

Office of Human Rights and Conflict Management

Annual Report 2020-2021

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A message from the Executive Director, Office of Risk and Compliance

It is my pleasure to present this report to the University of Manitoba (UM) community, showcasing the work of the Office of Human Rights and Conflict Management (OHRCM) over the last year. It covers the reporting period of April 2020 to March 2021.

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 OHRCM staff and the many ways in which they support the university community in advancing equity and human rights.

As Executive Director, Office of Risk and Compliance, 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, faculty and community members about their rights and responsibilities. Conflict management services have been offered to the community by the 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 (RWLE) policy, Sexual Violence (SV) policy, Disclosures and Complaints procedure, 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 the office when needed. We recognize that there is room for improvement and the OHRCM is looking to enhance and expand its outreach and education activities in order to identify and remove any barriers to accessing services.

Karen Meelker

Executive Director, Office of Risk and Compliance

OHRCM Team

The following people were part of the OHRCM team during the period of this report between April 2020 and March 2021 (listed alphabetically):

Megan Bowman	Conflict Management Advisor, 2018 – present
Faye Brandson	Human Rights and Conflict Management Advisor, 2019 – 2021
llaneet Goren	Human Rights and Conflict Management Advisor, 2019 – 2020
Jennifer Ham	Confidential Intake Officer, 2020 – present
Joel Lebois	Human Rights Legal Counsel, 2018 – present
Michele Lemonius	Human Rights and Conflict Management Advisor, 2020 – present
Meghan Menzies	Human Rights and Conflict Management Officer, 2020 – present
Shehnoor Tung	Confidential Intake Officer, 2021 – present

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 alphabetically):

Faye Brandson	Human Rig 2021	hts and	Conflict	Management	Advisor,	2019 –
llaneet Goren	Human Rig 2020	hts and	Conflict	Management	Advisor,	2019 –

OHRCM Services

Our Vision

The work of the 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, administrative offices and the community 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 RWLE policy, SV policy, and the Disclosures and Complaints procedure. The office is a 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, conciliation, one-on-one conflict coaching and formal complaint investigation.

Policies and Procedures

The OHRCM works to address and prevent discrimination, harassment and sexual violence at the UM by promoting, supporting, and administering the following policies and procedures:



Our Process

The OHRCM provides a range of options to help students, staff, faculty and the community 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.

Human Rights and Conflict Management advisors at the OHRCM 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 an OHRCM advisor. The advisor meets with the complainant in person, online 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 as advisory, others develop into more specific categories explained below.

Informal 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/SV policies. Informal/alternative resolution can also take the form of clarifying and educating individuals about the relevant policies and procedures 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, the individual has the option of proceeding to a formal complaint. A complainant is not obligated to resolve their concerns informally and has the right to proceed directly to a formal complaint at any point in the process.

Formal Complaint and Investigation Process

Under the RWLE and SV policies and the Disclosures and Complaints 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.

All formal complaints should be submitted to the OHRCM in writing, ideally as close to the alleged incident as feasible (although it is understood that this may not always be possible). Upon submission, formal complaints are assessed by the Human Rights and Conflict Management Officer (HRCMO) to determine applicability under the policies and whether or not the matter proceeds to an investigation.

Conflict Management Services

Conflict management is a voluntary, participant-driven and cooperative process for 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 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, along with Human Resources, co-chair the University's AMA Steering Committee, which is tasked with ensuring that the UM is meeting all of its obligations under the AMA. This past year the committee successfully designed, developed and launched accessible employment training for all UM staff.

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.

Consultations

Consultations are meetings with members of the university community to discuss the RWLE and SV policies, including their interpretation, wording, and options for addressing

matters. Consultations are generally peer-to-peer. For example, a department head or faculty member asking for guidance, such as an Associate Dean, calling to say "this situation has arisen in my faculty and here's how I handled it. Are there other things I should be doing?" or "we are working on a department-specific policy that relates to the RWLE and we'd like help with wording." Consultations are stand-alone as opposed to conversations that are related to an ongoing file.

A Look at the Data

A Word on Data

The OHRCM's data collection process follows the University of Manitoba's best practices, guidelines, and related standards. The data collection process includes, but is not limited to, gathering and reviewing the number of activities performed by the OHRCM each year. Strong and accurate data collection practices are critical to ensuring accountability to the UM community, quality of services, and efficacy of RWLE/SV policies and the Disclosures and Complaints procedure.

OHRCM Scope of Work and Major Activities

The charts below show the range of OHRCM activities on UM campuses and the proportion of each activity category within the overall scope of work. During this fiscal year (April 1, 2020 to March 31, 2021), advisory services continued to represent most of the OHRCM's client interactions, while informal resolution services and education and outreach represent another significant portion of the work.



Figure 1: OHRCM Activities 2020-2021



Figure 2: OHRCM Activities 2019-2020



Figure 3: OHRCM Activities 2018-2019

Informal and Formal Complaints

The OHRCM is a confidential office and works to be a safe space that is complainant driven; that is, the direction the complainant wishes to go with their issue (i.e. formal or informal) is up to them.

The stacked bar chart below depicts the number of informal and formal complaints received by the OHRCM each fiscal year from 2018 to 2021. The total number of complaints in the fiscal years 2018-2019 and 2019-2020 appear to be the same, but the chart shows that in 2020-2021 the number of complaints declined. This could be due to the COVID-19 pandemic university closure.



Figure 4: Total number of informal and formal complaints from 2018-2021

Complaints of Prohibited Conduct

Any person, whether or not they are a member of the university community, may contact the OHRCM to raise a concern regarding discrimination, harassment, sexual violence, or reprisal, or to make a formal complaint. These forms of behaviours are considered prohibited conduct under the RWLE and SV policies.

The chart below shows the number of complaints received regarding all matters of prohibited conduct under the RWLE/SV policies from 2018 to 2021. Over the course of 2020-2021, 33 of the 79 complaints reported to the OHRCM were allegations of prohibited conduct under the RWLE/SV policies. Most of the complaints received by the OHRCM were personal harassment, followed by human rights-based harassment and discrimination, sexual harassment, and sexual assault.



Figure 5: Breakdown of all prohibited conduct, 2018-2021

The OHRCM continues to provide education on prohibited conduct and expectations to university members. Due to the COVID-19 pandemic university closure, most workplace interactions between university members occurred online. As a result, education on the RWLE/SV policies in 2020-2021 shifted to highlight the application of policies in an online environment.

Formal Complaints

During 2020-2021, nine of the 33 complaints of prohibited conduct under the RWLE/SV policies reported to the OHRCM were formal complaints. The Majority of formal complaints were complaints of personal harassment.



Figure 6: Breakdown of formal complaints processed

All nine formal complaints were assessed within 30 days of receipt. Six of the nine formal complaints proceeded to investigation. A breach of the RWLE/SV policies was found in three of the complaints, no breach was found in one complaint, and decisions had not yet been rendered in the two remaining formal complaints.

Formal complaints under investigation are normally completed within 90 days of the complaint being assigned to an investigator. In some cases, the investigator may apply to the OHRCM for an extension of time of up to 30 working days. An investigator may make multiple applications for extensions, but extensions may only be granted if reasonable in the circumstances and at a maximum of 30 working days at a time. The OHRCM informs the complainant and respondent in writing of any extensions granted.

Most formal complaints received by the OHRCM are processed within one year of receipt. Matters pending are formal complaints filed within the fiscal year that are still in process.



Figure 7: Formal complaints investigated: 2020-2021

The OHRCM maintains a neutral and trauma-informed approach in addressing all matters. As a result, the majority of the formal investigations are addressed by external investigators. The OHRCM ensures that all investigators who are retained have received trauma-informed training that aligns with the vision of the OHRCM.

Informal Complaints

After the OHRCM has received a Disclosure or Formal Complaint, the University may, on its own initiative or at the request of the Complainant and/or the Respondent, explore proceeding by Informal Resolution. This process may occur before or during an Investigation.

- Disclosures and Complaints procedure, Section 2.24

The chart below shows the number of allegations of prohibited conduct under the RWLE/SV policies reported to the OHRCM that were addressed through an informal resolution process. During 2020-2021, 24 of the 33 complaints of prohibited conduct under the RWLE/SV policies reported to the OHRCM were addressed using an informal resolution process. Over the past three fiscal years, 2020-2021 has the highest number of alleged human rights-based harassment and discrimination complaints addressed

through an informal resolution process. During 2020-2021, complaints of alleged personal harassment and sexual violence were lower in comparison to previous years.



Figure 8: Breakdown of informal complaints of alleged prohibited conduct under the RWLE/SV policies

The OHRCM continues to provide information to both complainants and respondents regarding the opportunities and resources available to facilitate informal resolution of an alleged breach.

Conflict Management Services

The OHRCM continues to provide University of Manitoba with a wide range of conflict management options to address matters that may not be related to the RWLE and SV policies. In 2020-2021, the OHRCM conducted mediations, one-on-one coaching, and varied informal resolution processes to resolve and/or develop strategies to resolve varied conflict situations. The chart below displays the number of conflict management services performed during the 2020-2021 fiscal year (see Appendix C for a glossary of services).



Informal resolution may include but is not limited to: restorative justice processes, mediation or facilitated conversations, conflict coaching, apologies, impact statements or letters, or expectation letters or agreements.

Education, Outreach and Collaboration

Education is, according to the University of Manitoba's mission and vision, a key element in promoting a safe and inclusive space for all its members. The OHRCM continues to play a key role in realizing this objective through a variety of educational activities, engaging students, staff, faculty, and community members in learning about human rights and conflict management strategies, sometimes in collaboration with different stakeholders as discussed below.

Activities in 2020-2021

The OHRCM has delivered educational presentations focused on the RWLE policy, SV policy and conflict management strategies. These presentations were delivered as part of student and staff orientations as well as interactive workshops and unit-specific presentations that engage members of the university community in thinking and learning

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

- Preamble, The Manitoba Human Rights Code

about their rights and responsibilities under the RWLE/SV 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 OHRCM staff. Increasingly, training is delivered in collaboration with key partners such as Learning and Organizational Development, Human Resources, Student Advocacy, Student Accessibility Services, the Faculty of Graduate Studies and the Centre for the Advancement of Teaching and Learning.

Examples of presentations include standard 15- to 30-minute-long orientations for students, staff, and faculty members as well as customized workshops and seminars of one to three hours designed to meet specific learning needs and objectives.

For the last three 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 typically well-attended and provide opportunities for practice and group discussion.

Student Educator Pilot 2021

The OHRCM is committed to building relationships with diverse groups on campus to ensure we are accessible, inclusive and culturally responsive in our outreach and education delivery. Integral to this vision is centering the experiences of Indigenous, Black and racialized identities and lived experiences in relation to student engagement, education, and program planning and delivery as well as hiring practices, which includes creating opportunities for students from historically underrepresented groups.

In February 2021, the OHRCM UM recruited 11 students who identified as Indigenous, Black, and/or racialized to participate in a 40-hour pilot program aimed at creating opportunities for students to develop and practice outreach, presentation and public speaking skills while gaining field-related professional experience. As part of this pilot, the students were also asked to provide input and

"Despite the limitations caused by the pandemic including remote connection, the program was able to offer elements of learning and application/practice by integrating experiential learning, independent and group project work, and development of a final product that students can use for their professional portfolios."

- Student Pilot Final Report, May 2021

recommendations to help identify gaps and opportunities with respect to the OHRCM's education and outreach from a student perspective.

The OHRCM conducted focus groups with the student educators to receive feedback on the project. Two of the key recommendations discussed extensively and echoed by all student educators was a greater online presence and better use of social media to engage students.

- 1. Participants spoke about the challenges of competing for students' attention when there is information overload and shortened attention spans; students are used to consuming information online and in a condensed format, therefore the OHRCM should adapt.
- 2. Student educators recommended a continued peer-to-peer approach for engaging and disseminating information in a way that feels more informal, approachable, and accessible to other students.

The OHRCM conducted an online evaluation survey with the student educators to allow them to share their experiences in the pilot project. According to the survey, around 73% of respondents reported an overall satisfaction with the program (a score of 4.9 out of 5). Eight out of 11 respondents reported that they were supported by the OHRCM staff; that they received increased levels of awareness and knowledge of the OHRCM's role, mandate and policies compared to before the program; and had an increase in levels of confidence in delivering OHRCM presentations to other students.

The OHRCM will continue to engage students in future outreach and education activities, building on the experiences of the pilot program.

COVID-19 EDI Handbook

Groups who face systemic societal marginalization have been disproportionality impacted by the COVID-19 pandemic. To address this inequity, in Fall 2020 the OHRCM worked with consultants and community members to create <u>Maintaining the</u> <u>Principles of Equity, Diversity, and Inclusion During COVID-19: A Handbook for Staff</u> <u>and Students at the University of Manitoba</u>, a handbook that provides key resources and upholds Equity, Diversity and Inclusion (EDI) principles to promote awareness and understanding of how to best support one another during the pandemic

Committee and Partnerships Work

OHRCM staff were involved on the following committees during the 2020-2021 reporting year:

- Co-Chair, Advisory Committee on Intimate Relationships
- Co-Chair, Advisory Committee on Mandatory Reporting
- Co-Chair, AMA Steering Committee
 - AMA Employment Subcommittee
- Indigenous Awareness Committee
- Indigenous Senior Leadership Committee
 - Lead, Priority 4 (Supportive Environment for Indigenous Faculty, Students, Staff and Guests)

- Mental Health First Aid UM Community of Practice
- Path Forward Implementation Committee
- Prevention of Learner Mistreatment Policy Review Committee
- Rady College of Medicine Professionalism Sub-committee on Admissions
- RWLE/SA Policy Review Committee
- Sexual Assault and Violence Steering Committee (Formerly the Sexual Assault Working Group)
 - o Sexual Assault Response Guide Sub-Committee
- Smoke-Free Committee
- UM, EDI Community of Practice

Appendix A: Complaint Process

THE OFFICE OF HUMAN RIGHTS AND CONFLICT MANAGEMENT

Policy, Process and Services Flowchart



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 they are 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 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 Violence

All forms of sexual violence are prohibited conduct under the Sexual Violence Awareness and Prevention Act of Manitoba the SV policy. Sexual violence means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes, but is not limited to, sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Sexual violence can occur in many contexts, including in person, in writing, online, on social media, through digital communication or via other technology.

Appendix C: Glossary of Terms

Formal Complaint	A formal complaint should be done in writing and should contain, at minimum, the following information: (i) the name of the complainant and contact information for the complainant; (ii) a description of the alleged breach; (iii) the approximate date of the alleged breach, being within one year from the date of the most recent alleged incident unless, in the discretion of the Human Rights and Conflict Management Officer (HRCMO), extenuating circumstances would warrant an extension of time; (iv) the name of the respondent; (v) contact information for the respondent, if known; (vi) an indication that the complainant desires the complainant's signature.
Investigations	If an investigation is found to be warranted, the HRCMO will arrange for the appointment of an investigator. Having regard to the seriousness and nature of the formal complaint, the HRCMO may appoint either an employee of the university or an external consultant to act as the investigator for a particular complaint, provided that the investigator: a) has skills and/or experience desirable in the circumstances; b) would be able to conduct the investigation in an unbiased manner; and c) would not be placed in a conflict of interest.
Breach	Any conduct, behaviour, action or omission that is prohibited under the RWLE policy, the SV policy, or the Disclosures and Complaints procedure, including but not limited to discrimination, harassment, sexual violence, and reprisals.
Informal Resolution	Informal resolution may include but is not limited to: a restorative justice process, mediation or facilitated conversation between the participants, conflict coaching, an apology, a recognition of impact statement or letter, or an expectation letter or agreement.
Mediation	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.
One-on-One Coaching	Specific preparation for difficult conversations, managing responses to conflict, and more general coaching on communication skills and conflict styles.