

OFFICE OF RIGHTS AND RESPONSIBILITIES

Promoting Respect on Campus



ANNUAL REPORT 2018–2019

SEPTEMBER 2019

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Office of Rights and Responsibilities - Annual Report 2018-2019

Introduction

As provided in Article 16 of the *Code of Rights and Responsibilities* (the “**Code**”), annually, the *Office of Rights and Responsibilities* (referred interchangeably as “**ORR**” or the “**Office**”) submits a report to the Secretary-General covering the previous academic year. The report details the activities of the Office, including statistics on complaints received, and makes recommendations, as necessary, with regard to either the Code and/or the operations of the Office. The report is made available by way of the University's publications and it is submitted, for information purposes, to Senate and to the Board of Governors.

This 2018-2019 Annual Report refers to the activities of the Office from May 1, 2018 to April 30, 2019.

Mandate of the Office and Key Policies

The Office offers impartial, confidential, non-judgmental and independent services to all University Members (students, faculty and staff). It has jurisdiction over alleged infractions involving Members that take place on University premises or on other premises in the course of any University activity or event. Among other things, the Office:

- Provides support and redress to Members who have behavioural complaints and/or concerns
- Manages a complaint resolution process that may include a range of responses such as:
 - Informal procedures (clarifying perceptions, shuttle diplomacy, mediation, settlement agreements, providing strategies, etc.)
 - Formal procedures (adjudication, hearing tribunals, investigations, sanctions, etc.)
- Coordinates procedures for managing behaviour that may pose a danger, risk and/or threat
- Directs the University's response in handling urgent cases
- Participates in committees and other University bodies mandated to address behavioural issues such as the Standing Committee on Sexual Misconduct and Sexual Violence

In this context, most of the Office's work is focused on applying and/or administering the following key Policies:

- [Code of Rights and Responsibilities, BD-3 \(the “Code”\)](#),
- [Protocol on the Coordination of Urgent Cases of Threatening or Violent Conduct, BD-3 Protocol \(the “Protocol”\)](#),
- [Policy on Student Involuntary Leave of Absence, PRVPA-15 \(“POSILA”\)](#),
- [Policy on Harassment, Sexual Harassment and Psychological Harassment, HR-38.](#)

In 2018-2019, a committee was established to conduct a review of POSILA. Notable proposed revisions include specific mention of on-campus support resources such as Wellness and Support Services, and revisions regarding case management processes such as applicable deadlines for return requests and required supporting documentation. For more information about POSILA as it is currently drafted, the Office and its services, please refer to the [ORR website](#).

Education, Outreach, Promotion and Collaboration

ORR education, outreach programming and promotion take place throughout the year and include participation in student, faculty and employee orientations, offering workshops, training and providing information regarding harassment, dealing with disruptive Members, threatening or violent conduct, the Policy regarding Sexual

Violence, PRVPA-3, POSILA and the Code.

In this context, throughout the 2018-2019 year, ORR participated in and presented at a variety of University events, fairs and activities. Outreach activities also included providing information to other educational institutions and organizations regarding ORR policies and approaches to behavioural incidents and concerns.

Recommendations

As provided in Article 15 of the Code, the Office may, when warranted, make recommendations regarding situations within a unit, department, faculty or the University as a whole, when such situations have the general effect of violating the rights that are sought to be protected by the Code. Often, these recommendations arise from specific issues or situations that are brought to the Office.

Similarly, and as provided in Article 16 of the Code, when necessary or warranted, the Office will also make certain recommendations regarding the Code and the operations of the Office. Additionally, to the extent that a member of the Concordia community is interested in bringing forward a recommendation for revision(s) to the Code, that member may submit the recommendation(s) in question to the Office for consideration.

Past Recommendations

In 2017-2018, the Office made a recommendation regarding the inclusion of an assessment process for specific Student of Concern (“SOC”) cases where it appears no longer necessary or appropriate to continue treating these dossiers under POSILA. The Office is pleased to report that this recommendation has been analyzed by the POSILA review committee and that the suggested approach to address this recommendation will be included in the proposed revisions to POSILA referred to on page 1.

General Recommendations

In a number of complaint dossiers, complainants expressed concern regarding the potential for reprisals. This led to the Office analyzing this particular issue in a variety of contexts. The Office observed that developing a comprehensive plan to address potential reprisals in the context of behavioural complaints can be a complex undertaking and may involve multiple University units and departments. Developing a proactive plan at the onset of a complaint process on a case by case basis will be helpful in safeguarding the interests of the parties involved. It is therefore recommended that when appropriate an ad hoc group be constituted for this purpose. The ad hoc group would be convened by the Office. The members of this group would normally include representation from the Office, the Provost’s Office, Human Resources, the relevant Dean’s Office, and where applicable, other stakeholders.

Data Analysis and Statistical Review

Activity Summary and Breakdown of Requests for Assistance

Page 3 provides a snapshot of the Office’s activity for the 2018-2019 academic year, including the breakdowns by type of contact, the distribution of services by classification and month, Complainant/Respondent demographics and types of infractions reported.

The Office may assist Members with behavioural complaints/concerns in the following ways:

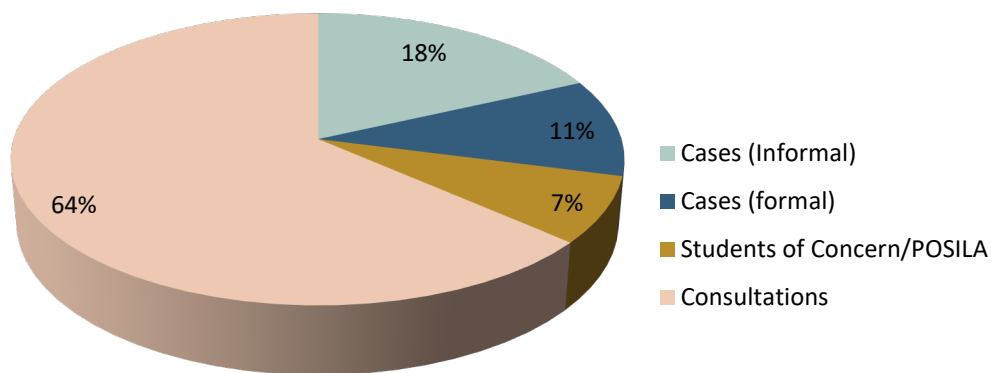
- **Consultations** - the Advisor provides information and/or guidance but usually does not play an active or ongoing role in the situation, complaint or concern

- **Cases** - the Advisor provides information and/or guidance and may also directly intervene, review evidence or play an ongoing role in the situation, complaint or concern

Depending upon the complaint, cases will be classified as “*formal*” or “*informal*.” A dossier typically begins as a consultation; however, if it ultimately evolves into a case, when reporting the data, it is only counted once. Cases (and consultations when applicable) are generally categorized as behavioural issues under the Code and/or the Protocol, or as SOC under POSILA.

Requests during 2018-2019 totaled 379. The breakdown by percentage is displayed in Chart A.

CHART A: DISTRIBUTION OF SERVICES (2018-2019)



Consistent with previous years, consultations accounted for a majority of services provided. With regard to cases, informal resolution was employed more often than formal resolution from the onset, also in keeping with historical patterns. Nevertheless, the Office has observed that formal complaints have increased since 2016-2017, as demonstrated in Table 3. 28 new formal complaints were processed this year in addition to 13 active formal complaints carried over from the previous reporting year. Active formal complaints represented approximately 11 percent of the Office’s activity. That being said, a portion of that 11 percent was resolved informally.

In addition, there were 28 active cases involving SOC’s and threat assessments, up from the 20 administered in 2017-2018. These accounted for seven percent of the Office’s activity. SOC and threat assessment cases most often involve safety concerns, medical/mental health issues and/or serious disciplinary matters, generally requiring an immediate response and intervention and, more often than not, comprehensive cross-sectorial coordination. Cases treated under POSILA are often active throughout a SOC’s academic career.

TABLE 1: REQUESTS FOR ASSISTANCE (2018-2019)

2018-2019 Academic Year	Cases	Consultations	Total
May 1, 2018 - April 30, 2019	138	241	379

TABLE 2: 3 YEAR ANNUAL COMPARISON

Year	Months	Cases	Consultations	Total
2016-2017	12	98	188	286
2017-2018	12	116	235	351
2018-2019	12	138	241	379

In 2018-2019, requests for assistance totalled 379 (138 cases and 241 consultations) as displayed in Tables 1 and 2. This represents an eight percent increase from the previous year and follows a 23 percent increase in requests from 2016-2017 to 2017-2018 (as demonstrated in Table 2). This increase is not surprising based upon the Office’s outreach to raise awareness regarding its mandate and other University resources. It may also be attributed to heightened awareness of what constitutes problematic behaviour on campus and an increased willingness to access resolution options, particularly in relation to matters involving sexual violence.

TABLE 3: BREAKDOWN BY CASE TYPE – 3 YEAR ANNUAL COMPARISON

Case Type/Year	2018-2019	2017-2018	2016-2017
Informal	69	70	55
Formal	41	26	14
SOC/Threat Assessment	28	20	29
Total Cases	138	116	98

Who is seeking assistance?

The term “Complainant” is used to refer to any member of the University community who is directly affected by someone’s behaviour and who raises a concern with the Office. The conduct in question should be within the scope of the Code. If warranted, a case file is opened regardless of whether informal resolution was sought or a formal complaint was launched. In 2018-2019, students followed by members of the administration most often requested assistance from the Office in both case and consultation categories. With regard to consultations, there were no complainants represented in the “N/A” category.

CHART B: COMPLAINANT DEMOGRAPHICS 2018-2019 (CASES)

Requests for assistance/complaints were generated by:

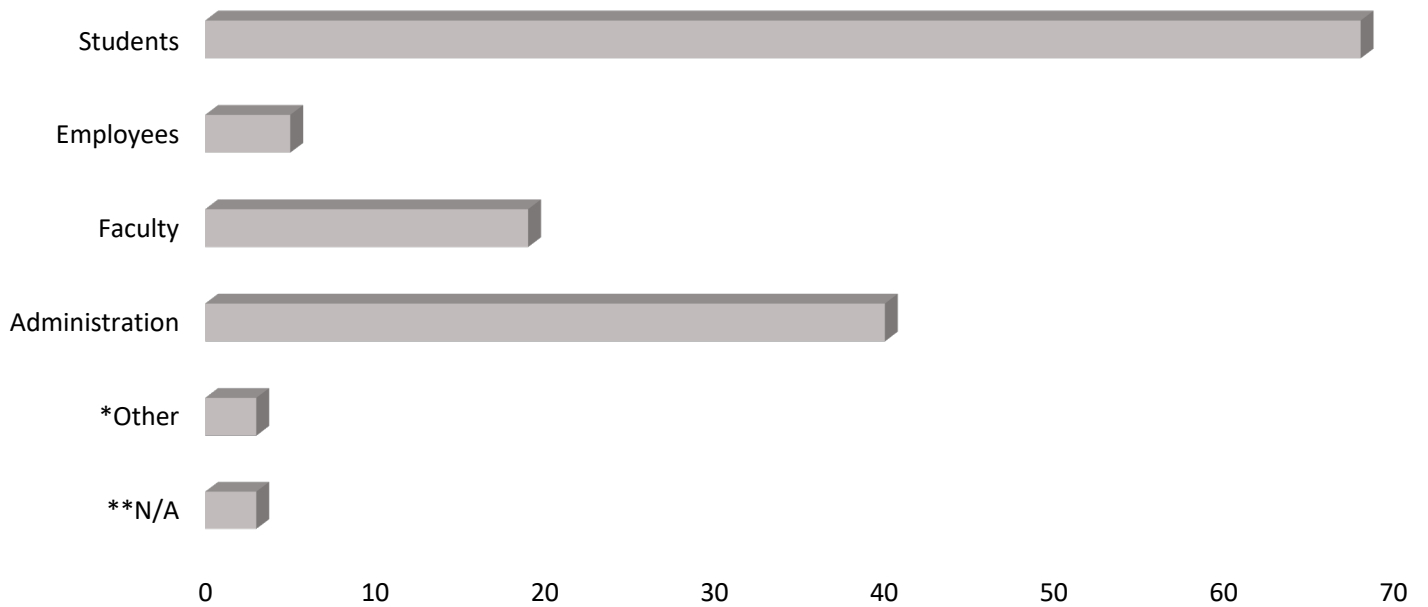
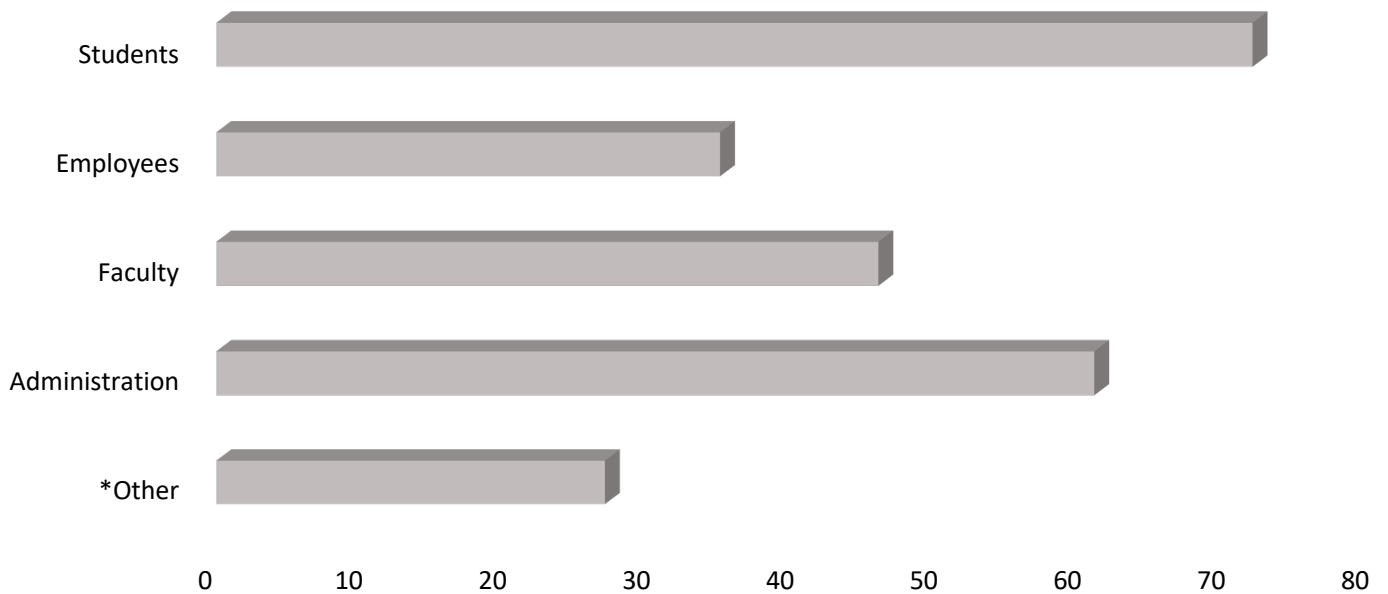


CHART C: COMPLAINANT DEMOGRAPHICS 2018-2019 (CONSULTATIONS)

Requests for assistance/complaints were generated by:



* "OTHER" REFERS TO NON-MEMBERS, ALUMNI, UNSPECIFIED MEMBER CATEGORY, CONTRACTORS, ETC.

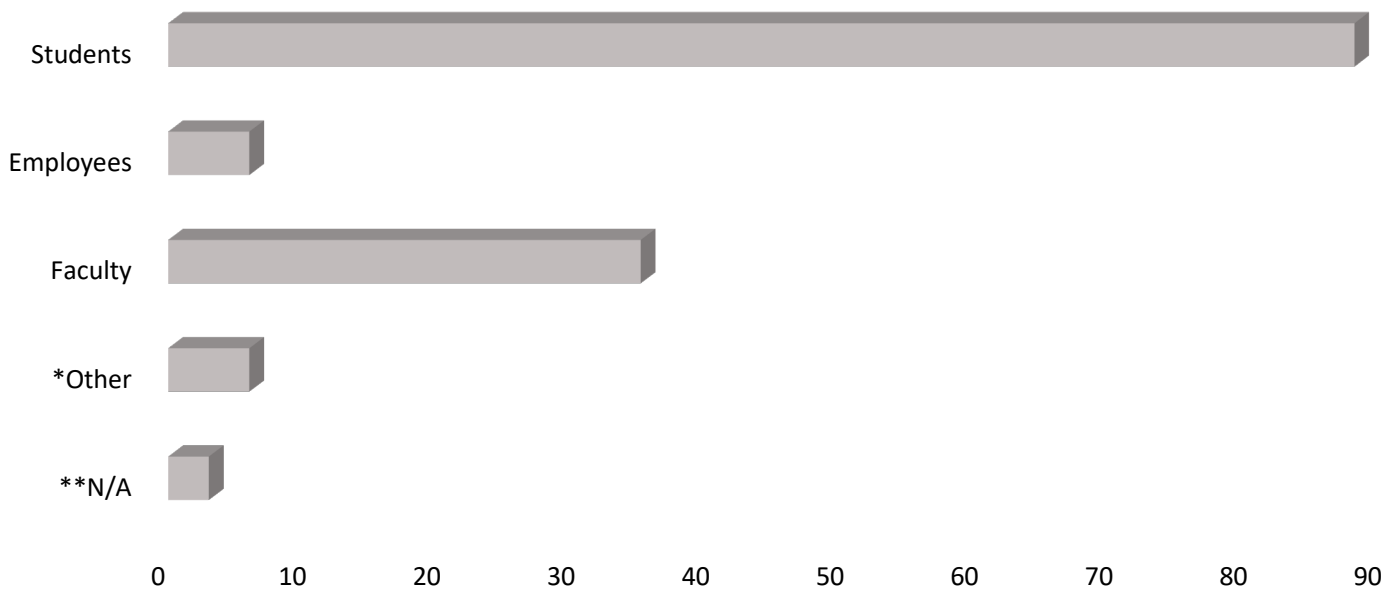
** "N/A" REFERS TO COMPLAINANTS WHO ARE UNKNOWN AND/OR UNIDENTIFIED.

Who are complaints being made against?

The term “Respondent” refers to the person against whom a complaint is made. A “Respondent” is any Member who is alleged to be responsible for undesirable behaviour described as an offense/infraction under the Code, thereby giving rise to a Complainant seeking resolution within the scope of the Code. In 2018-2019, students were predominantly the respondents in both complaints and consultations, followed by faculty. With regard to cases, and as indicated by the chart below, none of the respondents were employees in the category of administration.

CHART D: RESPONDENT DEMOGRAPHICS 2018-2019 (CASES)

Complaints were generated against:

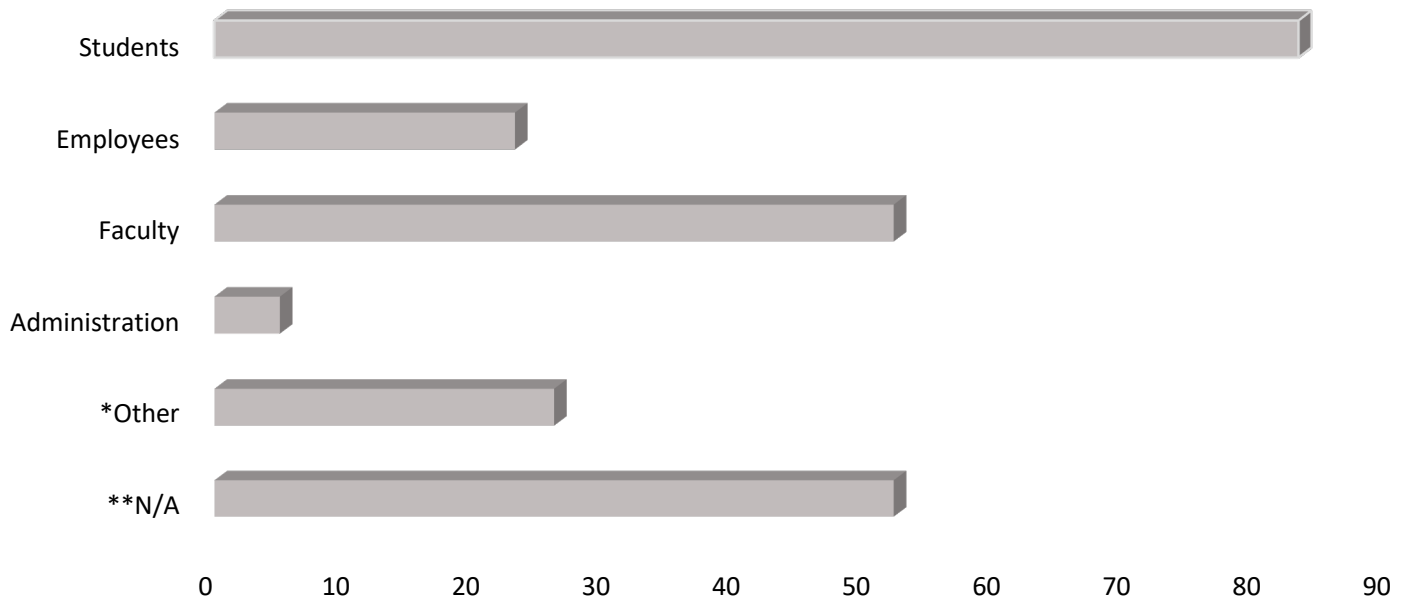


** “OTHER” REFERS TO NON-MEMBERS, ALUMNI, UNSPECIFIED MEMBER CATEGORY, CONTRACTORS, ETC.*

*** “N/A” REFERS TO CASES OR CONSULTATIONS IN WHICH THERE WAS NO RESPONDENT SPECIFIED.*

CHART E: RESPONDENT DEMOGRAPHICS 2018-2019 (CONSULTATIONS)

Complaints were generated against:



* "OTHER" REFERS TO NON-MEMBERS, ALUMNI, UNSPECIFIED MEMBER CATEGORY, CONTRACTORS, ETC.

** "N/A" REFERS TO CASES OR CONSULTATIONS IN WHICH THERE WAS NO RESPONDENT SPECIFIED.

TABLE 4: BREAKDOWN OF CASES (138) AND CONSULTATIONS (241) BY INFRACTION (2018-2019)

Offence	Code	In 138 Cases	In 241 Consults	Total Infractions
Threatening or Violent Conduct	30	32	9	41
Sexual Violence and Sexual Assault	31	17	15	32
Harassment	32	65	76	141
Sexual Harassment	33	14	7	21
Psychological Harassment	34	11	5	16
Discrimination	35	9	8	17
Communication of Discriminatory Matter	36	4	3	7
Offences against property	37	4	1	5
False Information	38	1	0	1
Maliciously activating fire alarms	39	2	0	2
Bomb threats	40	0	0	0
Theft or abuse of computing facilities or computer time	41	0	1	1
Unauthorized entry into University property	42	0	0	0
Obstruction or disruption of work or studies	43	2	13	15
Camping or Lodging on University property	44	0	0	0
Forging or altering University documents	45	4	0	4
Hazing	46	0	0	0
Unlawful use, sale, distribution, etc. of controlled substances	47	0	2	2
Possession or use of explosives or destructive devices	48	0	0	0
Possession or use of firearms, chemicals, or other weapons	49	0	0	0
Unauthorized or duplication of University's name, logos, etc.	50	1	0	1
Unlawful offense in the University context	51	2	0	2
Student-of-concern/Threat Assessment/POSILA	SOC	28	16	44
*Miscellaneous Consultations		1	103	104
Total		197	259	456

Some complaints and/or consultations allege multiple Code infractions. These complaints are nonetheless counted as a single file, regardless of the number of offences cited. Consultations more often than cases will not allege a complaint or issue that falls neatly under the Code. As such, these situations often require information, policy interpretation and advice, do not evolve into cases and also account for the high number in the “Miscellaneous Consultations” category.

In 2018-2019, the Office observed increases in the categories of threatening or violent conduct, harassment and psychological harassment. Reported incidents of offences against property and obstruction or disruption of University activity were also higher. As previously mentioned, the Office also noted an increase in new or ongoing requests for assistance involving SOCs and POSILA (up to 44 from 28 in 2017-2018).

As was the case in 2017-2018, sexual violence is now included in conjunction with sexual assault as a standalone infraction category, and is distinct from sexual harassment. This continues to reflect the understanding that offences of a sexual nature occur along a spectrum and underscores the importance of policies in which complainants can see their experiences more broadly reflected. In 2018-2019, complaints related to sexual violence and sexual assault were slightly lower than the previous year (down to 32 from 35 in 2017-2018). Reports of sexual harassment were also lower (down to 21 from 41). There were no other material variations in the number of reports regarding other Code infractions.

CHART F: PRESENTING ISSUES 2018-2019 (CASES)

Chart F provides a visual overview of the types of case offences reported.

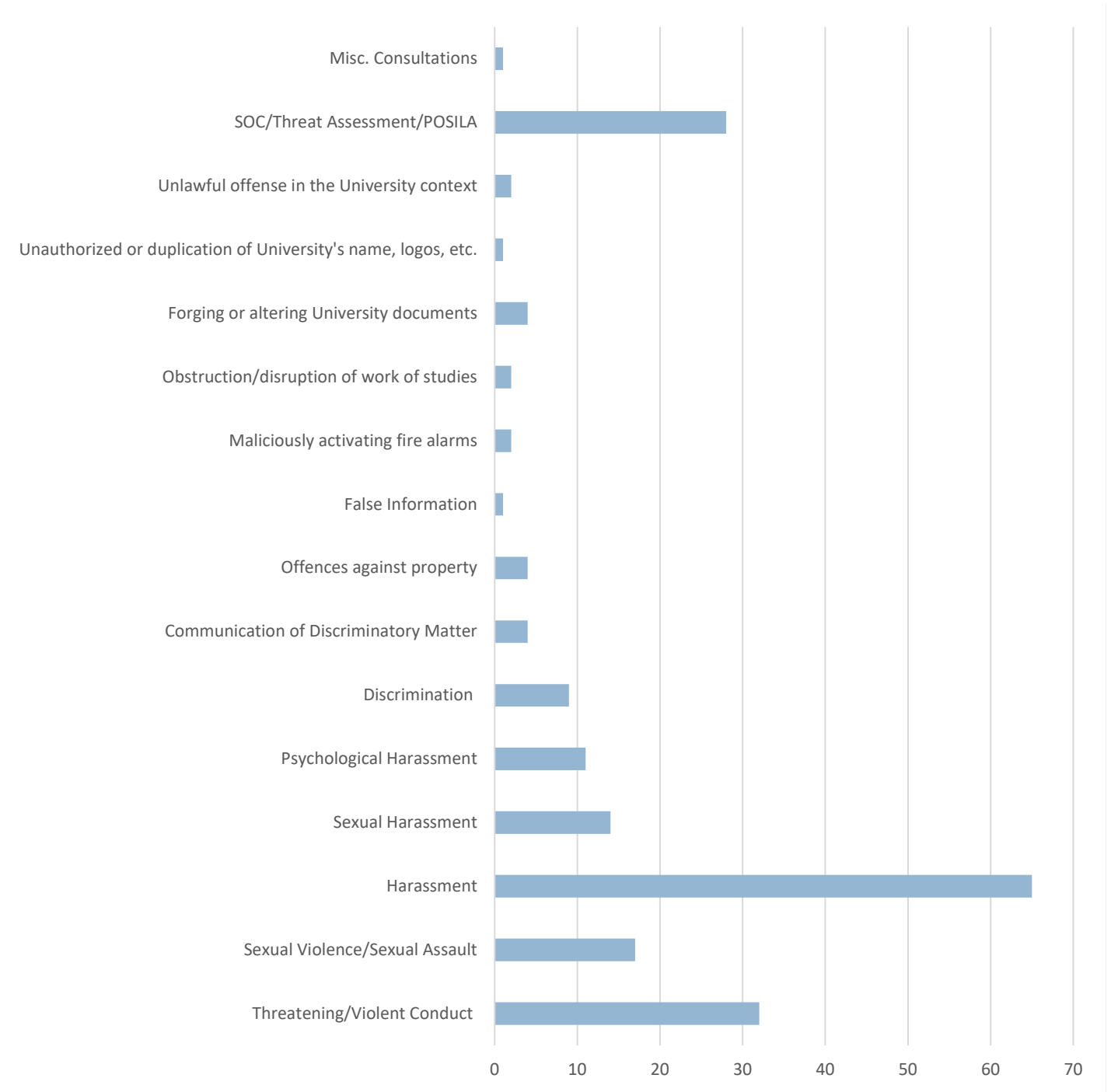
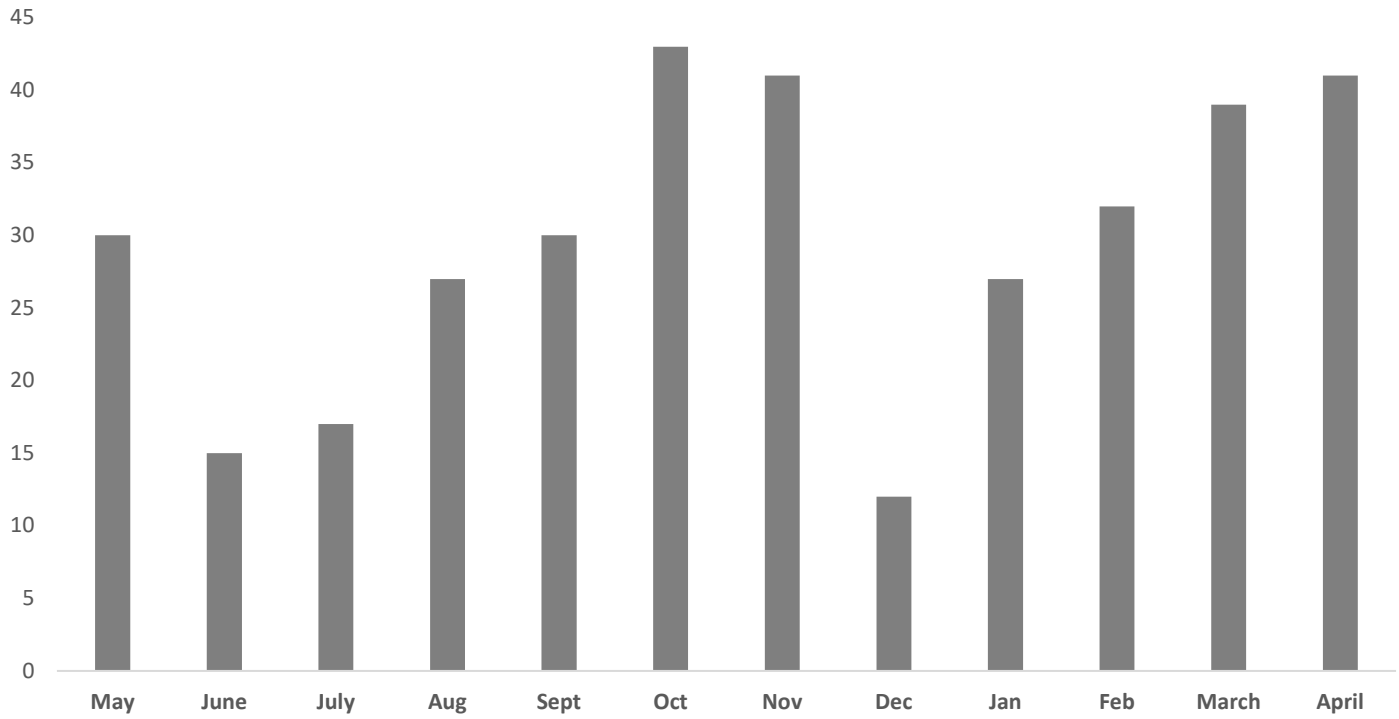


CHART G: MONTHLY DISTRIBUTION OF NEW REQUESTS FOR ASSISTANCE (354)

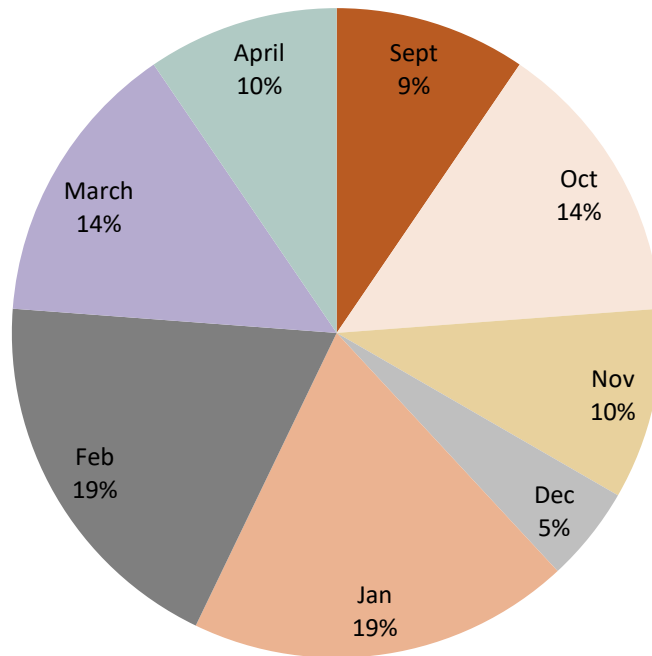


Note: Twenty-five ongoing requests for assistance were carried over from 2017-2018 and are not reflected in this graph.

CHART H: STUDENT OF CONCERN CASE DISTRIBUTION

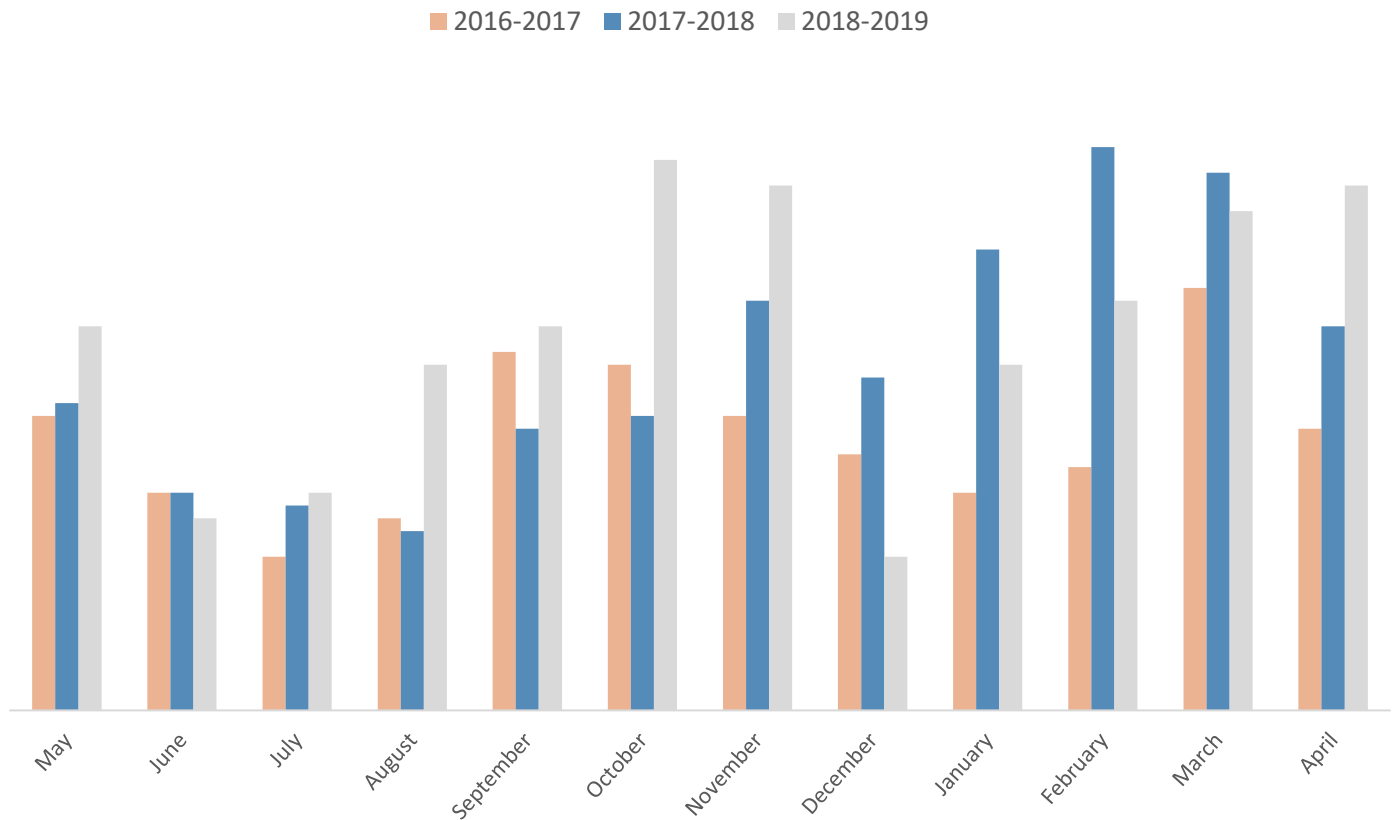
Of the 21 new SOC cases received in 2018-2019, none were reported during the months of May, June, July and August. Four students were placed on involuntary leaves of absence in 2018-2019 while other dossiers required varying levels of intervention, coordination and/or the implementation of restrictions. In addition, two students opted for voluntary leaves from their studies. In analyzing the available data, not surprisingly, the Office observed that SOC reports typically decrease throughout the summer months. In both 2017-2018 and 2018-2019, the Office identified the winter semester (January - April) as the period during which most SOC reports were brought forward. We will continue to monitor the data for any relevant patterns regarding SOC files brought forward to the Office.

MONTHLY DISTRIBUTION OF NEW STUDENT OF CONCERN CASES 2018-2019



Note: Seven ongoing SOC cases were carried over from 2017-2018 and are not reflected in this chart.

CHART I: MONTHLY DISTRIBUTION OF NEW REQUESTS FOR ASSISTANCE (CASES AND CONSULTATIONS) - 3 YEAR COMPARISON:



In analyzing new requests for assistance over the last three year period (excluding exceptional circumstances), we noted that the Office typically receives more requests in the months of February, March, October and November.

Formal Complaints

In 2018-2019, there were 41 formal complaints in progress with the Office. Formal complaints can be resolved informally or formally and a complaint can be withdrawn at any time prior to the start of a hearing or investigation. Additionally, an informal resolution may not work for any number of reasons and may end up going through a formal resolution process. Finally, even when there is a formal resolution, there is an appeal process which can be triggered in certain circumstances.

Closing Remarks

The number of requests for assistance received by the Office in 2018-2019 increased by approximately eight percent. This increase was mostly distributed between formal complaints and student of concern cases. Formal complaints, in particular, have increased since 2016-2017. Nevertheless, in keeping with historical patterns, consultations remain the most requested form of assistance while informal resolution continues to be the preferred approach in resolving behavioural dispute cases. The 2018-2019 year included an increase in dossiers and consultations related to threatening or violent conduct, harassment and psychological harassment, and also included 32 requests in the standalone category of sexual violence and sexual assault. These increases will continue to guide the Office in terms of developing further targeted training, outreach and educational initiatives on subjects such as identifying, addressing and counteracting these behaviours.

In closing, I would like to extend my thanks to Sraddha Bista and Daniel Giglio for their commitment and contributions to the Office. I would also like to extend our thanks to the Secretary-General, our internal partners and the Concordia community for their invaluable assistance to the Office in its work.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. White', with a long horizontal flourish extending to the right.

Lisa White
Director and Senior Advisor, Rights and Responsibilities

DISRUPTIVE
BEHAVIOUR

THREATS

EQUITY

DISCRIMINATION

CONSENT

COOPERATION

COLLEGIALITY

DIVERSITY

TRESPASSING

CIVILITY

HARASSMENT

THEFT

RESPECT

HARMONY