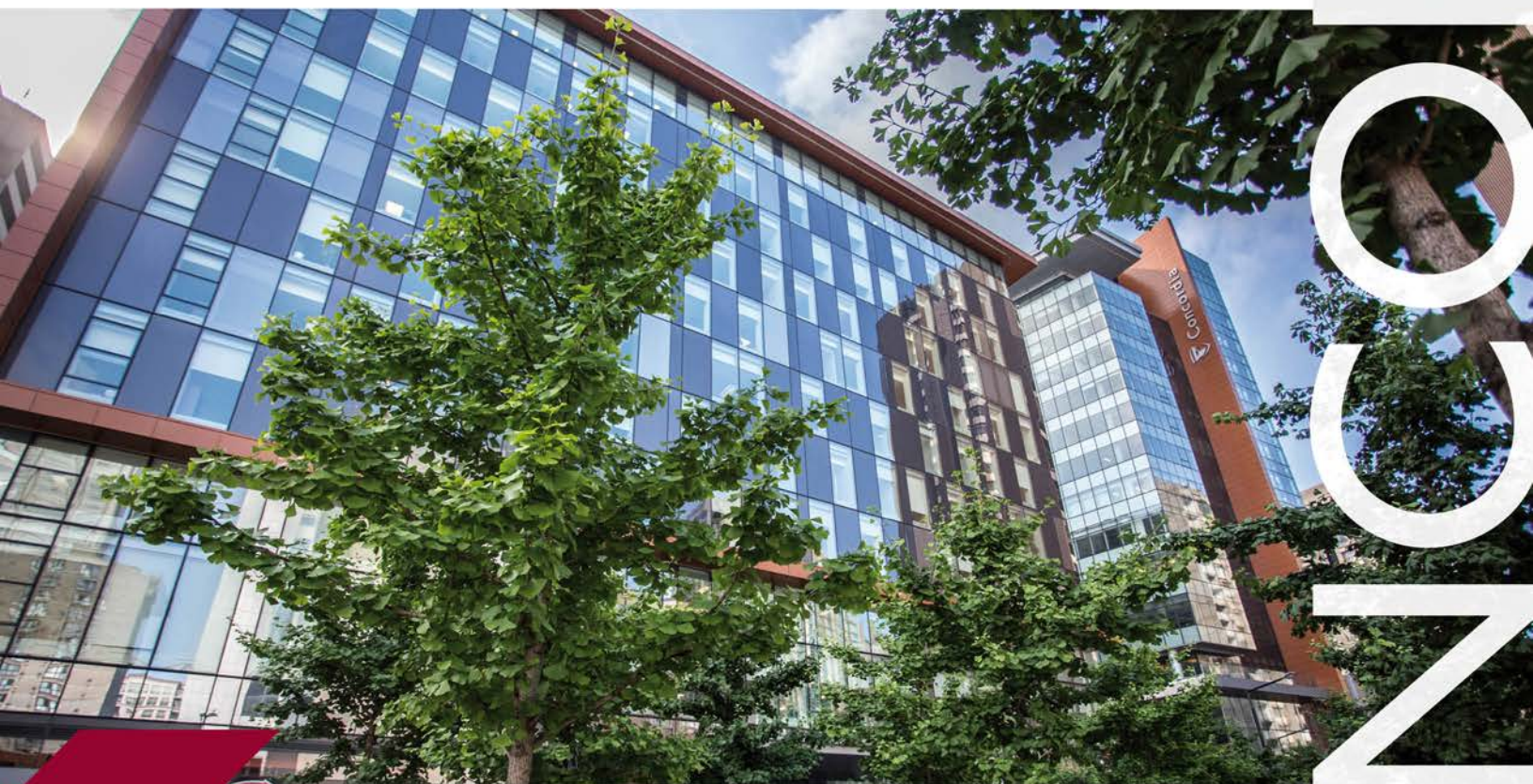


OFFICE OF RIGHTS AND RESPONSIBILITIES

Promoting Fairness on Campus



ANNUAL REPORT 2015-16

APRIL 2017

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Office of Rights and Responsibilities - Annual Report 2015-2016

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 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 2015-2016 Annual Report refers to the activities of the Office from May 1, 2015 to April 30, 2016.

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

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

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

For more information about 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 generally, providing information regarding harassment, dealing with disruptive Members, threatening or violent conduct, POSILA, and the Code.

In this context, throughout the 2015-2016 year, ORR participated in and/or presented at a variety of University events, fairs and activities.

Significant inter-university collaboration also continued throughout 2015-2016. The Office responded to several requests for information and/or consultations from other educational institutions regarding Concordia policies such as the Code and POSILA (often viewed as progressive standards of practice) as well as ORR's approaches to behavioural complaints 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. Generally, specific policy recommendations are compiled and retained for the next scheduled policy review. In this context, during the recent Code review which began in the Fall of 2016 and which was completed in early 2017, the Office brought forth a number of such recommendations which were discussed and analyzed by the *ad hoc* committee and subsequently, adopted in the revised Code, as appropriate, based upon the conclusions of the *ad hoc* committee.

CODE Recommendations

In light of the fact that the Code review process was completed shortly before the preparation of this Annual Report, there are no additional Code recommendations that will be submitted in this Report.

Other General Recommendations

Once the University has dealt with a student who has exhibited dangerous/threatening behaviour, processes must be in place to ensure that re-admission of such a student is given the analysis that is appropriate in the circumstances, in consideration of all relevant information. Accordingly, in collaboration with the Registrar's Office, it would be desirable to validate that such processes are in place and that all relevant information will be available and considered prior to admitting any student who has previously exhibited such behaviour(s). Efforts in this regard are already underway.

Data Analysis and Statistical Review

Activity Summary and Breakdown of Requests for Assistance

Below is a snapshot of the Office's activity for the 2015-2016 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.

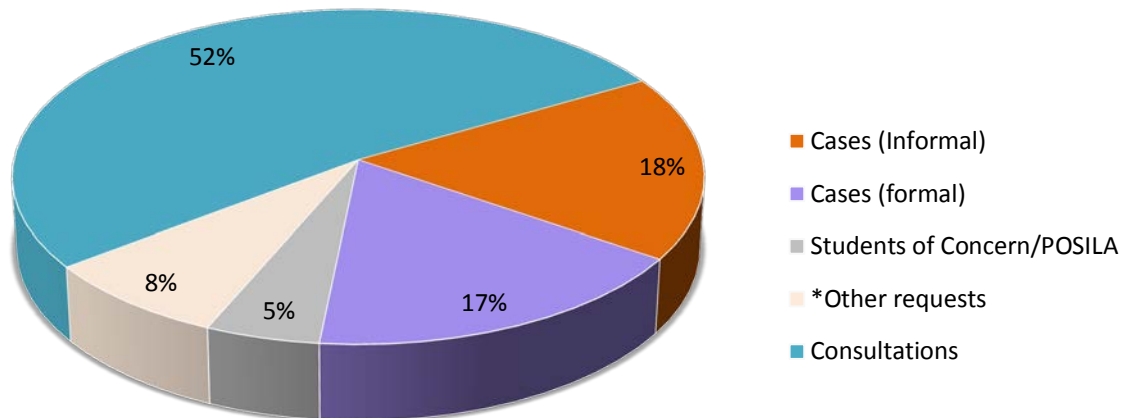
The Office may assist Members with behavioural complaints/concerns in the following ways:

- **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 case 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 “*Student of Concern (“SOC”)*” under POSILA. “**Other Requests**” most often refers to requests of a more administrative nature (not a complaint or alleged infraction under the Code).

Requests for assistance during 2015-2016 totaled 369 (this figure however includes “Other Requests”). The breakdown by percentage is displayed in Chart A (below).

CHART A: DISTRIBUTION OF SERVICES (2015-2016)



**Other requests refer to requests of a more administrative nature (not a complaint or alleged infraction under the Code)*

Consultations accounted for more than half of all services provided. With regard to cases, informal resolution was employed slightly more often than formal resolution (18% versus 17%). 37 new formal complaints were processed this year in addition to 26 formal complaints carried over from the previous reporting year, comprising approximately 17% of the Office’s activity.

The number of cases involving SOC and threat assessments was 19, down from the 23 received in 2014-2015, and accounted for 5% of overall 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.

TABLE 1: REQUESTS FOR ASSISTANCE (2015-2016)

2015-2016 Academic Year	Cases	Consultations	Other Requests	Total
May 1, 2015 - April 30, 2016	147	192	30	369

TABLE 2: ANNUAL COMPARISON

Year	Months	Cases	Consultations	Other	Total
2013-2014	12	131	160	26	317
2014-2015	12	126/144 ¹	162/164 ¹	11	299/319 ¹
2015-2016	12	95/147 ¹	184/192 ¹	30	309/369 ¹

¹ Includes additional consultations or complaints related to exceptional circumstances

Requests for assistance totalled 369 (339 cases and consultations and 30 other requests) as displayed in Tables 1 and 2 in 2015-2016. It is also important to note that this year saw an increase in the number of formal complaints due to exceptional circumstances and an increase in consultations.

TABLE 3: BREAKDOWN BY CASE TYPE - ANNUAL COMPARISON

Case Type/Year	2015-2016	2014-2015	2013-2014
Informal	63/66 ¹	90	78
Formal	14/63 ^{1,4}	13/31 ^{1,2}	25
SOC/Threat Assessment	19 ⁵	23 ³	28
Total Cases	95/147 ^{1,4}	126/144	131

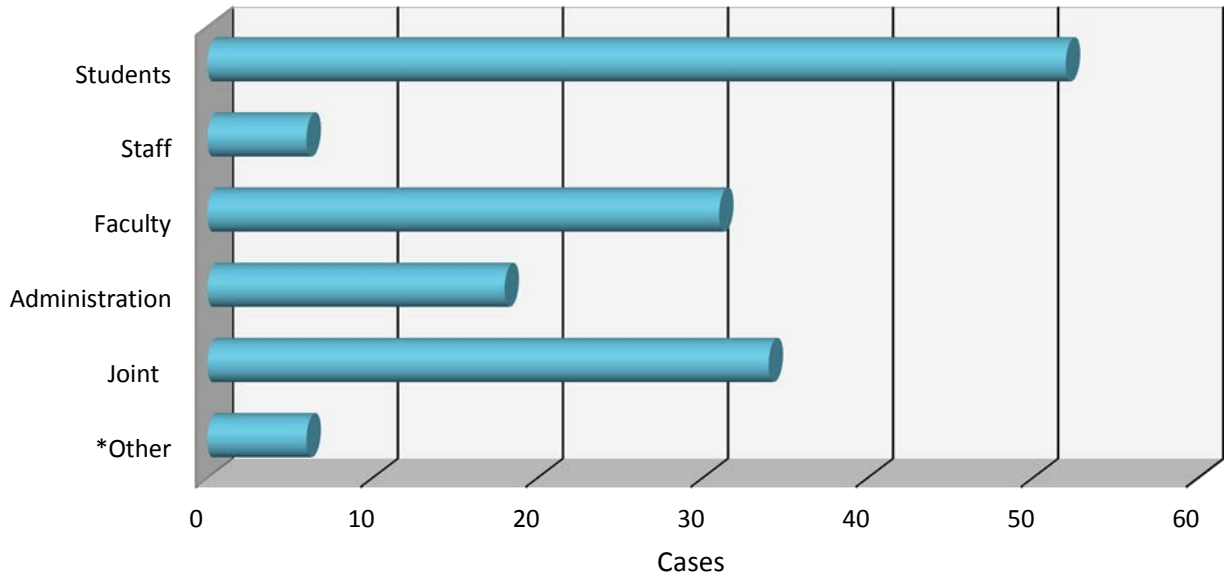
¹ Includes additional cases related to exceptional circumstances
² Includes 5 cases carried over from 2013-2014
³ Includes 3 cases carried over from 2013-2014
⁴ Includes 26 cases carried over from 2014-2015
⁵ Out of the 19 SOC/Threat Assessment/POSILA case infractions reported, 18 were classified as new or ongoing SOC cases, while 1 was classified as an informal case.

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.

CHART B: COMPLAINANT DEMOGRAPHICS (CASES)

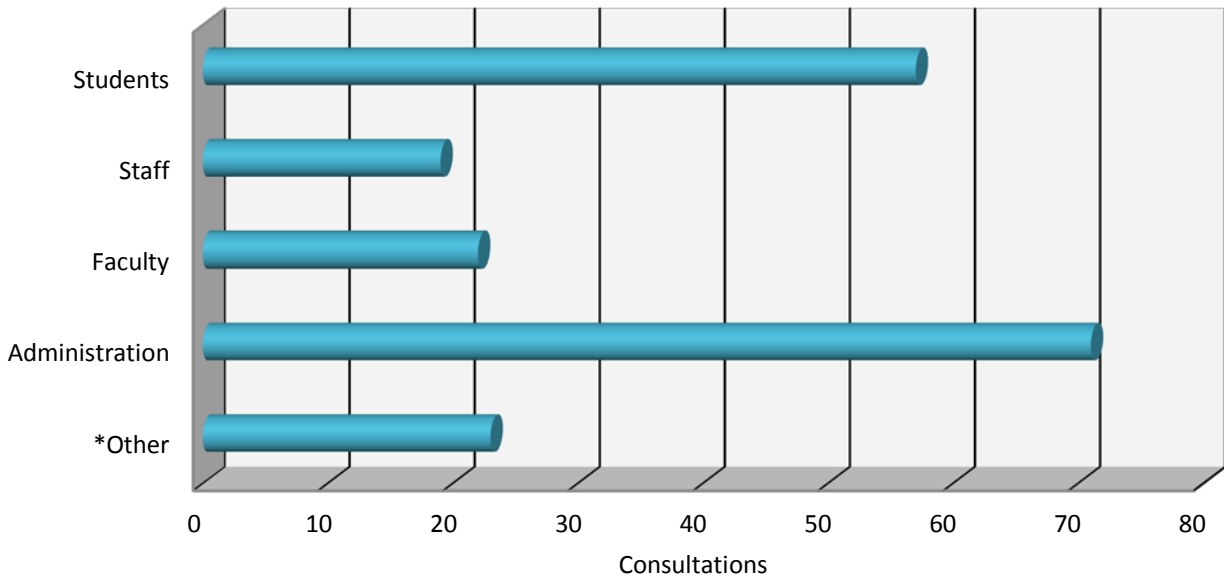
Requests for assistance/complaints were generated by:



**"OTHER" REFERS TO NON-MEMBERS, ALUMNI, ETC.*

CHART C: COMPLAINANT DEMOGRAPHICS (CONSULTATIONS)

Requests for assistance/complaints were generated by:



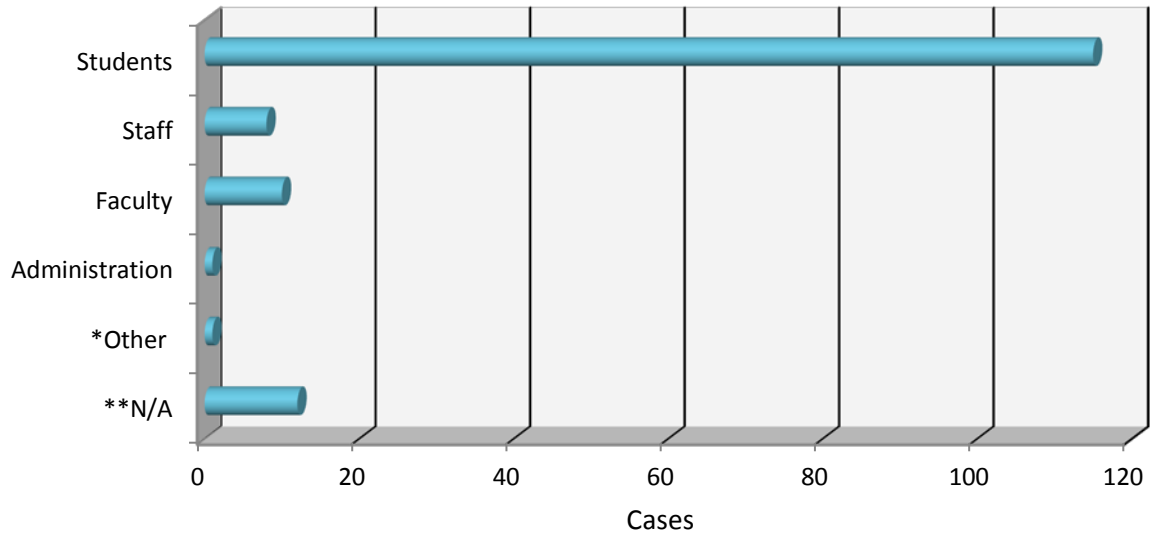
**"OTHER" REFERS TO NON-MEMBERS, ALUMNI, ETC.*

Who are complaints being made against?

The term “Respondent” refers to the person against whom a complaint is made. It may concern any member who is seen as allegedly 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.

CHART D: RESPONDENT DEMOGRAPHICS (CASES)

Complaints were generated against:

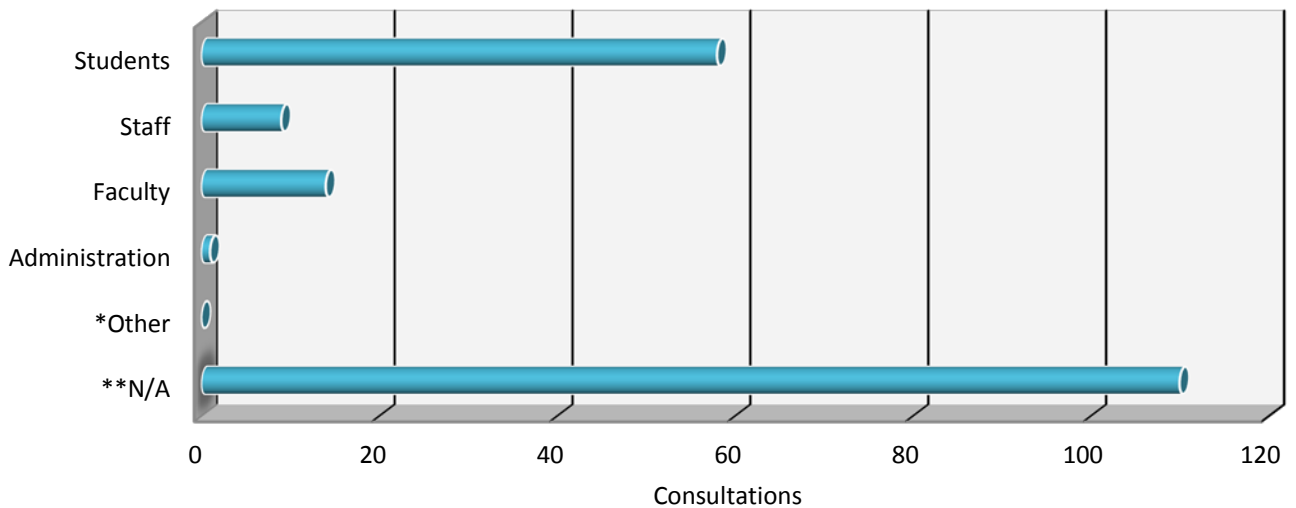


**“OTHER” REFERS TO NON-MEMBERS, ALUMNI, ETC.*

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

CHART E: RESPONDENT DEMOGRAPHICS (CONSULTATIONS)

Complaints were generated against:



**“OTHER” REFERS TO NON-MEMBERS, ALUMNI, ETC.*

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

TABLE 4: BREAKDOWN OF CASES (147) AND CONSULTATIONS (192) BY INFRACTIONS

OFFENCE	CODE ARTICLE	CASE TOTAL	CONSULTS TOTAL	TOTAL INFRACTIONS
Harassment	28a	47	52	99
Sexual Harassment	28b	18	15	33
Psychological Harassment	28c	6	5	11
Discrimination	28d	3	7	10
Communication of Discriminatory Matter	28e	5	0	5
Threatening or Violent Conduct	28f	23	17	40
Offences against property	29a	1	1	2
Furnishing False Information/Accusation/Emergency	29b	1	0	1
Maliciously activating fire alarms	29c	0	0	0
Bomb threats	29d	0	0	0
Theft or abuse of computing facilities or computer time	29e	0	0	0
Unauthorized entry into University property	29f	1	0	1
Obstruction or disruption of work or studies	29g	54	9	63
Camping or Lodging on University property	29h	0	0	0
Forging or altering University documents	29i	1	1	2
Hazing	29j	0	0	0
Unlawful use, sale, distribution, etc. of controlled substances	29k	0	2	2
Possession or use of explosives or destructive devices	29l	0	0	0
Possession or use of firearms, chemicals, or other weapons	29m	0	0	0
Unauthorized or duplication of University's name, logos, etc.	29n	0	0	0
Unlawful offense in the University context	29o	3	0	3
*Student-of-concern/Threat Assessment/POSILA	(n/a)	19	5	24
**Miscellaneous Consultations	(n/a)	3	121	124
Total		185	235	420

**OUT OF THE 19 SOC/THREAT ASSESSMENT/POSILA CASE INFRACTIONS REPORTED, 18 WERE CLASSIFIED AS NEW OR ONGOING SOC CASES WHILE 1 WAS CLASSIFIED AS AN INFORMAL CASE.*

*** MISCELLANEOUS CONSULTATIONS REFERS TO FILES/ISSUES THAT MAY INVOLVE PROBLEMATIC BEHAVIOUR NOT CLASSIFIED UNDER THE CODE, SITUATIONS OF ADMINISTRATIVE FOLLOW-UP, OR MATTERS IN WHICH THE OFFICE HAS LIMITED JURISDICTION, ETC.*

Some complaints and/or consultations allege more than one Code infraction. These complaints are still counted as a single file, regardless of the number of offences cited. While the total number of cases and consults during 2015-2016 was 339, the number of infractions reported was 420. 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 and advice, do not evolve into cases and also, account for the high number in the "Miscellaneous Consultations" category.

In 2015-2016, the Office observed decreases in the SOC/Threat Assessment/POSILA and “Miscellaneous Consultations” categories while reported incidents of general harassment, sexual harassment, and discrimination were slightly elevated in comparison with the previous year. The Office also received an increase in complaints involving threatening and violent conduct (up to 23 from 17 in 2014-2015) and a significant decrease in reports of discrimination. Exceptionally, the Office also received more complaints regarding obstruction and/or disruption of University activity. There was a slight increase in complaints related to furnishing false information to the University while the Office received fewer complaints involving the theft or abuse of computing facilities/time, unauthorized entry into University property, forging and/or altering University documents, and unlawful offences in the University context. Data regarding sexual assault was manually generated this year as was the case in the 2014-2015 and 2013-2014 Annual Reports. In 2015-2016, the Office received a total of 33 reports involving sexual harassment (18 cases and 15 consultations). 5/18 of the cases under the umbrella of sexual harassment involved allegations of sexual assault. Of those 5, one was filed as a formal complaint. Out of 15 sexual harassment consultations, none of the Complainants reported incidents of sexual assault.

CHART F: PRESENTING ISSUES (CASES) 2015 -2016

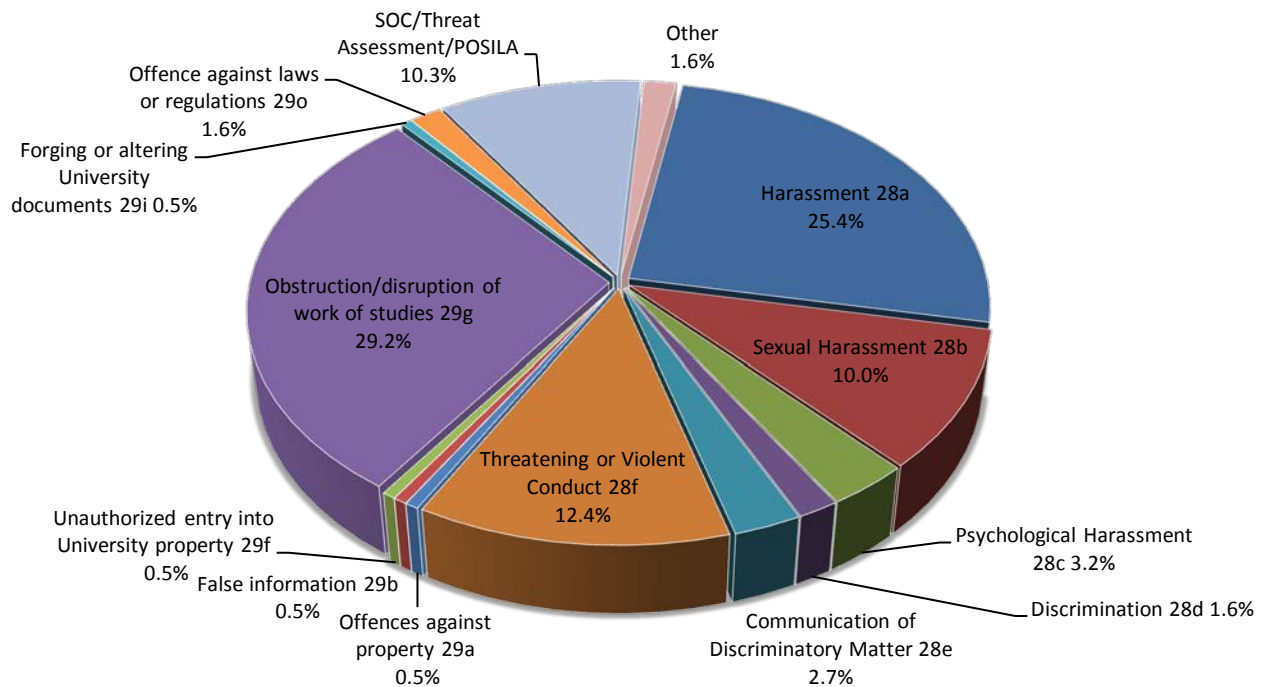
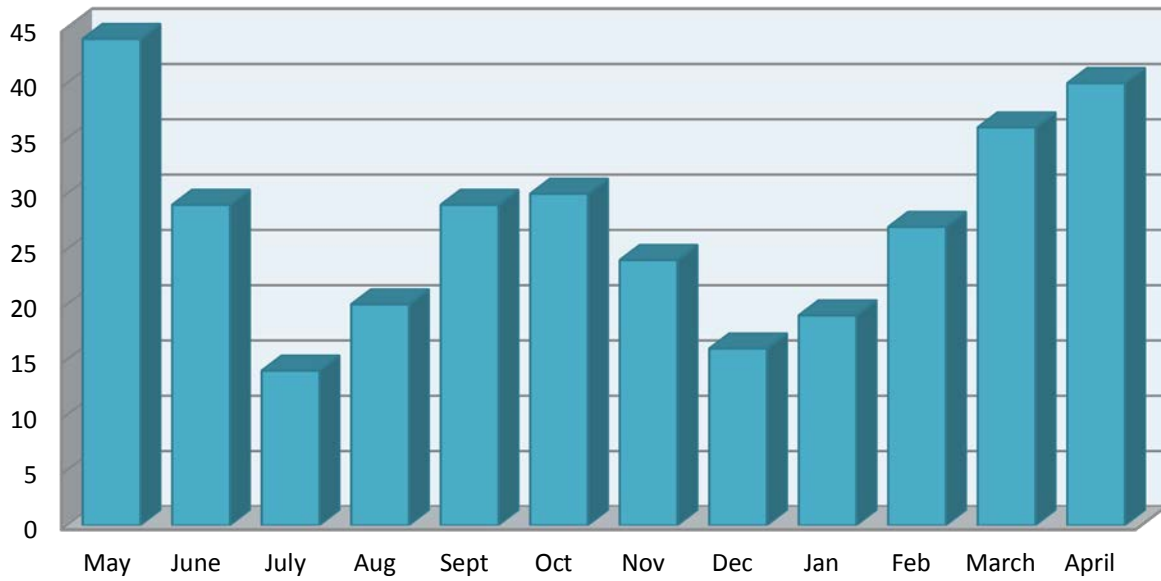


Chart F (above) provides an overview and percentage breakdown of the types of case offences/reported.

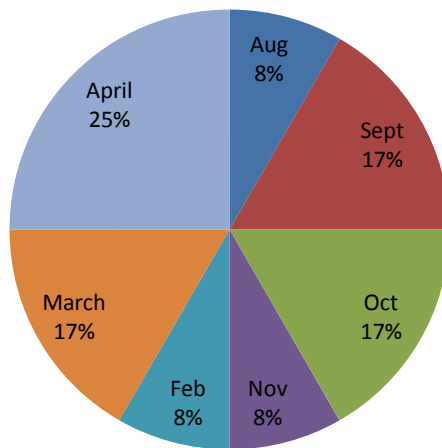
CHART G: MONTHLY DISTRIBUTION OF NEW REQUESTS FOR ASSISTANCE (328)



Note: 41 requests for assistance were carried over from 2014-2015 and are not reflected in this graph.

CHART H: STUDENTS-OF-CONCERN DISTRIBUTION

Students-of-Concern by Month



Of the new SOC cases reported in 2015-2016, there were none reported during the months of May, June, July, December and January. The highest number of SOC files was reported in the month of April, totaling

three. One SOC was placed on an involuntary leave of absence in 2015-16, while restricted access conditions were put into place for three other cases that were reported during the year.

Formal Complaints and Outcomes

In 2015-2016, there were 63 formal complaints filed with the Office. Formal complaints can be resolved informally or withdrawn at any time prior to the start of a hearing or investigation. In addition, an initial outcome can be overturned or changed following a supplemental process, such as an Appeal, Grievance, or breach of an agreement.

Closing Remarks

While this Annual Report seeks to consolidate complaints and/or concerns that might technically fall under the same provisions of the Code, generally speaking, complaints and the people involved are as different as fingerprints, with very unique features. Fortunately, the Code and the Policies at the University lend themselves well to the flexibility required for each circumstance and to the adaptation of available solutions to the specific circumstances at hand. We benefit from those “written” resources as well as a number of internal resources which include Security, the Sexual Assault Resource Centre (SARC), the University Secretariat, Counselling and Psychological Services, Health Services, the Dean of Students Office, Employee & Labour Relations, the Ombuds Office, the Registrar’s Office, and other University units whose work and assistance are invaluable. All of these resources provide us with the necessary flexibility to avoid a static view of situations which are often in flux and to modify the approaches taken when matters evolve, as they often do.

In closing, I would like to extend my thanks to the Director, Louise Shiller and Sraddha Bista, our Department Assistant, for their assistance in this year’s Annual Report. I would also like to thank my supervisor for her continued support and mentorship. Finally, I would like to extend our thanks to the Secretary-General, our internal partners, and the Concordia community for assisting and supporting the Office in its work.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L White', with a stylized flourish extending from the end.

Lisa White
Associate Advisor, Rights and Responsibilities

DISRUPTIVE
BEHAVIOUR
EQUITY
DISCRIMINATION
COOPERATION
COLLEGIALITY
DIVERSITY
TRESPASSING
CIVILITY
HARASSMENT
THEFT
CONNECTION
THREATS
RESPECT
HARMONY