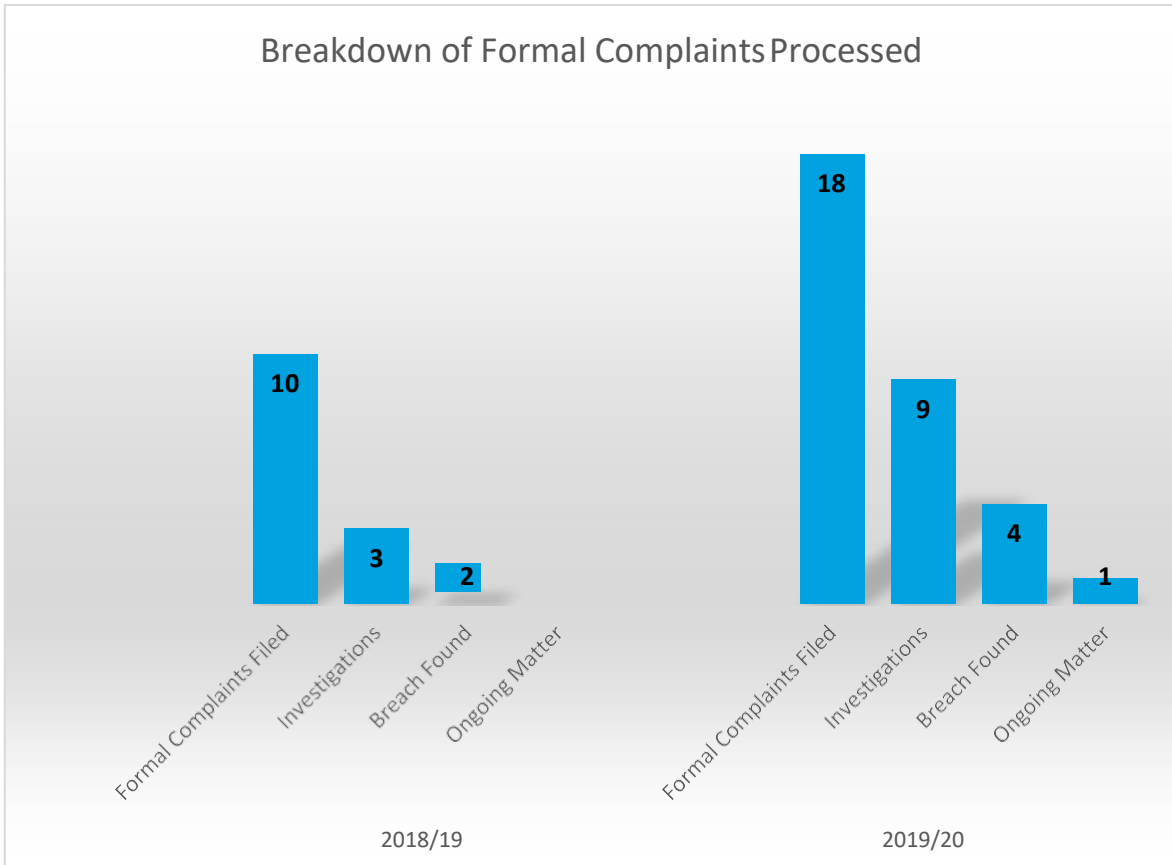


- Advisory
- Informal Resolution Services
- Formal Complaint Process
- Education & Outreach
- AMA Consultations
- Projects, Committees & Partnerships

Complaint Analysis

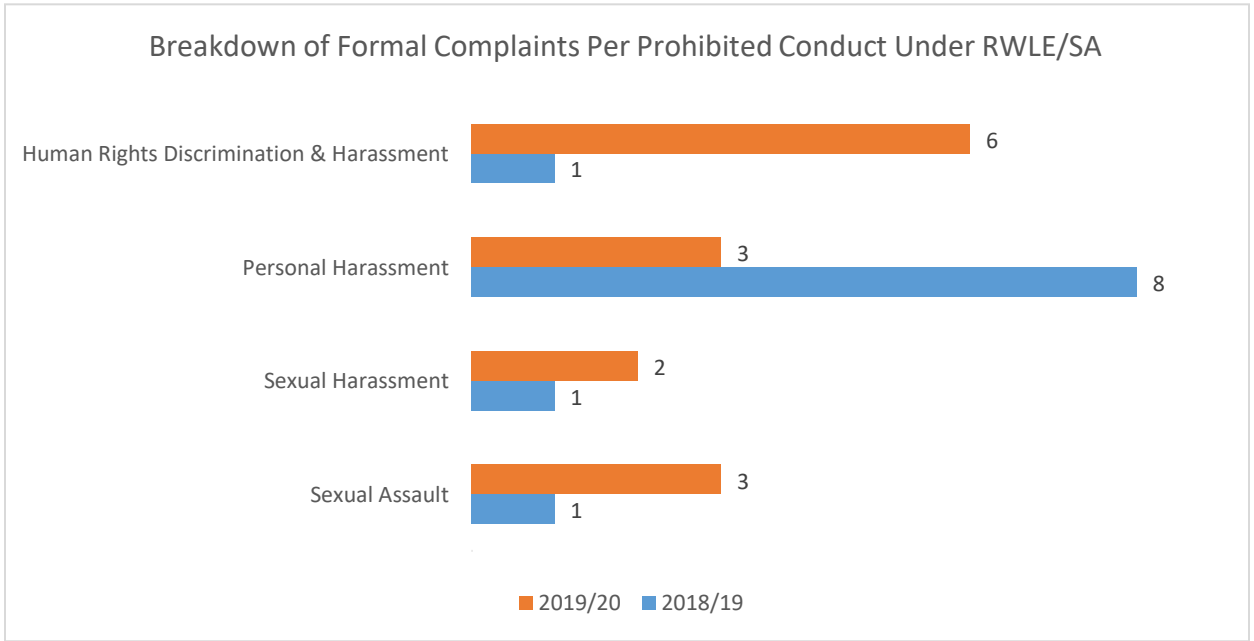
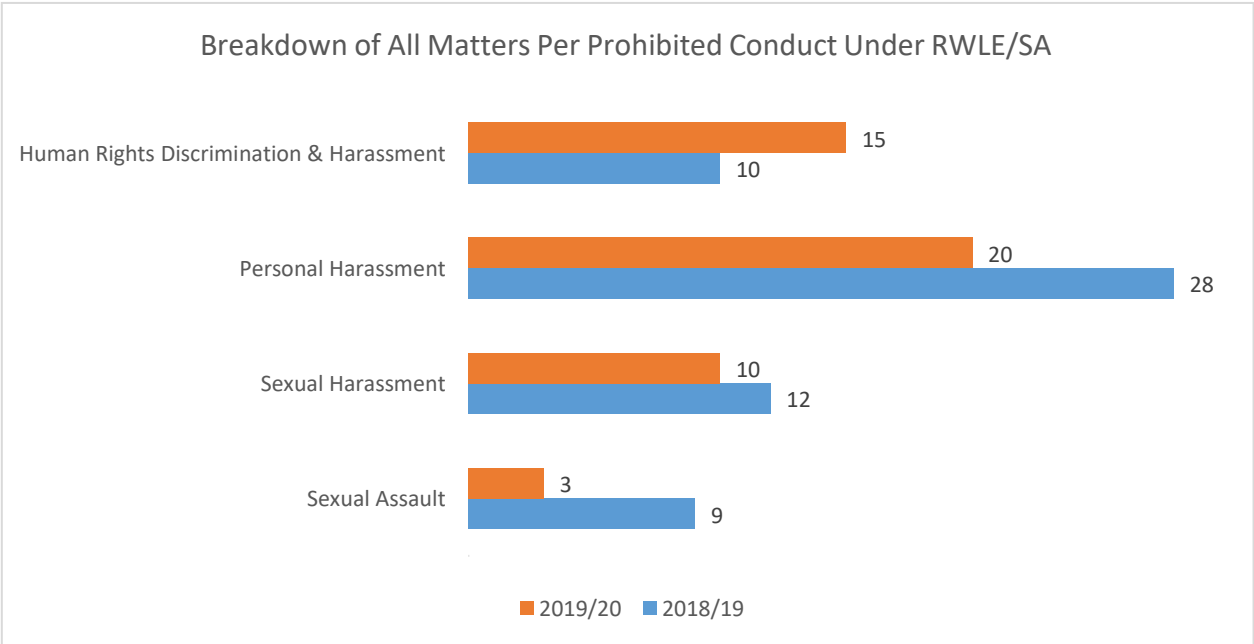


- While the total number of complaints has remained steady, the number of formal complaints submitted in 2019-20 jumped to 18.



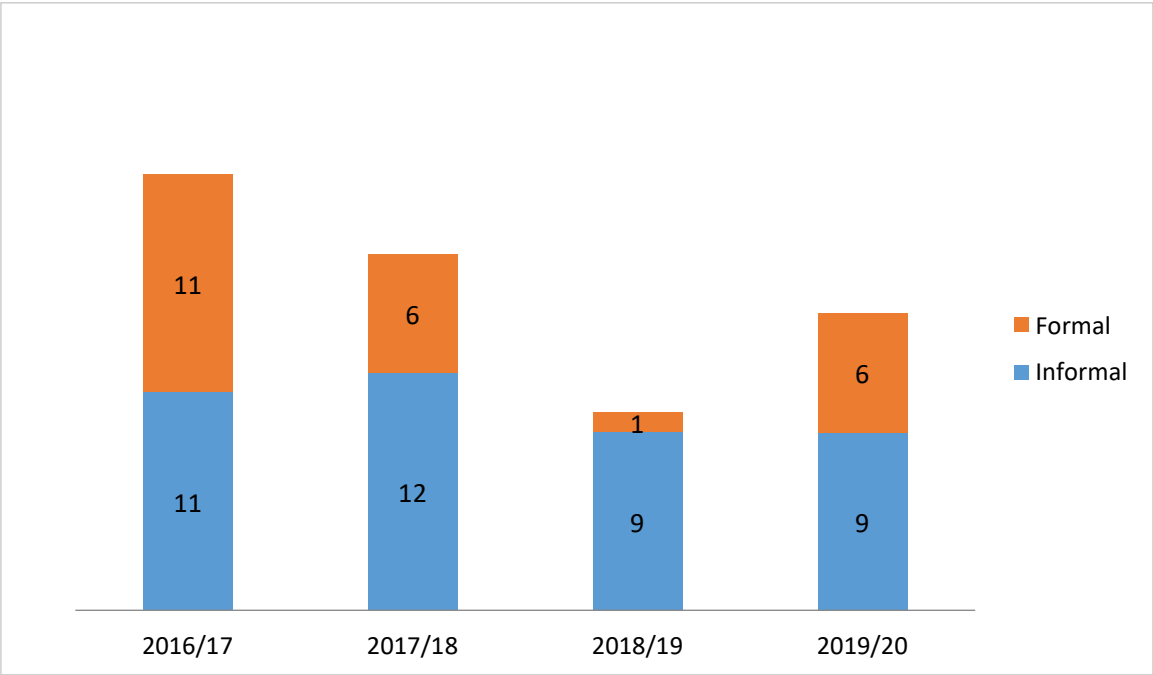
- Between a third and a half of formal complaints filed are typically assessed to proceed to an investigation. Formal complaints may be assessed not to proceed to an investigation if the alleged breach is outside of the scope and jurisdiction of the RWLE and SA policies.
- “Ongoing Matter” refers to a formal complaint filed in 2019-20 that still has the potential to proceed to an investigation in 2020-21.

See Section 2.39 of the Disclosures and Complaints Procedure (Formerly RWLE/SA procedure) for the complete explanation of the formal complaint assessment process.



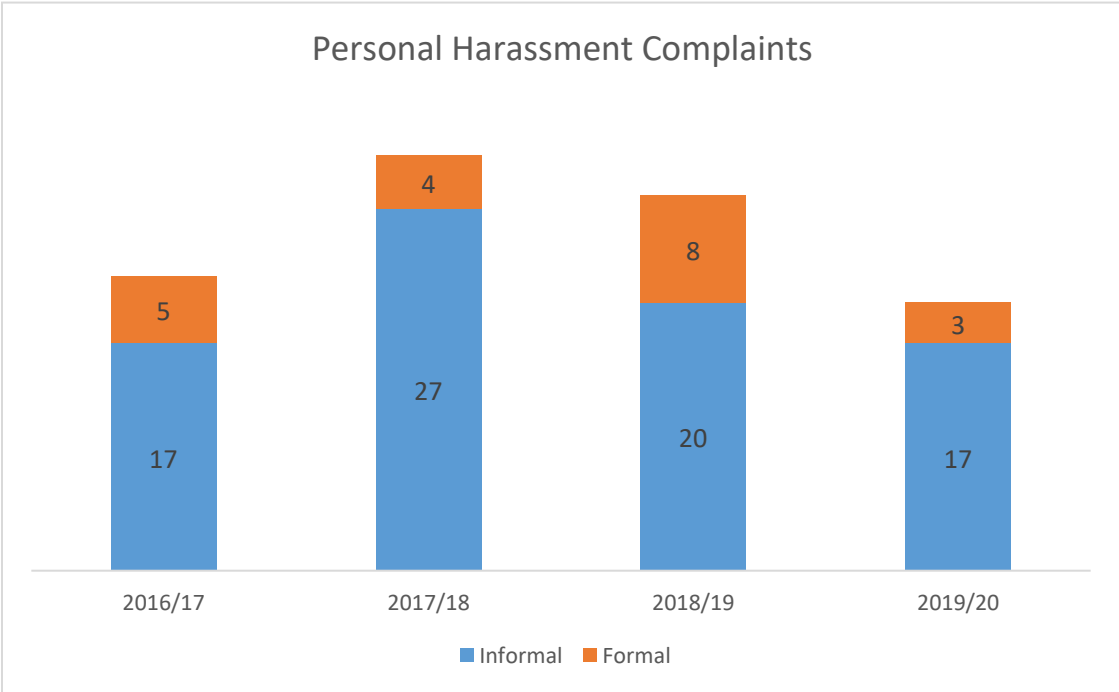
- Approximately half (53%) of formal complaints in 2018-2020 contained allegations of personal harassment, along with other categories of allegation in some cases.
- In considering the number of formal complaints filed, it is worth noting that multiple factors may influence the manifestation of a formal complaint with the OHRCM, including the complainant’s decision to disclose, their own decision-making around filing a formal complaint, and the nature and severity of the incident.

Human Rights Based Discrimination and Harassment



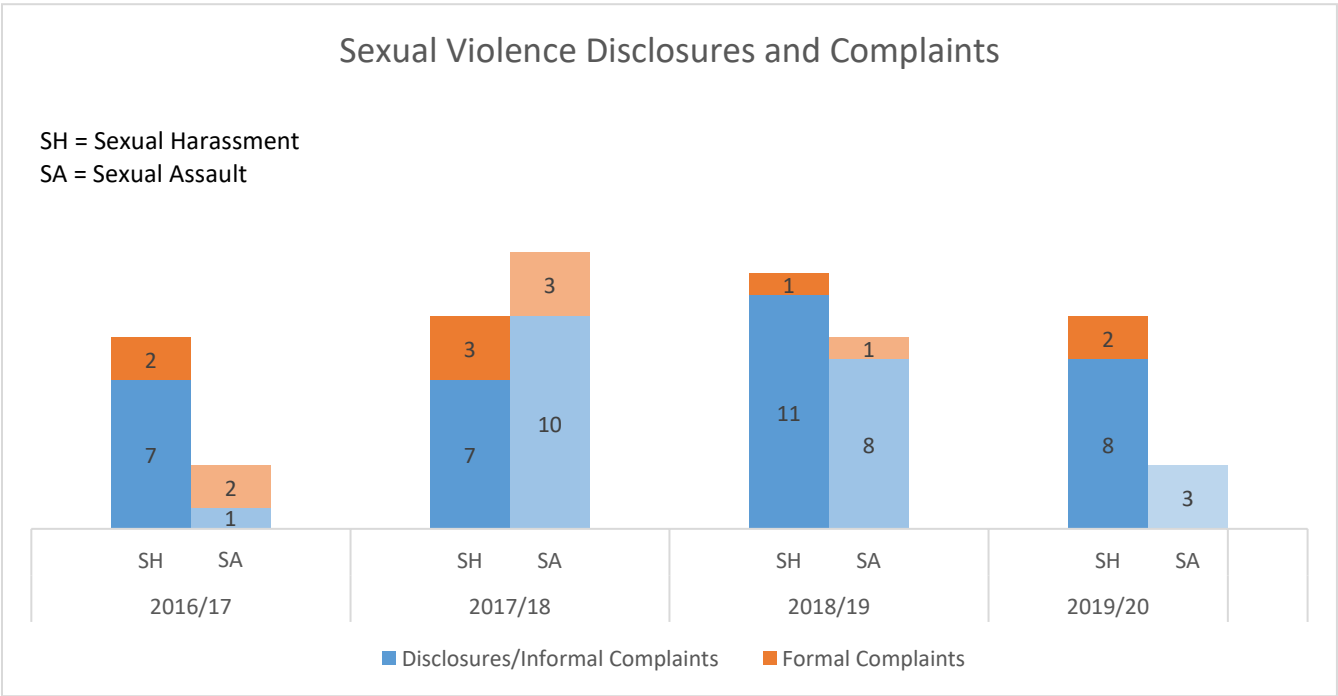
- Overall, there has been a decrease in the total number of human rights based discrimination and harassment complaints over the last 4 years. The number of formal complaints has fluctuated.
- Race-based characteristics such as ancestry and ethnic background were the most common characteristics cited within discrimination and human rights based harassment complaints.

Personal Harassment



- The last two years saw a gradual decrease in the total number of personal harassment complaints, following a steady increase during the previous three years.
- Personal harassment allegations represented the vast majority of formal complaint cases in 2018 and about half of the formal complaints in 2019/20. In both years, less than half of those allegations were assessed to proceed to an investigation. This suggests that community members may benefit from additional education and a clearer understanding of what constitutes personal harassment based on the Respectful Work and Learning Environment policy, as well as what might be more appropriate tools for addressing interpersonal conflict in certain scenarios.

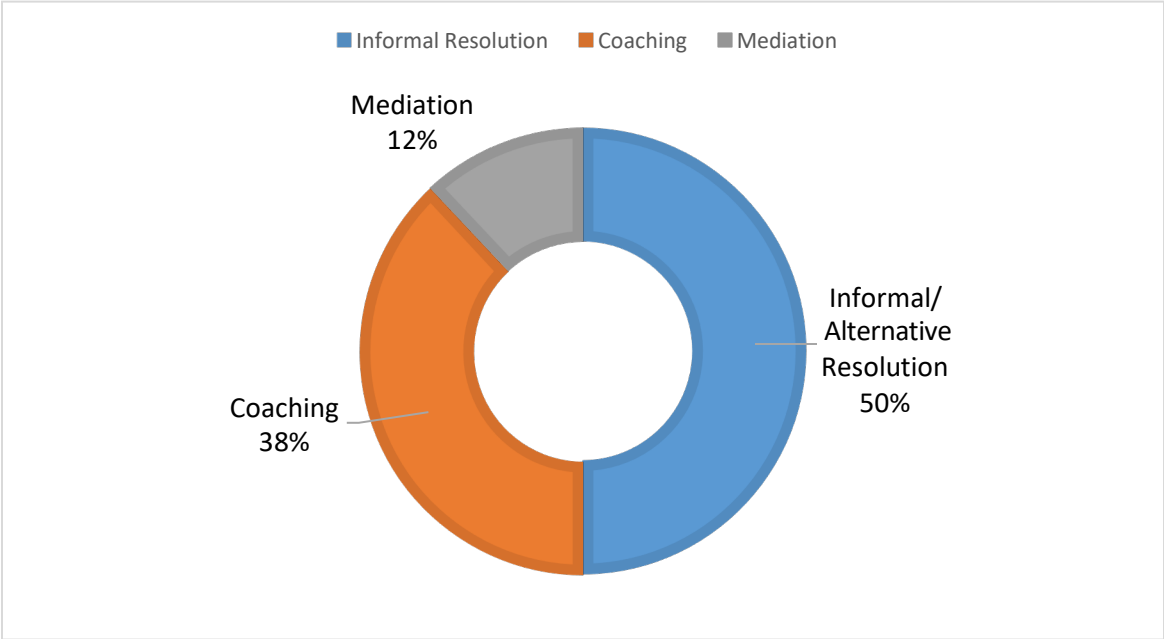
Sexual Violence



- The total number of sexual harassment complaints has been steady in the last four years, staying between 9 and 10 in each reporting year.
- The number of formal sexual harassment complaints has decreased slightly from last year. It is worth noting that the context for sexual violence in post-secondary institutions and society in general is shaped by multiple interrelated factors, many of which are cultural and systemic. These factors include the rise of the #MeToo and Time’s Up movements across North America and increased education, awareness and political mobilization across institutions and campuses, including at the University of Manitoba. It is vitally important to continue to track the data and liaise with Student Services and other key stakeholders in order to interpret and apply any of these insights in meaningful ways.

Conflict Management

Total Conflict Management Cases 2018-2019



- Conflict management encompasses a range of options, including general informal resolution activities, conflict coaching, and mediation. Informal or alternative resolution may include consultation, brainstorming ideas and approaches with one party in the conflict, exploring attitudes and perspectives on the conflict, and possible options for resolution, as well as conciliation which engages the other party in finding a resolution, though without a face to face conversation. Coaching denotes specific preparation for difficult conversations, managing responses to conflict, and more general coaching on communication skills and conflict styles. Mediation involves bringing together all of the parties in a conflict for a face to face meeting, to discuss the situation and try to develop a plan for moving forward that is acceptable to everyone involved.
- In the past year, we have seen an increase in the percentage of participants seeking conflict management supports, rather than simply requesting information about formal complaint options.

Prevention through Education and Collaboration

Focus on Education

In its mission and vision statement, the Office of Fair Practices and Legal Affairs (OFPLA) has expressed its commitment to education as a key element in promoting a fair and equitable learning and working environment; and supporting the University's efforts to comply with its statutory, regulatory, contractual and moral obligations. The OHRCM has played a key role in ensuring that the OFPLA delivers on this mission and vision through a variety of educational activities that engaged students, staff and faculty members in learning about human rights and conflict management.

Education Activities in 2018-20

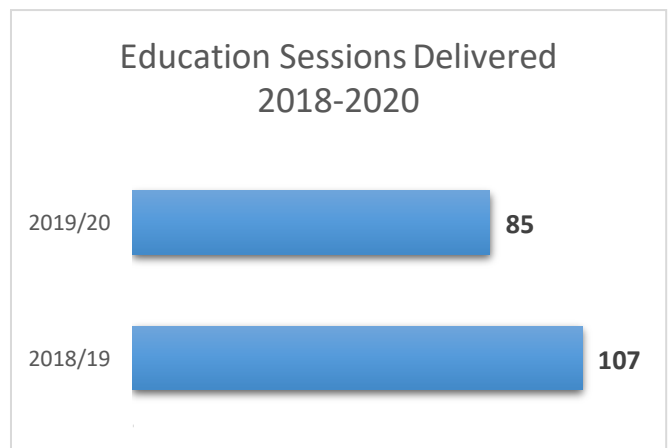
Presentations that focus on the key aspects of the scope and mandate of OHRCM represent the majority of the office's educational activities. These include presentations delivered as part of student, faculty and staff orientations, as well as interactive workshops and seminars that engage

"Much discrimination is rooted in ignorance and education is essential to its eradication."

- Preamble, The Manitoba Human Rights Code

members of the University community in thinking and learning about their rights and responsibilities under the RWLE/SA policies. These sessions also provide opportunities to build knowledge and skills around conflict resolution and respectful communication. The majority of the training is conducted by the OHRCM staff. Increasingly, the training is delivered in collaboration with key partners as Learning and Organizational Development, Human Resources, Student Advocacy, Student Accessibility Services, and the Faculty of Graduate Studies.

Examples include standard 15 to 30 minute long orientations for students, staff and faculty members as well as customized workshops and seminars of 1-3 hours designed to meet specific learning needs and objectives. Notable examples of customized workshops include the delivery of nine 3-hour sessions on the RWLE/SA and conflict resolution basics, delivered to 200 staff members in one unit in 2018/19. This allowed the entire unit to develop a shared understanding of their rights and responsibilities under the RWLE, as well as a common vocabulary for how to respond to conflict when it arises.



Over the past 3 years, the OHRCM has taken part in the delivery of the Responding to a Disclosure of Sexual Assault training offered to staff and faculty members. The training team includes representatives from Student Affairs, Student Residence, and Employee Health and Wellness. These sessions are well-attended and provide opportunities for practice and group discussions.

A total of 14 and 15 sessions were delivered in 2018/19 and 2019/20, respectively.

Appendix A: Committee and Partnership Work

Committee and Partnership Work

OHRCM staff were involved on the following committees during the 2018/2019 reporting year:

- *Co-Chair AMA Steering Committee*
- *Chair AMA Accessibility Plan Subcommittee*
- *AMA Information and Communication Subcommittee*
- *AMA Employment Subcommittee*
- *AMA Post-Secondary Institutions Working Group*
- *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*
- *Gaa wii ji'i diyaang Committee*
- *Spiritual Care Advisory Committee*
- *UMQueer (Pride) Committee*
- All OHRCM staff members belong to the Mental Health First Aid UM Community of Practice.

Appendix B: Definitions of Prohibited Conduct

Human Rights Based Discrimination and Harassment

Human rights based discrimination and harassment are prohibited under the Manitoba 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 either one severe single incident, or a 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.

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 following 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.

Personal Harassment

Personal harassment is prohibited under the Workplace Safety and Health Regulation of Manitoba, and the University's RWLE policy. Personal harassment is either 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.

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.