



**OFFICE OF RIGHTS  
AND RESPONSIBILITIES**

Promoting Respect on Campus



## **ANNUAL REPORT 2013-2014**

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## OFFICE OF RIGHTS AND RESPONSIBILITIES - ANNUAL REPORT 2013-2014

As stipulated in article 16 of the *Code of Rights and Responsibilities* (the “Code”), an annual report is to be submitted to the Secretary General, detailing the activities of the *Office of Rights and Responsibilities* (referred interchangeably as “ORR” or the “Office”), covering the previous academic year. Recommendations with regard to either the Code or the operations of the Office are also presented at this time. The 2013-2014 Annual Report includes the activity of the Office from May 1, 2013 to April 30, 2014. This report is made available to the community via the [ORR website](#) and University publications as well as submitted, for information purposes, to the Senate and Board of Governors.

The Office is led by the Director and Senior Advisor, Rights and Responsibilities (also referred to as the “Advisor” in University policies and this report). The undersigned is the third Advisor in the Office’s history at Concordia University, since the office was created and officially opened on May 1, 1996. The previous Office (and corresponding position) was that of a Harassment Office (and Harassment Officer) dating back to 1991. Staffing includes a Department Assistant (shared with the Ombuds Office) and an Associate Advisor, who joined the ORR staff in September, 2013.

### Mandate, Services, Policies, and Jurisdiction

Services are available to all “Members” of the University. This includes students, faculty, and staff of the current population of 53,323 (Institutional Planning Office, 2015). While “promoting respect on campus,” the Office supports and offers redress to Members who believe they have been subjected to conduct violations/behavioural infractions. The complaint resolution process includes a range of responses with the preferred approach towards informal methods of conflict resolution. Formal procedures for addressing complaints are available (adjudication, hearing tribunals, investigations, sanctions, etc.). Cornerstones of the Office include impartiality and confidentiality. ORR also assesses and coordinates procedures for managing behaviour that may pose a danger/risk/threat and directs the University’s response in handling such urgent cases.

Policies used or administered by ORR include:

- [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

Section IV of the Code (articles 22-25) covers “Jurisdiction.” As stipulated in article 22 of the Code, an alleged violation must have taken place on University premises, either rented or owned, or on other premises in the course of any University-sponsored activity or event. Despite explanations contained in the Code, there is sometimes confusion amongst Members regarding their status as Complainants or Respondents. The status of a Respondent determines what formal process, if any, will ensue following a formal complaint being filed. As some Respondents and Complainants can have dual status (e.g., as students and employees) within the University, the Advisor is obliged to only consider the capacity under which both the Complainants and Respondents are acting in relation to the specified complaint. Similarly, if a Complainant’s status changes during the course of opening a file with the Advisor, the Office may lose jurisdiction, thereby, requiring the Complainant to be redirected elsewhere. Each case is looked at individually when deciding if the Office has jurisdiction. Advice can be sought for situations that are happening off campus or for personal disputes. Although the University customarily cannot intervene in these situations, the Advisor may attempt to provide information, advice, support, and/or refer the matter to a more suitable place for resolution.

Similarly, in cases concerning dangerous and/or threatening behaviour, even if ORR does not have jurisdiction and is therefore not coordinating measures and/or the University's response, the Advisor may be called upon for consultation, when appropriate. ORR may consider reports about a student-of-concern ("SOC"), under POSILA, regarding an alleged incident which may have occurred off-campus if the potential consequences of the incident have a direct impact on the University, such as a deemed threat to another Member within the University.

For more details on each of the above-named policies, corresponding FAQs, the mandate(s) of the Office as well as the role of the Advisor, please consult the [ORR website](#) and the annual reports of the Office from previous years.

## Education, Outreach, Promotion, and Professional Development

Education, outreach programming, and promotion take place continuously throughout the year. This includes participation by ORR in student and employee orientations as well as various workshops and training geared towards a variety of audiences. Topics included: harassment, dealing with disruptive Members and threatening or violent conduct, SOCs/POSILA, the Code, mandate, services and policies of the Office, etc.

The following were some events/fairs attended and presentations given in 2013-2014:

- Orientation for New Chairs and Unit Heads (June 6, 2013)
- 10e rencontre d'état-major, Service de sécurité (June 19, 2013)
- Discover Concordia New Student Undergraduate Orientations (August 27, 28, and 29, 2013) Note: information presented was also made available on-line
- Graduate Students Orientation (September 4, 2013)
- School of Extended Learning Instructors (June 27, 2013)
- Department of Communication Studies (October 16, 2013)
- Re-Discover Concordia Fair 2014, hosted by Counselling & Development (January 21, 2014)
- *Face to Face: Let's talk about how front line staff can respond to the needs of students with mental health concerns*, hosted by the Access Centre for Students with Disabilities (February 11, 2014)
- *Professor to Professor: Let's talk about teaching students with mental health concerns*, hosted by the Access Centre for Students with Disabilities (February 13, 2014)
- Association of Canadian College and University Ombudspersons (April 9, 2014 – presentation by Louise Shiller, ORR and Melodie Sullivan, Office of General Counsel)
- School of Extended Learning - Health, Safety, & Sustainability Committee (April 9, 2014)
- *Harassment in the Workplace Workshop*: With the adoption of HR-38, the undersigned in conjunction with the Department of Human Resources, developed training for managers and supervisors with respect to the provisions of the Act Respecting Labour Standards as it relates to workplace harassment, the terms of HR-38, and the Code. This workshop was offered several times throughout the year (May 29<sup>th</sup>, September 19<sup>th</sup>, October 17<sup>th</sup>, November 20<sup>th</sup>, and March 13<sup>th</sup>, 2014).

The undersigned participated as a Program Reviewer for potential workshops of the Canadian Association of College & University Student Services (CACUSS) Conference 2013. As well, the Advisor is often requested to sit on committees or be a guest at meetings within the University, as a resource on relevant topics to the community. Additionally, other Universities have consulted the Office in dealing with specific behavioural situations at their institutions and/or for assistance with policy development. Concordia's policies related to ORR are often viewed as a progressive standard of practice. Our policies and procedures are constantly being assessed through practical application and analysis. Recommendations, in an effort to achieve best practices, are often made accordingly. Our policy documents are dynamic and regular review and revision are built-in.



As part of ORR's education and promotion mandate, the Office distributes, throughout the University and at events, a variety of publications including brochures of services available through the Office and posters pertaining to respect in the workplace. A variety of promotional information and advertisements can be found in University publications, University calendars, the graduate and undergraduate handbooks, and digital screens throughout campus. The brochure, which provides general information about the Office's services and mandate, was redesigned and revamped in August, 2013 when our previous supply became depleted, just in time for the various orientations scheduled to take place.

The posters (intended to prevent harassment and promote respect) were also redesigned. A demand for a French-language version prompted a second poster to be created. Colored posters are available now in both French and English by request. These posters can be found hanging in reception areas, departments, etc. throughout the University. For individual office space or usage, similar posters can now be downloaded from the [ORR website](#). These downloadable versions are also available in [English](#) and in [French](#).

Finally, as part of the University's policy awareness campaign, various communiqués on our policies and educational documents are sent to Members throughout the year, often in collaboration with Human Resources. ORR, the Code, HR-38, and other related policies are frequently highlighted. Awareness and comprehension of Concordia policies benefit the University and its Members, by providing procedures and measures to ensure clear expectations and outcomes. Steps for resolution and the potential resources available should a Member's rights be violated are outlined. The University campaign ran from October 22<sup>nd</sup> to November 13<sup>th</sup>. Weekly stories about policies were posted on the Concordia intranet and promoted in the weekly e-newsletter. The following articles related to the Office and relevant policies have appeared in [NOW](#) and [Cspace](#):

[A Code to live by - The Code of Rights and Responsibilities: it's who we are](#)

(Posted on October 22, 2013 by Theresa Knowles)

[Sharpen the lines of harassment - Policy on Harassment helps us maintain a safe and respectful workplace](#)

(Posted on October 29, 2013 by: Theresa Knowles)

With the Advisor being responsible for responding to behavioural issues and urgent matters as well as other time constraints, professional development continued to be quite limited this year. Supplemental training and educational opportunities to stay current with best practices, as well as increased networking, are certainly valued and desired in the future. As time permits, future professional development opportunities will include continued education in the areas of conflict resolution and mediation, as well as risk assessment and dangerousity management (within post-secondary institutions).

In 2013-14 the Director/Advisor:

- attended *Canadian Case Law Review* and other sessions at the CACUSS 2013 conference in Montreal.
- remained a Member of CAPDHHE, the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education.
- participated in networking/educational opportunities with the Canadian Academic Integrity and Student Judicial Affairs (SCAIA, a division of CAUCUSS).

## Recommendations

Throughout each year recommendations are made (as specified in article 15 of the Code), usually as a result of specific situations that occur within a unit, department, faculty, or the University as a whole.

Recommendations are also made and included in each Annual Report (as recognized in article 16) with regard to the Code, Office operations, and related policies (listed on page 1). Recommendations, clarifications, and proposed revisions generally come about as a result of specific cases, situations, and/or problems that may arise via practical application. There are some recommendations, which may be reiterated from a previous Annual Report if the issue has reoccurred or continues to be problematic, sometimes with a variation of the presenting issue(s). Policy recommendations are compiled and retained for the next scheduled policy review. Recommendations and revisions are continually proposed to safeguard best practices. The next formal Code review/revision is tentatively scheduled to occur in 2016.

The Code also stipulates in article 21 that “wherever there is doubt or ambiguity regarding any provision of the Code or the procedure to be followed that interpretation or procedure which appears to be most equitable and consistent with the general purposes and philosophy of the Code shall be adopted.” Within the recommendations below are examples of interpretations made and practices adopted or considered when uncertainty occurred as well as areas where clarifications may be needed. Please note that in making recommendations, the undersigned will often consult with other relevant parties for opinion: Advocates, individual Members, Office of Student Tribunals, Office of General Counsel (OGC), Registrar, Security, Secretary General, etc.

The recommendations this year are presented within the sections of the Code, POSILA, and General Recommendations (related to the operations of the Office and/or University). In addition to a discussion of several articles of the Code, some topics within the Code requiring additional examination (and the corresponding articles if applicable) have been added. These include: general questions/considerations, jurisdictional issues, and the topic of mediated settlements. Below are the recommendations of 2013-2014 for consideration and/or issues that arose that may require future review:

### CODE Recommendations

#### **General questions raised/Considerations:**

- *Can there be a joint complaint made by more than one Complainant against one Respondent?* There is nothing in the Code that prohibits Complainants from filing a joint complaint. While uncommon, joint complaints may be accepted if the allegations and incidents made by joint Complainants within the formal complaint are identical. If there are variations to the allegations, it is better to submit separate complaints. A joint hearing still may be proposed by the Office of Student Tribunals. In some cases a joint complaint or hearing could be advantageous (by eliminating the risk of multiple hearings, sanctions and inconsistent results). This being said, if the Respondent raised a valid reason why proceeding this way could be prejudicial, this would have to be carefully considered before proceeding. Similarly, if all parties were to agree, informal resolution may be attempted with joint Complainants (and/or Respondents).
- *Can visiting students file a complaint, return home, and have a panel hearing via Skype?* Visiting students may file a complaint under the Code. If they are unable to attend the hearing, other remote alternatives can be considered (i.e., if the parties agree and the Hearing Panel agrees).
- *Can a complaint simultaneously be filed externally such as with the Human Rights Commission, Commission des normes du travail, civil courts, etc.?* In section VIII, designated for procedures for responding to formal complaints against employees, article 93 prevents ORR’s involvement “...should either party initiate a process such as, but not limited to, a grievance or other formal internal procedure, or any external procedure such as a complaint or action before a commission, board or tribunal. Currently there is nothing


in the Code that prohibits a Member from proceeding with a parallel external process when it involves a student Respondent. Given the different standards, this should be reviewed during the next Code review. Please note that a separate issue with article 93 was raised in last year's annual report.

### **Jurisdictional Considerations:**

- Section IV of the Code (articles 22-25) discusses Jurisdiction. Jurisdictional issues have consistently been highlighted from year to year and require a thorough examination in the next Code review. In a previous annual report, it was recommended that limiting jurisdiction to “on-campus” physical activity (article 22) might be considered passé and the next review of the Code should consider including infractions that have “a real and substantive link to University activity.” In clarifying this expansion of the Office’s jurisdiction, it is equally important to not broaden it beyond the Office’s intended mandate and make clear that personal matters and relationships outside of the University may not extend to University activity, simply because a Complainant and Respondent have Member status. (For example, a marital dispute at home, even if affecting the Member(s) psychologically on the job or in class, is not automatically deemed to be within the jurisdiction of ORR). A non-exhaustive list of specific examples within the Code might assist in clarifying any confusion that sometimes occurs.
- Similarly, there is some confusion within article 25 as to what constitutes a “visitor” or “contractor.” Fee-levy groups, student associations, unions, etc., are not part of these designations. The Advisor does not have jurisdiction with such groups or Members of such groups (even if dual status exists). As such, in cases involving complaints amongst these groups, the Advisor must refuse to assist, citing article 33a and redirecting the Complainant, when appropriate, to the relevant channels for redress elsewhere. She can only offer some strategic suggestions. This section should be better defined and clarified.
- Previous reports mentioned the consideration of complaints related to e-space issues (i.e., inappropriate online communications) if related to University activity. With “cyberbullying” or cyber harassment complaints being raised, how to handle/address on-line venues should be discussed in the next Code review.
- Articles 23 and 24 make reference to students who graduate and what should occur if proceedings under the Code cannot be initiated or completed due to graduation or if a complaint has been upheld against a student who later graduates prior to the fulfillment of the sanction imposed. A question arose in regards to the exact moment that a student is considered graduated and it is recommended that the next revision of the Code specify when this takes place. After thorough consultation and looking at various dates (degree conferment, government dates, etc.) it was felt that graduation takes place following convocation when the Chancellor pronounces that the degree is certified by Senate. Notes and other potential options have been kept for review of this matter.
- Article 24 stipulates: *“If a complaint has been upheld against a Student who later graduates or ceases to be a Student in accordance with the definition contained in Section III of the Code, prior to the fulfillment of the sanction imposed, a notation shall be made on his/her academic record only indicating the sanction under the Code and that he/she cannot pursue further studies at the University until such time as the sanction imposed has been fulfilled or until he/she has made suitable arrangements with the Dean of Students to fulfill the sanction.”*

If a student is unable to complete a sanction simply due to his/her graduation date, an option should be given to the potential former student to complete it (if arrangements can be made and agreed upon between the Dean and student which may include a reasonable completion date and withholding of diploma and official transcript until such time as sanction is fulfilled). This would give the student the

option to fulfill the sanction and not have any potential restrictions on further studies at Concordia (which one individual expressed as a desire to graduate with a “clean slate”). As well, the complaint would be considered resolved by having the sanction fulfilled in a timely fashion rather than the possibility of dissolving or indefinite postponement and the possibility of losing relevancy at a much later date.

 **Mediated settlements** facilitated by the Advisor (often with the assistance of Advocates for each party) are common practice in resolving complaints. While voluntary, they are binding. Often this is an effective way to reach an agreement between the parties. Sometimes this saves time and preparation for the parties over that of a hearing while yielding similar or better results (restricted access conditions, community service, etc.). Because the conditions of agreement are voluntary, parties are usually satisfied with the end results of the agreement and subsequent fulfillment of the designated conditions. Because the provisions in a settlement agreement are not considered “sanctions,” there is more creativity allowed than what is listed in the designated sanctions of the Code (as listed in article 65). In fact, the conditions decided upon usually have more relevance to the allegations or admitted infractions. Typically, mediated settlements are adhered to resulting in a satisfactory resolution. What happens however, when a Respondent defaults on a settlement agreement? This is when problems may arise. While somewhat rare, at the next Code review, a thorough examination should be made of some of the recent issues that have occurred as a result of a breach in settlements and potential solutions proposed.

In some instances, having provisions be broad enough to not be restrictive is beneficial. In other instances, ambiguities can create confusion and leave too much room for interpretation. Such is the case with articles 49 and 59 (49 has been a topic of discussion in previous annual reports) and clarifications are needed. In previous Annual Reports (2010-2011 and 2011-2012), some issues within articles 49 and 59 have been raised. In consideration of issues that arose this year with mediated settlements and subsequent hearings, once again it is recommended that articles 49 and 59 along with article 38 be reviewed and taken into consideration for revision and/or clarification.

Under the heading of “Procedures for Informal Resolution,” article 38 stipulates: *“Any informal agreement reached between the parties through informal conflict resolution is entirely voluntary. Neither the Advisor nor any other mediator has the authority to impose conditions or sanctions upon either party.”*

Under the heading of “Initiating a Formal Complaint,” article 49 states:

*“A Complainant may opt to proceed directly to a formal complaint at the outset or after an attempt at informal conflict resolution has been unsuccessful. No statements, documents or information brought forward in the course of an attempt at informal conflict resolution may be used or referred to should a formal complaint be initiated and no reference may be made to the fact that informal conflict resolution was attempted.”*

While it has been previously argued that it might be beneficial when a formal process is initiated (especially in employee cases) to know that informal resolution was simply attempted, the rationale for this article is to allow Complainants and Respondents to speak freely and have an honest exchange in attempting to resolve issues through an “informal” process, without fear of penalty and concerns that any statements or admissions made might be used in a formal process should a mediation attempt fail (i.e., such statements or admissions cannot be used as an offence or defense in a hearing or other formal procedure). Signed settlement agreements (when breached) may not fall under this category but this distinction is certainly open to interpretation/discussion.

Under the same heading, article 59 reads: *“A settlement may be agreed to by the parties at any time prior to the hearing. If both parties agree to attempt a settlement, the Advisor shall convene and facilitate a meeting between them. The process is entirely voluntary but once a settlement is reached, it is binding. The*



*Advisor shall monitor the terms of the settlement and if either party defaults on the settlement, the Advisor shall inform the other party, who may then decide to resume the formal procedure. No settlement may be imposed by either party without the full agreement of the other.”*

Please note as mentioned in a previous annual report, “a meeting” between Respondent and Complainant is not always necessary to facilitate a mediated settlement. In egregious cases (e.g., threatening or violent conduct) or cases where tensions are high, such meetings can be detrimental. In fact, agreements reached may contain such items as orders of non-contact/non-communication. Shuttle diplomacy or similar techniques are often used and sometimes advocates for each party are also involved.

It is noteworthy that article 59 is not included under the section concerning informal resolution. The article makes mention of the “attempt” during the process as well as the final, binding product if agreed upon. The question that has been raised as a result of formal processes (hearings) being re-initiated due to defaults in settlement agreements is: do signed mediated settlements constitute “attempts at informal resolution” which can’t be mentioned at a hearing as stipulated in article 49 or should mediated settlements be considered a completed process or resolution (that ultimately failed) and would then be admissible at hearings? Once the agreement is signed, is the word “attempt” obsolete?

Differing opinions have been expressed on this issue by: opposing Student Advocates, Complainants and Respondents, the Office of Student Tribunals, panelists/Chair of a Hearing Panel (“HP”), and the Advisor, specifically in cases where the issue arose. Some interpret that when a mediated settlement is breached, it does not constitute an “informal resolution attempt,” but rather a completed process or event. With this opinion, if the formal is resumed, it is felt that the contents of the agreement should be brought forward at a hearing (in addition to the mere fact that a mediated settlement was breached, as the HP needs to have all information). If the fact that a mediated settlement was reached and subsequently breached is allowed without the content, there is a risk that inappropriate or duplicate sanctions could be inadvertently issued by a HP. This occurred in one case. The parties agreed to make mention of the mediated settlement but not the content, including what aspects were breached. In another case, the mediated settlement was completely disallowed. In this founded complaint, once again the detriments were exhibited in the sanctions issued by the HP (not knowing what had failed or that some of the sanctions issued had already been fulfilled via the previous settlement agreement). Should some conditions already fulfilled in a previous mediated settlement be given as sanctions in a founded complaint and if so, should they be deemed as fulfilled? Is it beneficial to know what failed? These are just some of the questions raised and issues that may arise. Currently there is not consistency on this issue and some future decisions should be made. Any testimony would have to be limited to terms of agreement and not include any conversation/admissions, etc. leading up to an agreement or obtained during. If permitted in the next revision, the Code would have to specify such limitations of any testimony (such as limitations of procedural elements, timeline, terms, what was breached, etc.).

It is clear from several cases that a better distinction needs to be made in the next Code review between attempts at informal resolution and settlement agreements. In the interim of the Code revision and taking into account article 21, the following will be adopted as practice: Any statements, admissions, and/or documents brought forth, leading up to a settlement agreement, will be considered an attempt at informal resolution and cannot be used/mentioned in a formal process as per article 49. However once a settlement is reached and signed, if a breach occurs, the agreement (content and details of failure) may be subject to being brought into evidence should the formal process resume. This will be made clear to all parties at the onset and prior to any signing of an agreement (and will be included in future agreements). With these inclusions, still, each case should be looked at individually.

**CODE Recommendations (continued)**

- In the 2011-2012 Annual Report it was recommended that the Advisor not be called as a witness in any internal procedure or hearing. Given that the Advisor monitors the terms and compliance of settlement agreements, it was suggested that she be called to a hearing when questions regarding a default required clarification. If the actual agreements become admissible, this may not be necessary. Agreements do not contain admissions or supplemental information but simply terms agreed upon by the parties in conflict and potential repercussions should a default occur. A request for the Advisor to appear was also made to comment on procedural timelines; however, another administrative body within the University was able to provide this information at the hearing. The Advisor should be the last resort to appear before an HP and only included if no one else is available, solely to comment on procedural elements.
- Article 20 provided the various definitions of a “student”:
  - *any person registered in any academic program on a full-time or part-time basis*
  - *any person admitted as an independent student, during the semester in which the person is registered in at least one course as well as the semester immediately following*
  - *any person registered in a non-credit course for the duration of the course only*
  - *any person registered as an Auditor in a credit or non-credit course for the duration of the course only*
  - *any person registered as a student at another university who has written approval from his/her home university to take courses at the University for the semester during which the person is registered in at least one course at the University.*

It is recommended that the definitions for someone taking non-credit course or auditors be extended to include the same criteria as independent students (i.e., during the semester they are registered as well as one semester following). As the definition stands, loopholes exist where formal processes and resolutions are circumvented due to technicalities. For example, hearings are not scheduled during the summer months of July and August so a complaint cannot be filed against someone registered under these two categories of students when they are taking summer courses. Similarly, an infraction may occur at the end of a semester, leaving no time for a Complainant to come forward and have a reasonable expectation of redress. A scenario took place, where a Respondent (in this category) postponed the hearing and then re-registered for summer courses. Although the Code stipulates that the process should be re-initiated if and when a student re-registers, hearings do not occur during the summer months. In the spirit of fairness, taking into account article 21 in the interim of the next Code review, if hearings can be scheduled when the student is registered or re-registers, even if the actual hearing is later, the hearing will take place. Given that Complainants normally have 3 months to bring an issue to ORR, all definitions of a student and when one ceases to be a student should be reviewed.

- In previous Annual Reports, articles 23 and 24 were cited for review. These articles discuss proceedings and fulfillment of sanctions for graduating students. A recurrent issue appears to be that some graduating students are requesting a postponement without valid reason in order to circumvent the formal process. The HP/Office of Student Tribunals has recognized this and impending graduation dates are being reviewed when making decisions to grant requests of this nature. Once again, this issue should be looked at in the next Code review
- Similarly, ORR will be hesitant to facilitate any mediated settlements (especially initiated by a Respondent) in future cases with conditions involving fulfillment within set deadlines if the Respondent is close to graduation (unless there is ample time for conditions to be fulfilled). It can be detrimental for a Complainant who has negotiated a settlement in good faith to have it defaulted by a Respondent and have no further recourse. Such defaults can be considered an abuse of process.

- Occasionally, mediated settlements have included a Respondent issuing a letter of apology. These letters of apology can be subjective and are subject to acceptance by a Complainant (as the Advisor must remain impartial). As such, impact statements written by Complainants may be used to offset any discrepancies in perceptions of allegations.
- Sexual assault, as classified under the headings of sexual harassment (article 28b) and threatening or violent conduct (article 28f), was discussed in the recommendations of the last Annual Report as a topic for review. The University has recently announced a [review of policies that address sexual assault](#). Recommendations and/or outcomes from this review will be considered/incorporated in the next Code review.
- The issue of electronic cigarettes and “vaping” on campus has been brought to the attention of ORR (as a violation of one’s rights, potentially under article 29g) both through individual complaints and through networking with other Universities as an issue that has arisen. While these issues seem to be resolvable on an individual complaint basis, the undersigned has been informed that several Universities have been revising their smoking policies to include electronic cigarettes. Concordia is in the process of reviewing its policy as well.
- In a previous annual report, I recommended that the next Code include that the HPs provide dates of completion (rather than be left open-ended) for certain sanctions, such as community service. This practice does not go against the Code but allows both ORR and the Dean of Students Office to more effectively follow-up. Article 68 stipulates that the administration and monitoring of the sanction(s) imposed is the responsibility of the Dean of Students. As such, in the absence of a completion date set by an HP, the Dean of Students will set a deadline. If for whatever reason, the HP does not want to designate a completion date, then in the interest of clarity, it is preferable for the HP to specify that the Dean of Students will set an appropriate end date.
- When a formal process is taking place involving a student Complainant and a unionized Respondent, if delays occur or extensions are agreed upon between the Union and University during the investigative stage, both the Advisor and Complainant should be advised of these delays in a timely fashion.
- As stipulated in article 65b under the heading of “Sanctions,” a HP may impose “conditions.” (Notwithstanding, “the Hearing Panel does not, however, have the authority to bar a student from any academic activity”). In the next Code review the term “conditions” needs to be defined and the scope narrowed. Usually a condition refers to something restricting, limiting, or modifying a circumstance such as: restrictive access, non-contact/communication, space or time restrictions, etc. Including a non-exhaustive list of examples of conditions would be beneficial. There have recently been decisions by HPs which have expanded on this notion, putting into question if what was issued was within the scope of their authority. Such questioning can lead to Appeals and requests for usage of article 89 which states: “*In extraordinary circumstances where he/she determines that a Hearing Panel or Appeals Panel has acted outside of its jurisdiction as provided for in the Code, the Secretary-General may set aside a Hearing Panel or Appeals Panel decision and order that a new Hearing Panel or Appeals Panel, as the case may be, re-hear the matter.*” Lastly in regards to this article, it should be discussed if the HP can make it a “condition” to withhold a diploma, requiring sanctions to be fulfilled prior to the release. It should be noted that the withholding of a diploma does not ever prevent a student from graduating.
- If the HP makes a recommendation for suspension or expulsion as designated in articles

65f and 65g, the undersigned recommends that the HP not be permitted to impose other sanctions unless it is a temporary restricted access conditions (pending the suspension or expulsion confirmation from the President) and/or 65c (“payment as compensation for damage or loss of property or to otherwise rectify a situation which the Respondent created or helped to create”). At the time of the next Code review, it is further recommended that the entire article pertaining to sanctions (article 65) be examined.

- Articles 69 and 70 address the recommendations that the Dean of Students “may” make to the President when a sanction is not fulfilled. The Dean may also choose to make other arrangements concerning the sanction following an interview with the student concerning the alleged violation. This is implied but not specified and the wording should be reviewed and potentially made clearer. It is also unclear if the Dean, in making a recommendation, is limited to the four items listed. Finally in 69d, which is a recommendation for a Respondent to “have his/her diploma withheld until such time as he/she has fully complied with the sanction(s) imposed,” it is recommended that the wording also include the withholding of transcripts. This would be similar practice to instances when students have outstanding fines with the University.
- Under the heading of “Harassment Complaints” articles 108-111 make reference to the possibility of an external investigator selected from an investigator pool. This option is not exercised often. This section should be reviewed for applicability and potentially updated, making sure it is in-line with current practice and expectations.

### **POSILA Recommendations**

- The *Return to Campus Management Plan* may be modified by the Policy Coordinator and/or case team at the request of the student. While it is already included in all of the plans and made clear to students, it should be specified in the policy that the deadlines for change requests along with supporting documentation must be received by the Policy Coordinator by the same deadlines for requests to return. This allows for thorough review and requests for supplemental information if needed.
- In addition to some minor updates to the [Leave of Absence Return Assessment Form](#), ORR will be creating a 1-page update form, which students and physicians will be able to complete more easily when providing medical updates or when they wish to request modifications to their original Return to Campus Management Plan.
- Article 20 of POSILA discusses possible outcomes for a Level 1 threat. While it is a non-limiting clause, the option of “behavioural conditions” should be included here, as this is a utilized practice. Residence Behaviour Contracts (which are already listed as a possible option along with an offer of appropriate support, and/or referral, and/or restricted access conditions) are no more or less common than a general agreement within the context of University activity which can include restrictive access conditions as part of the overall plan.
- Further changes in the Student Services reporting structure will warrant minor changes (i.e., to Administrative titles) to be made concerning the designation of Appeals and the administration of the policy review. Similarly, adjustments to titles and/or restructuring may inadvertently require minor revisions to the POSILA case team. The possibility of adjustment of the case team composition should be included within the actual policy.
- There has been a steady increase in the number of SOCs being reported to ORR. Of those not requiring intervention under POSILA (following an initial assessment), most are successfully referred to other services (Health Services, Counselling & Development). The Office is currently reviewing (with the designated personnel in the aforementioned departments) a more effective way of triaging these



students to the appropriate service(s) and potentially having a first level collaborative approach. This will also require more education to staff and faculty making the initial referrals. Some of these referrals have been mental health issues and once a student has commenced receiving the appropriate assistance, they generally have not been deemed to be threats under POSILA.

### **GENERAL Recommendations (related to the operations of the Office and/or University)**

Note: University-wide recommendations specific to departments, units, etc., that are deemed confidential, are not provided in the annual reports.

- For student and staff awards (e.g. outstanding citizenship awards, community recognition awards, etc.), it is recommended that disciplinary files of ORR be verified for any formal founded complaints or outstanding formal complaints. Infractions, if related to a potential award, could be considered a deterrent to granting a designated award. Authorization to verify disciplinary records would be required by an applicant as is already required with student applications and controlled substance applications (when such files are verified by the Office).
- ORR wishes to remind employees and departments that if a student would like another individual to act on his/her behalf or release information to another party, an authorization of release/consent must be provided in writing. If departments do not have their own existing forms, OGC or ORR (if it is related to ORR's jurisdiction) may provide assistance.

### **Data Analysis and Statistical Review**

While numbers can never fully capture the activity of the Office, it is important to review such figures and have an idea of the itemization of collected activity from year to year. Below is a snapshot of ORR's activity for the 2013-2014 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.

#### **Activity Summary and Breakdown of Requests for Assistance**

Requests for assistance and/or complaints may come from any Member(s) of the University and any area/sector of the University. External parties generally do not have access to the services of the Office but may receive general information and they are usually redirected or referred accordingly. Contacts with the Office that reach the Advisor are categorized as either a "case" or a "consultation." Usually consultations involve meeting or contacting the Advisor for information and/or guidance concerning particular situations. Consultations generally do not require extensive follow-up and the Advisor refrains from taking a more active or on-going role in reaching a resolution. Cases typically require direct intervention by the Advisor and/or review of direct evidence. Accordingly, the Advisor will take an active and/or on-going role in providing advice, assistance and/or facilitating measures on a matter related to the Code or other policy. The Director and Senior Advisor reviews and assigns the cases to herself or the Associate Advisor. Depending on the complaint, cases will be classified as "formal" or "informal". Following a consultation/meeting, formal cases are designated as such at the time a Complainant submits his/her formal complaint in writing. The outcome does not change how a formal case is classified (i.e., if a formal complaint is later withdrawn by the Complainant, dismissed by the Advisor, or resolved through informal means before the formal process has taken place) and the complaint/case is still counted as formal in the data. Outcomes of formal complaints including those that were dismissed by the Advisor, founded, or unfounded are listed in Table 5.

A case typically begins as a consultation; however, if it 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 SOCs under POSILA. "Other" most often refers to administrative follow-up, a non-jurisdictional complaint, or another matter that cannot be classified using the infractions specified in the

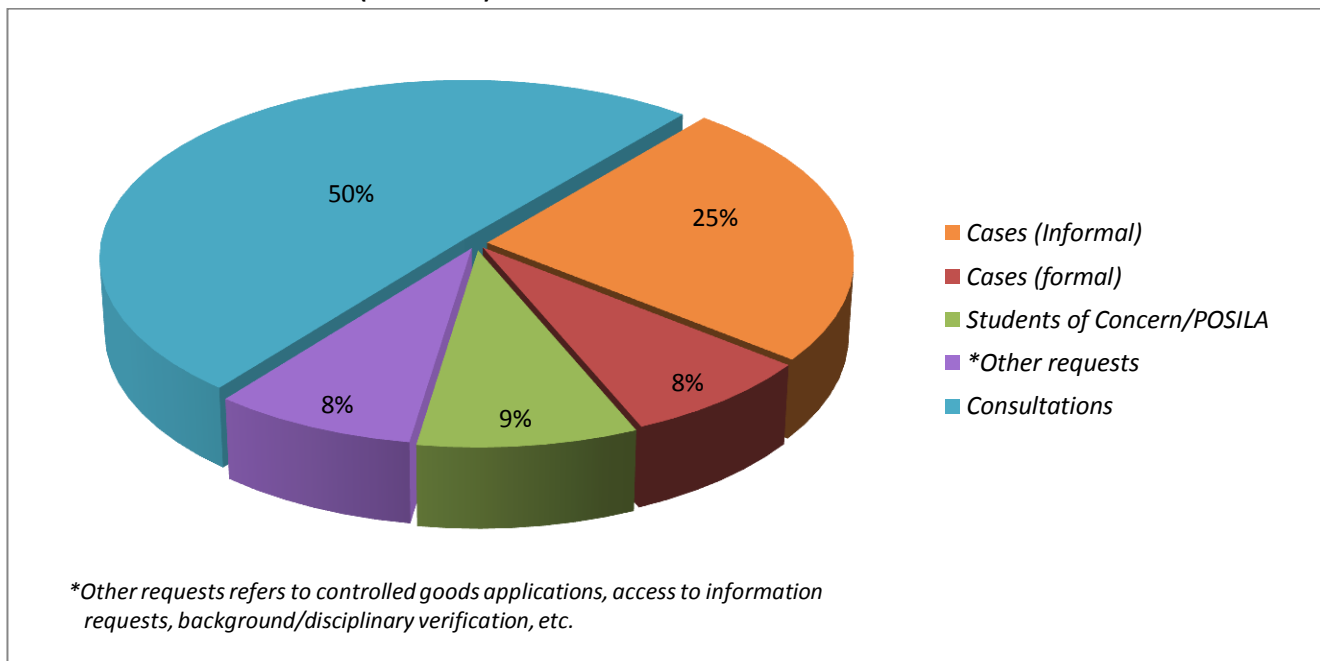
Code. For reporting of data, there can be several issues or infractions reported in one case/dossier; yet, the case file will only be counted once. As such, one file may contain multiple infractions or even different categories present.

Concordia Security will most often notify the Office when an incident of a behavioural nature takes place on campus (i.e., reports related to threats, vandalism, harassment, assault, and other infractions of the Code). Only incidents requiring follow-up from the Office (i.e., the complaint is brought forward by a Complainant) will manifest into a consultation or case and are only then included in the data.

In addition to classification of assistance and complaints as cases and consultations, the Office also provides other routine services (“other requests”) such as security assessments/clearance of applications for authorization to access controlled goods (for work and/or study). This involves the verification of the absence of Code infractions. The Office also receives several requests per year to verify a student’s behavioural history and disciplinary/judicial file. These requests are made to ORR by other departments or offices, with permission of the student to release this information to an external institution (usually for an application of some type). For consistent reporting (as in previous years), these types of requests are counted separately and not classified in the data as cases or consultations.

Requests for assistance during 2013-2014 totaled 317 (cases, consultations, and other requests). The breakdown by percentage is displayed below in Chart A.

**CHART A: DISTRIBUTION OF SERVICES (2013-2014)**



Consultations accounted for half of all services, corresponding with the Office’s philosophy of prevention and early intervention. Informal resolution continues to be the preferred approach (when appropriate) to address conflict. Cases totaled 42% with the majority being dealt with informally at 25%. 25 formal complaints were processed this year, comprising 8% of activity. These numbers coincide with the steady increases seen over the last 5 years. While the number of regular formal complaints is similar to last year (at 24), there are significant variations in the percentage breakdowns. Situational events when they occur (as reported in the 2011-2012 and 2012-2013 Annual Reports) influence the percentage distribution and certainly make it more difficult to track trends or patterns. What has increased steadily since the adoption of POSILA in 2011 is the number of

cases involving SOCs and threat assessments, up from 19 last year to 28 in 2013-2014, accounting for 9% of activity. This is quite significant as these types of cases involve an immediate response and intervention (and are often the most time-consuming), requiring not only immediate action but extensive follow-up as well as comprehensive coordination of a variety of personnel. These urgent cases most often involve safety concerns, medical/mental health issues, and/or disciplinary matters. The follow-up required may last for extended periods and files tend to remain open longer due to the continuous evolution, culminating hopefully in the best case scenario of remaining or returning to the University (which also usually requires extensive management and follow-up).

**TABLE 1: REQUESTS FOR ASSISTANCE (2013-2014)**

2013-2014 Academic Year	Cases	Consultations	Other Requests	Total
May 1, 2013 - April 30, 2014	131	160	26	317

**TABLE 2: ANNUAL COMPARISON**

Year	Months	Cases	Consultations	Other	Total
2008-2009	12	119	65	NA	184
2009-2010	12	121	72	NA	193
2010-2011	11	107	105 <sup>1</sup>	NA	212
2011-2012	12	121	112/209 <sup>2</sup>	12	245/342 <sup>2</sup>
2012-2013	12	126/184 <sup>2</sup>	198	38	362/420 <sup>2</sup>
2013-2014	12	131	160	26	317

<sup>1</sup> The number of consultations was only recorded during the last 7 ½-months of the year  
<sup>2</sup> Includes additional consultations or complaints related to limited time period of a situational/out of the ordinary activity (for more explanation see Annual Report of the corresponding year)

Total Requests for Assistance totalled 317 (or 291 cases and consultations) as displayed in Tables 1 and 2 during 2013-2014. Over the last few years, there has been a steady increase in overall activity. While the number of cases has been somewhat constant, consultations (from the available data) have nearly tripled. This year saw an increase (from last year) in the number of formal complaints by only one and a small decrease in consultations being filed. Some of the more steady increases in activity (discounting situational/episodic increases) may be attributed to more visibility of the Office, additional trainings and workshops offered, the addition of policies (specifically POSILA and HR-38), promotion/education/awareness (of policies, rights and responsibilities), and an increased mandate (since 2010).

**TABLE 3: BREAKDOWN BY CASE TYPE - ANNUAL COMPARISON**

Case Type/Year	2013-2014	2012-2013	2011-2012	2010-2011
Informal	78	83	85	78
Formal	25 <sup>2</sup>	24/82 <sup>1</sup>	17	15
SOC/Threat Assessment	28 <sup>3</sup>	19	19	14
Total Cases	131	126/184 <sup>1</sup>	121	107

<sup>1</sup> Includes additional cases related to limited time period of a situational/out of the ordinary activity  
<sup>2</sup> Includes 9 cases carried over from 2012-2013  
<sup>3</sup> Includes 7 cases carried over from 2012-2013

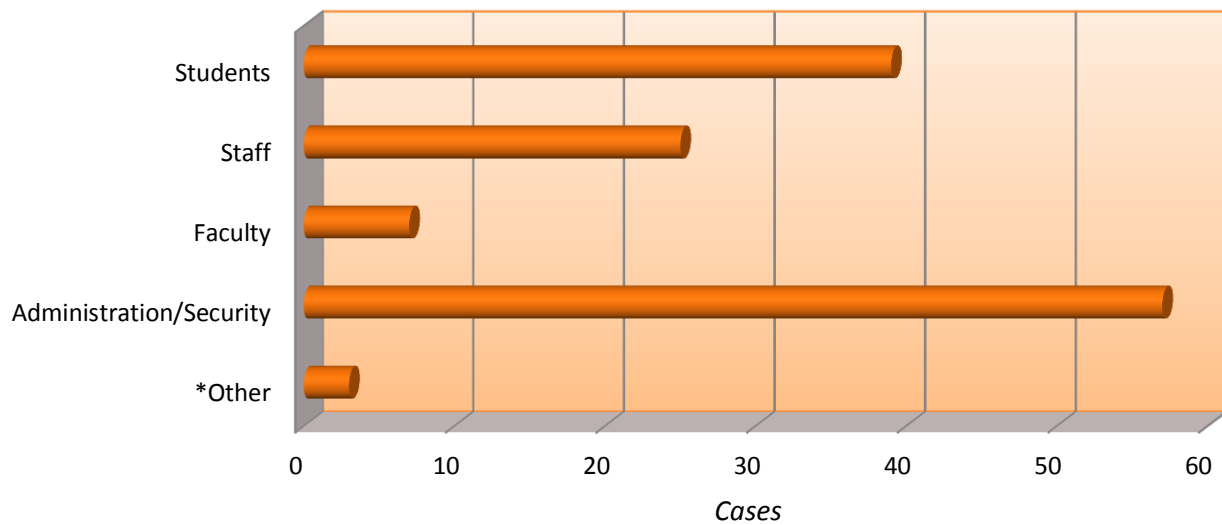
Over the last four years, variances with the numbers in types of cases have been slight (as displayed in Table 3) with the exception of the number of SOCs being reported under POSILA and subsequent threat assessments conducted. The severity of these cases as well as the number has increased. This seems to be continuing throughout 2014-2015. As such, management of such cases will require review as they generally require the most time and resources.

**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 raises a concern with the Office of Rights and Responsibilities. The conduct in question should be within the scope of the Code of Rights and Responsibilities. If warranted, a case file is opened regardless of whether informal resolution was sought or a formal complaint launched.

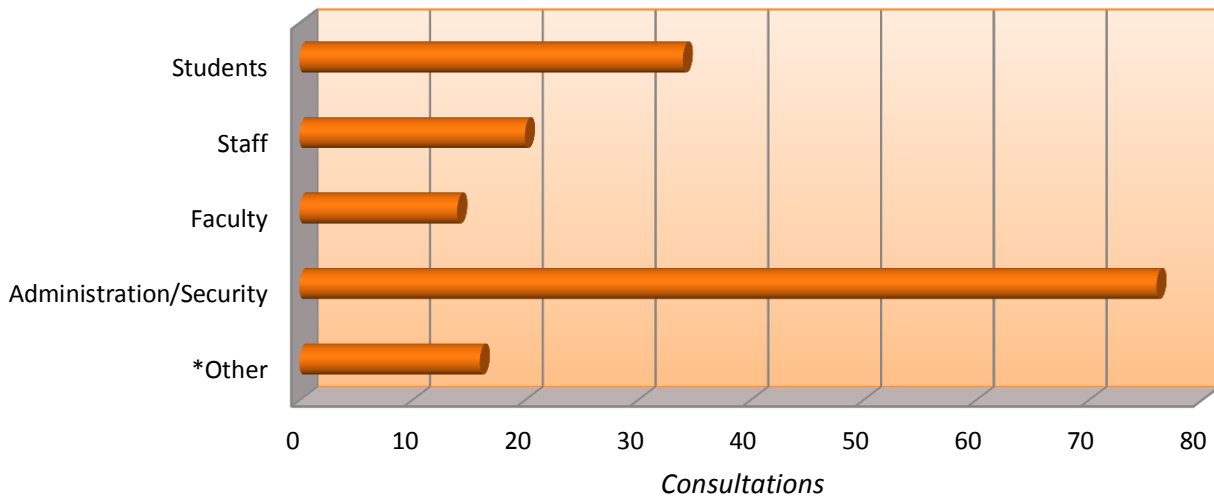
**CHART B: COMPLAINANT DEMOGRAPHICS (CASES)**

*Requests for assistance/complaints were generated by:*



**CHART C: COMPLAINANT DEMOGRAPHICS (CONSULTATIONS)**

*Requests for assistance/complaints were generated by:*



\*“Other” refers to non-members, Alumni, etc.

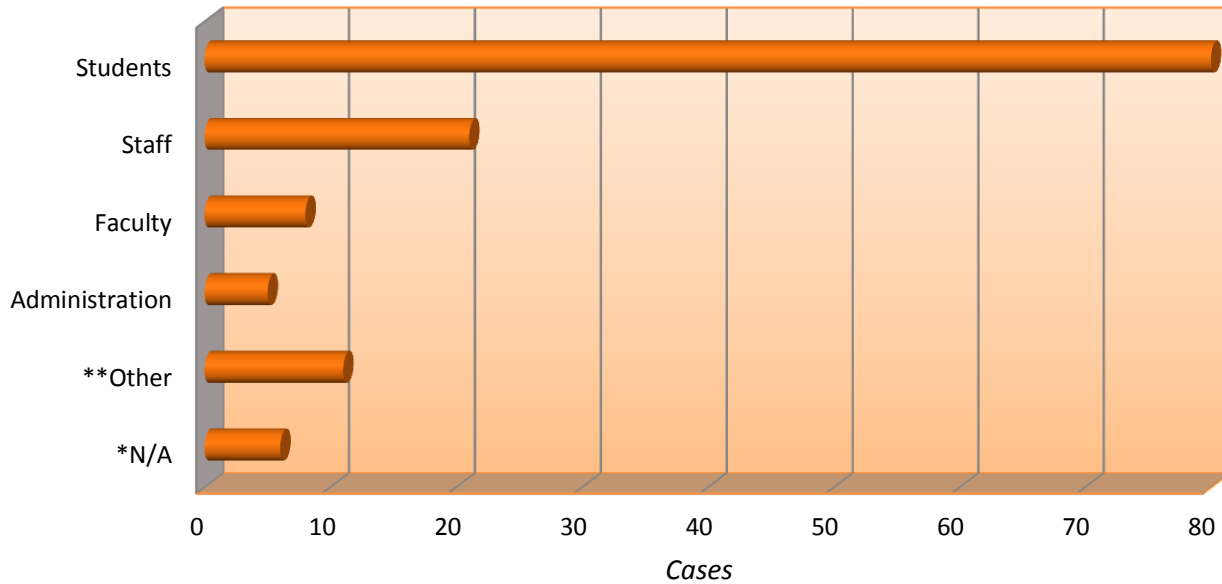


**Who are complaints being made against?**

The term “Respondent” is used to refer to the person against whom a complaint is made. It may concern any member who is seen as allegedly responsible for undesirable behaviour as described as an offense/infraction under the Code of Rights and Responsibilities, thereby instigating a Complainant to seek resolution within the scope of the Code.

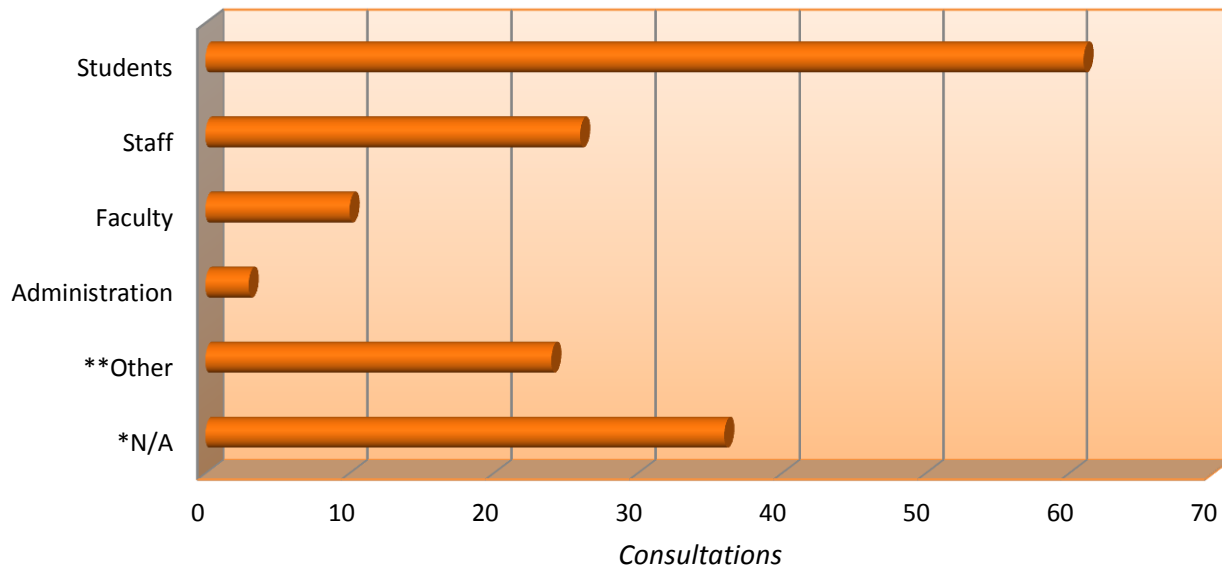
**CHART D: RESPONDENT DEMOGRAPHICS (CASES)**

*Complaints were generated against:*



**CHART E: RESPONDENT DEMOGRAPHICS (CONSULTATIONS)**

*Complaints were generated against:*



*\*\*“Other” refers to non-members, Alumni, and unknown Respondents*

*\*N/A refers to cases or consultations in which there was not a Respondent specified*

**TABLE 4: BREAKDOWN OF CASES (131) AND CONSULTATIONS (160) BY INFRACTIONS**

OFFENCE	CODE ARTICLE	CASE TOTAL	CONSULTS TOTAL	TOTAL INFRACTIONS
HARASSMENT	28a	37	25	62
SEXUAL HARASSMENT	28b	11	8	19
PSYCHOLOGICAL HARASSMENT	28c	6	3	9
DISCRIMINATION	28d	5	1	6
COMMUNICATION OF DISCRIMINATORY MATTER	28e	2	1	3
THREATENING OR VIOLENT CONDUCT	28f	17	13	30
OFFENCES AGAINST PROPERTY	29a	5	5	10
FURNISHING FALSE INFORMATION/ACCUSATION/EMERGENCY	29b	4	2	6
MALICIOUSLY ACTIVATING FIRE ALARMS	29c	0	0	0
BOMB THREATS	29d	0	0	0
THEFT OR ABUSE OF COMPUTING FACILITIES OR COMPUTER TIME	29e	2	0	2
UNAUTHORIZED ENTRY INTO UNIVERSITY PROPERTY	29f	0	0	0
OBSTRUCTION OR DISRUPTION OF WORK OR STUDIES	29g	0	0	0
CAMPING OR LODGING ON UNIVERSITY PROPERTY	29h	0	0	0
FORGING OR ALTERING UNIVERSITY DOCUMENTS	29i	9	0	9
HAZING	29j	0	0	0
UNLAWFUL USE, SALE, DISTRIBUTION, ETC. OF CONTROLLED SUBSTANCES	29k	3	7	10
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 USE OR DUPLICATION OF UNIVERSITY'S NAME, LOGOS, ETC.	29n	4	0	4
UNLAWFUL OFFENSE IN THE UNIVERSITY CONTEXT	29o	0	0	0
STUDENT-OF-CONCERN/THREAT ASSESSMENT/POSILA	(N/A)	28	13	41
*OTHER	(N/A)	32	88	120
<b>TOTAL</b>		<b>165</b>	<b>166</b>	<b>331</b>

\*OTHER 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 allege more than one Code infraction. These complaints are still counted as a single complaint/case file, regardless of the number of offences cited. The total number of cases and consults during 2013-2014 was 291 but the number of infractions reported was 331. Comparing the total cases in Tables 1 and 4, there were 131 cases alleging 165 infractions and 160 consultations alleging 166 infractions or other issue being raised. Consultations more often than cases will not allege a complaint or issue that neatly falls under the Code's infractions and provisions. As such, these situations, often requiring information and advice, do not manifest into cases and account for the high number in the "other" category.

Reported infractions (and unreported infractions) vary somewhat from year to year. The unreported offences in 2013-2014 as displayed in Table 4 (29 c, d, f, g, h, j, l, m, and o) are not represented in Chart F (below). In the cases reported, there were slight increases in the following Code infractions from last year: 28a, 28b, 29b, 29i, and 29n. Decreases were found in the following Code infractions: 28c, 28d, 28e, 28f, 29a, 29e, 29f, 29g, and 29o. Notably and in summary, incidents of general harassment and sexual harassment were slightly elevated while there was a decrease in reported cases of psychological harassment. Also slightly elevated was forging/altering University documents as well as unauthorized use/duplication of the University's name/logo.

Offences against property, threatening/violent conduct, and communication of discriminatory matter were also slightly lower and obstruction/disruption of work/studies had the biggest drop with zero cases reported. Following last year’s distribution of the Annual Report, a request was made to report on allegations of sexual assault. As such, this data was manually generated this year. Specifically, under the umbrella of 11 cases of sexual harassment, four involved allegations of sexual assault and of those four, three were filed as formal complaints (see Table 5). One of these cases also alleged threatening/violent conduct. Out of eight sexual harassment consultations, two involved issues of sexual assault.

**CHART F: PRESENTING ISSUES (CASES) 2013-2014**

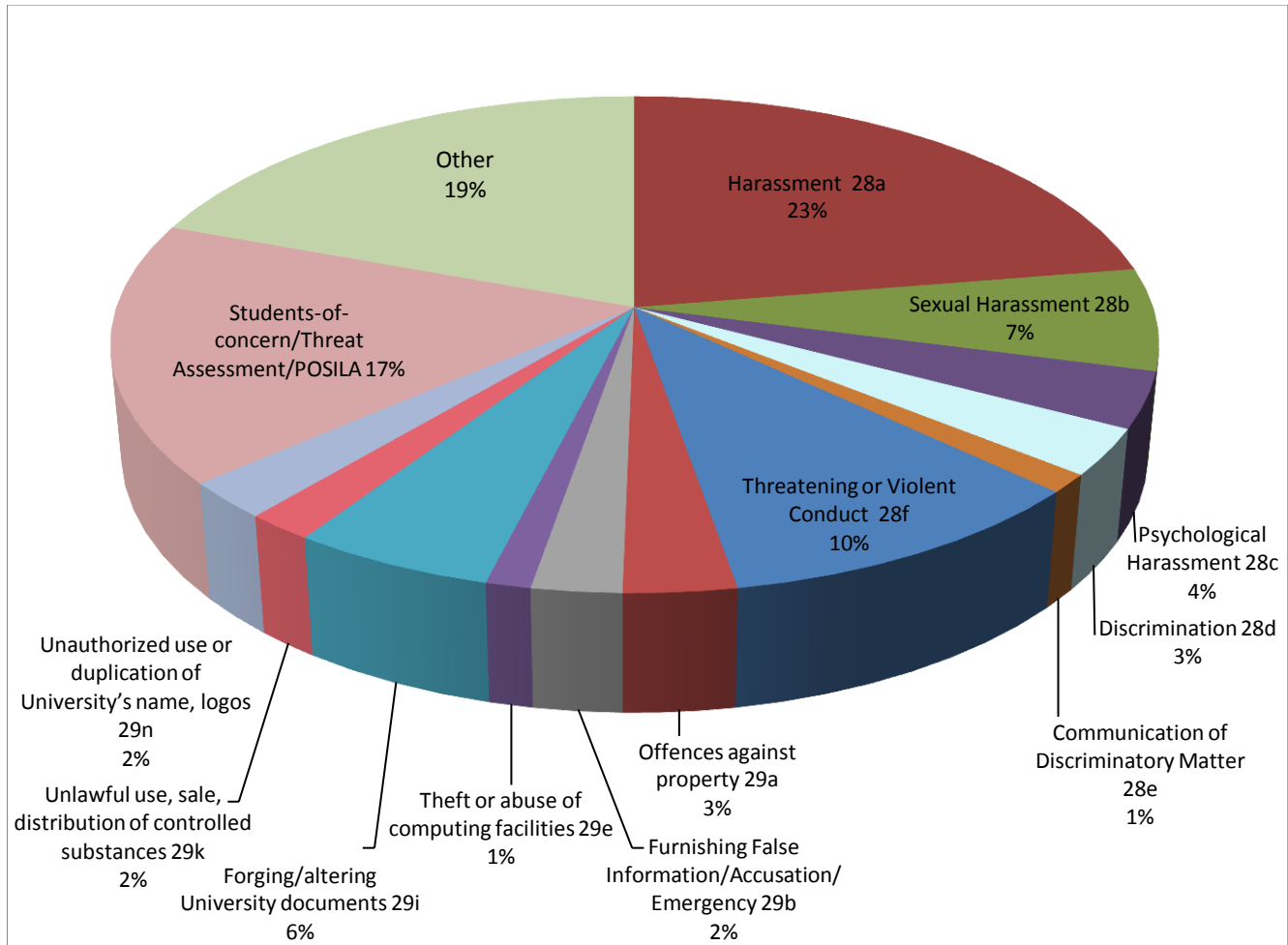
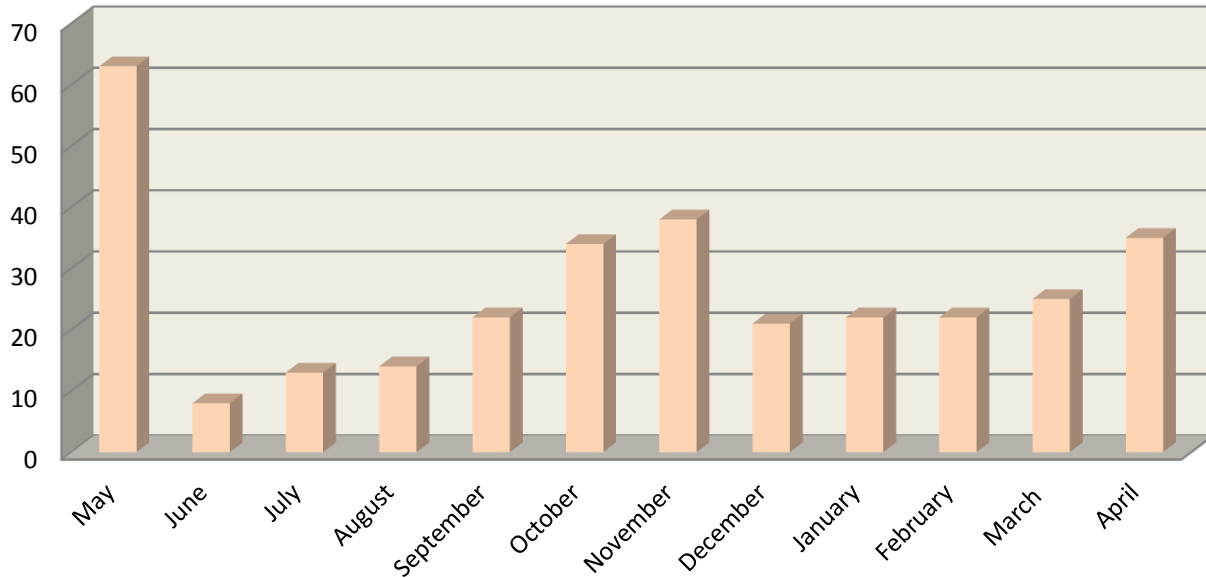


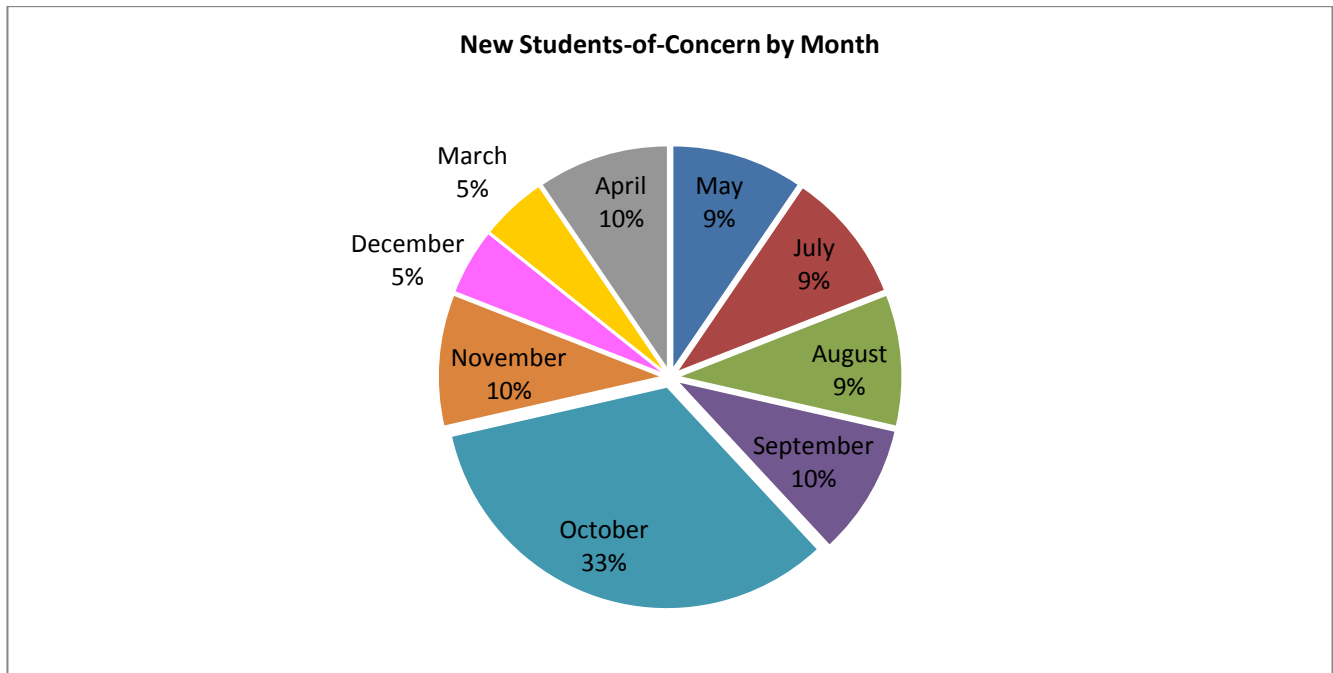
Chart F (above) provides an overview and percentage breakdown of the types of cases offences/reported. General Harassment (article 28a) was the most reported infraction under the Code at 23% followed by “other” at 19%. Threat assessments and cases assessed under POSILA were next at 17% followed by threatening/violent conduct at 10%.

**CHART G: MONTHLY DISTRIBUTION OF REQUESTS FOR ASSISTANCE (317)**



Note: Includes Cases (131), Consults (160) and Other Requests (26)

**CHART H: STUDENTS-OF-CONCERN DISTRIBUTION**



Of the 21 new SOC cases reported in 2013-2014, there were none reported in the months of June, 2013; January, 2014; and February, 2014. The highest number was reported in the month of October, totaling seven. No new SOC cases were mandated to take an involuntary leave of absence in 2013-14; however, one student left the University due to other circumstances and two who were assessed remained with behavioural conditions. It is also worth noting that one student, mandated to take an involuntary leave of absence in the previous year successfully returned to the University (with conditions), once deemed fit.



TABLE 5: 2013-2014 FORMAL CASES

Date	Infraction	Respondent	Complainant	Hearing/ Investigation	Outcome	Action Taken	Informal Attempt
May/13	29a	Student	Administration	Hearing Postponed <sup>1,2</sup>	Informal Resolution	Mediated Settlement	Y
May/13	29a	Student	Administration	Hearing <sup>1,2</sup>	Founded <sup>4</sup>	Sanction(s)	Y
May/13	28c, 28f	Administration	Staff	Investigation <sup>1,2</sup>	Unfounded <sup>4</sup>	N/A	N
May/13	29a	Student	Administration	Hearing Postponed <sup>1,2</sup>	Informal Resolution	Mediated Settlement	Y
May/13	29k	Student	Administration	Hearing Postponed <sup>1,2</sup>	Informal Resolution	Mediated Settlement	Y
May/13	29k	Student	Administration	Hearing <sup>1,2</sup>	Founded <sup>4</sup>	Sanction(s)	Y
May/13	29k	Student	Administration	Hearing <sup>1,2</sup>	a. Informal Resolution b. Founded <sup>4</sup>	a. Mediated Settlement (breached) b. Sanction(s)	Y
May/13	28f	Student	Administration	Hearing Suspended <sup>1,2</sup>	Complaint withdrawn <sup>4,8</sup>	Resolved through other policy/process	Y
May/13	29i	Student	Administration	Hearing <sup>1,2</sup>	Founded <sup>4</sup>	a. Sanction(s) b. Appeal/ decision upheld	N
May/13	28a, 28d	Staff	Student	Investigation	Informal Resolution <sup>4</sup>	Corrective Measures	Y
May/13	29i, 29n	Student	Administration	Hearing suspended <sup>2,3</sup>	N/A	N/A	N/A
May/13	28b, 28f	Student	Student	Hearing	a. Informal Resolution b. Founded <sup>4</sup>	a. Mediated Settlement (breached) b. Sanction(s) c. Appeal/decision upheld	Y
July/13	28b	Faculty	Student	Investigation	N/A <sup>7</sup>	N/A	N
Sept/13	28b	Faculty	Student	Investigation	a. Founded <sup>4</sup>	a. Sanction(s) b. Grievance – resolution reached	N
Sept/13	28a, 28b, 29a	Student	Student	N/A	Complaint withdrawn <sup>4</sup>	N/A	Y
Sept/13	28a, 28c, 29b	Staff	Staff	Investigation	Unfounded	N/A	N
Oct/13	28b	Staff	Student	Investigation	Pending <sup>4</sup>	Pending	N
Oct/13	29i	Student	Administration	Hearing	b. Founded <sup>4</sup>	a. Sanction(s) b. Decision pending (art. 89 review)	N
Nov/13	29i	Student	Administration	Hearing Suspended <sup>3</sup>	N/A	N/A	N
Nov/13	28b	Other	Student	N/A	Advisor Referral <sup>5,6</sup>	Resolved through other process	N
Nov/13	29b, 29i	Student	Administration	N/A	Advisor Referral <sup>5,7</sup>	Referred/handled by other office	N
Dec/13	28a, 28e	Student	Student	N/A	Informal Resolution	Mediated Settlement	Y
Dec/13	29i, 29n	Student	Administration	Hearing Suspended <sup>3</sup>	N/A	N/A	N
Dec/13	29i, 29n	Student	Administration	Hearing Suspended <sup>3</sup>	N/A	N/A	N
Dec/13	29i, 29n	Student	Administration	Hearing Suspended <sup>3</sup>	N/A	N/A	N

<sup>1</sup> Case was carried over from 2012-2013<sup>2</sup> Case continued into 2014-2015<sup>3</sup> Student no longer registered or withdrawn<sup>4</sup> Outcome/decision in 2014-2015<sup>5</sup> Non-jurisdiction<sup>6</sup> Refers to Non-member<sup>7</sup> Complainant or Respondent no longer a Member<sup>8</sup> Student-of-concern

### Formal Complaints and Outcomes

In 2013-2014, there were 25 formal complaints filed with the Office. Table 5 provides a detailed breakdown including the applicable process that took place, the outcomes, and actions taken (if applicable). Formal complaints can be resolved informally or withdrawn at any time prior to the start of a hearing or investigation. As well an initial outcome can be overturned or changed following a supplemental process (such as an Appeal, Grievance, or breach in an agreement).

Of the 25 filed, nine had been carried over from the previous year, making the total number of new formal complaints nearly on par with that of last year, totaling 16. Of the 16 new formal complaints, ten were filed against students and five against employees (three staff and two faculty members). One complaint was filed against a non-member. This complaint was handled via article 25 of the Code which deals with “contractors their employees and visitors” and was subsequently investigated/resolved accordingly through another office/process.

New complaints made against student Respondents consisted of seven administration members and three students as Complainants. (No faculty members and no staff filed any formal complaints against students). Formal complaints made against University employees consisted of three staff and two faculty members as Respondents. These five formal complaints were filed by one staff and four student Complainants. For reporting purposes, “administration” includes any employee holding an administrative position or Security filing a complaint on behalf of the University. This report is limited to activity taking place during the 2013-2014 year; however, results/outcomes which became available in 2014-2015 prior to the release of this Annual Report have been included. In fact, only one complaint is still currently pending. Results below include outcomes (if the process was completed) and whether or not informal resolution was attempted.

### Closing Remarks

Each year as I review our services, mandates, and activities, I find myself in a state of reflection. This however is not limited to the end of year or production of an annual report. We continue to review all policies related to the Office and to ensure the utilization of best practices and procedural efficiencies in our commitment to promote respect on campus as well as building and sustaining healthy and respectful working and academic environments.

Concordia is a large University, often equated to that of a mid-size city. Given the sheer numbers, it would be unrealistic to not have any problems or conflicts arise. The Office of Rights and Responsibilities is unique in that services are available to all Members (students, faculty, and staff) and is considered an independent resource for the entire Concordia community. Our mandate is equally vast in assisting Members to resolve incidents involving behavioural issues and alleged violations of the *Code* in an effective and constructive manner, using informal means whenever possible. This includes Members who believe they have been subjected to conduct violations and those with supervisory authority who are called upon to respond to incidents.

The Office also coordinates a system for identifying and managing behaviour that may pose a danger. As such, we must sometimes assess severe disciplinary/behavioural cases, threatening/violent conduct, etc. and respond immediately to prevent further harm. This is often a difficult task, as risk/dangerousness assessment is an exercise in trying to predict the unknown. In such situations when assessing conduct and making decisions, safety and security are the main concerns along with balancing the rights of all Members of the University.

Resolving conflicts is a collective effort, and dealing with maltreatment is never easy. Our goal is to minimize any negative experiences while empowering individuals to find creative and fair means by which to resolve the

situations they are undergoing, either through informal methods or formal procedures, when necessary. We use an approach of progressive measures in exploring available options and assisting in deciding what steps one should take and how to ultimately proceed. We work collaboratively with many partners, both internal and external to the University, to ensure the smooth and efficient delivery of services. Part of the fulfillment of our mandate is achieved through coaching, education, promotion, and outreach opportunities.

At a recent presentation/outreach fair I was asked for my number one “tip” or piece of advice. My immediate response was to tell the person whose behaviour is deemed offensive to stop. While this advice may sound simplistic, I am continually surprised when I ask a Complainant if they have addressed the behaviour with the offending individual and the answer is often “no.” Our voices and asserting them clearly are our most important tools, especially when attempting to resolve an issue in the early stages. This brings me to my second tip which is to try and address any issues in a timely manner before problems escalate.

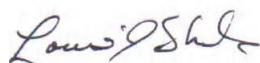
A general summary of tips or advice that is often given at one of my presentations or professional development workshops is:

- To be careful about potential risk factors and seek guidance when appropriate (supervisors, department administrators, ORR, Labour Relations, etc.)
- Be a role model (in your communications with others, in setting clear expectations, in providing feedback, proper tools, in favoring a collaborative approach, etc.)
- To promote respect in the workplace/classroom and make your work climate a daily priority
- To manage any conflicts promptly :
  - ✓ Tell person that his/her behaviour is inappropriate (be specific!)
  - ✓ Tell individual to STOP (be specific!)
  - ✓ Identify expectations (for appropriate behaviour)
  - ✓ Outline potential consequences
  - ✓ Progressive measures if behaviour continues

In conclusion, I am pleased to announce that the Office recently moved to our new, permanent location on the 10<sup>th</sup> floor of the GM building and we welcomed our new Department Assistant, Ms. Sraddha Bista. As well, I wish to thank Ms. Lisa White, my Associate Advisor, for her assistance in compiling this year’s Annual Report.

Finally, I invite all Members to review the *Code of Rights and Responsibilities* and to actively participate in the values to which it aspires.

Respectfully submitted,



Louise J. Shiller, M.Ed.

Director and Senior Advisor, Rights and Responsibilities



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RESPECT  
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BEHAVIOUR  
EQUITY  
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COLLEGIALITY  
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TRESPASSING  
CIVILITY  
HARASSMENT  
THEFT