

ANNUAL REPORT 2011-2012

Office of Rights and Responsibilities

Promoting a Respectful Campus

Submitted by:

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INTRODUCTION AND OVERVIEW

The activities of the *Office of Rights and Responsibilities* (“the Office”) are directed by the Director and Senior Advisor, Rights and Responsibilities (the “Advisor”). The undersigned has held the position as of September, 2010. She 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.

The 2011-2012 Annual Report covers the activity and operations of the Office from May 1, 2011 to April 30, 2012. This time period covered coincides with both the University’s budget year and academic year.

2011-2012 saw a substantial increase in activity which follows similarly the movement exhibited in last year’s annual report. In addition to the increase in typical activity, the Office was presented with several issues and complaints being brought forward as a result of the student protest movement, commencing in March, 2012. This activity and the challenges faced will be discussed in further detail in this year’s report and next year’s 2012-2013 Annual Report.

MANDATE AND SERVICES OFFERED

The Office is mandated with administering the [Code of Rights and Responsibilities \(the “Code”\)](#) and other related University policies. The Office assists all University members (faculty, staff, and students) in addressing behavioural incidents and resolving conflicts on campus in a constructive manner. Any University member may consult the Office when a problem arises relating to someone’s behavior on campus. The Office’s functions include:

- Advising members who are experiencing a problem related to another member’s behaviour on campus
- Assisting members in addressing behavioural incidents and conflicts on campus. Responses may range from the use of informal dispute resolution methods to formal procedures for adjudicating complaints. Remedies and sanctions attempt to restore harmony, collegiality, and cooperation.
- Coordinating a procedure for identifying and managing behaviour that may pose a danger and directing the University’s response to urgent cases
- Promoting through education and direct intervention the values of the Code as well as members’ rights and responsibilities
- Making recommendations regarding situations which have the general effect of violating the rights of members

If a member has a problem related to someone’s behaviour on campus, the Office can help evaluate options and assist an individual in making an informed choice of what steps to take. The Advisor is impartial and initial consultations are confidential. One does not have to file a complaint in order to get information or advice. In most cases informal resolution is both possible and desirable. If the situation warrants, a formal complaint may be filed.

Advice can be sought for situations that are happening off campus. Although the University routinely cannot intervene in these situations, the Advisor may attempt to provide information, advice and support. If appropriate, informal measures towards resolution with the Advisor’s assistance will be considered.

POLICIES OF THE OFFICE

THE CODE OF RIGHTS AND RESPONSIBILITIES (BD-3)

The Code sets standards of conduct for all University members and is unique in that it applies to students, faculty, and staff. The Code is the main policy administered by the Office. The Code is intended to promote and protect the values of civility, equity, respect, non-discrimination and an appreciation of diversity as well as support members who have experienced or are experiencing conduct that violates these fundamental values. All members may reasonably expect to

pursue their work, studies, and other activities related to University life in a safe and civil environment. As such, members are expected to uphold the Code's principles. Responses to violations range from the use of informal dispute resolution methods to formal procedures for adjudicating complaints. If it is necessary to file a formal complaint, the Code places great emphasis on fairness and natural justice. Remedies and sanctions attempt to restore harmony, collegiality, and cooperation.

The following are some of the offences which are prohibited under the Code and most commonly reported:

- Abuse of computer privileges
- Discrimination or communication of a discriminatory manner
- Forgery, altering University documents or unauthorized use of the University's name
- Harassment (psychological, sexual)
- Obstruction or disruption of University activities
- Possession of controlled substances or weapons
- Theft or wilful damage of property
- Threatening or violent conduct
- Trespassing

(For a complete list of infractions and descriptions, please consult the [Code](#)).

In practical terms, the Code allows the University and its members to respond constructively to a variety of conduct-related issues, offences, and conflicts, thereby supporting a healthy work and academic environment while promoting respect within the Concordia community. "Members" consists of students, faculty, and staff which include both unionized and non-unionized employees. According to student enrollment for 2011-2012 and employment data as of October 2011, the term "members" refers to a total University population of 53, 148 (Concordia University Institutional Planning Office, 2012).

The Code, which is accessible to all members, includes a complaint resolution process with both formal and informal mechanisms for resolutions, adheres to the principles of natural justice, contains clear sanctions, and offers appeals processes. While some members may have a dual standing within the University (e.g., employee and student, professor and administrator, etc.), it is important to recognize that in reviewing complaints and corresponding procedures as well as jurisdictional considerations, the Advisor must only take into account the status of the Complainants and Respondents in regards to the complaint at hand. A Respondent's status will determine which formal procedure is appropriate (hearing or investigation) and both the status of the Complainant and Respondent will determine if the Advisor and the Office have jurisdiction in a particular matter. This interpretation and practice cannot be modified in evaluating each case, without risk of misapplication.

The Code itself only provides limited provisions for emergency measures to be taken when necessary, such as temporary exclusion orders from campus; therefore, other relevant policies must be utilized in egregious situations when fulfilling the responsibility of identifying, assessing, and responding to potential threats. Coordinating a procedure for identifying and managing behaviour that may pose a danger may include administering the [Protocol on the Coordination of Urgent Cases of Threatening or Violent Conduct](#) ("the Protocol") and/or the [Policy on Student Involuntary Leave of Absence](#) ("POSILA").

The full text of the Code can be found in the University calendars and <http://www.concordia.ca/vpirsg/documents/policies/BD-3.pdf>. The Code is often mentioned as a reference in many other University policies as the standard of conduct that must be adhered to by all members of the University community.

PROTOCOL ON THE COORDINATION OF URGENT CASES OF THREATENING OR VIOLENT CONDUCT, AS PER BD-3 (THE “PROTOCOL”)

The Protocol covers incidents of threatening or violent conduct by one or more individuals, or conduct deemed potentially dangerous, as described in the *Code of Rights and Responsibilities*. The Protocol is activated in exceptional situations by the decision of the Advisor whose function is to coordinate a well-organized, effective, and prompt response with the work of an Ad-Hoc Case Management Team (when appropriate) in situations deemed to be imminent and dangerous. Various forms of intervention and follow-up may be required as part of the process.

POLICY ON STUDENT INVOLUNTARY LEAVE OF ABSENCE, VPS-15 (“POSILA”)

In an effort to effectively and responsibly respond to students who are in a crisis situation, POSILA was officially adopted in March, 2011. It was created as a framework for assistance to students in need (“student-of-concern”). The policy is proactive and supportive in nature and recognizes that a student for either his/her own well-being or that of other members of the University may require care and support which may include a leave of absence from their studies. A “student-of-concern” means any student whose apparent physical and/or mental state and/or related conduct is such that he/she may be or have become a threat to themselves, others, the educational process, or the University community in general. This may or may not involve allegations of non-academic misconduct by the student. The policy is unique in that incidents occurring off-campus can be considered if the potential consequences of an incident have a direct impact on the University and/or safety and security of its members. When assessing students-of-concern and subsequently making decisions, a balance is sought concerning respect of individual rights, while taking into account the safety and rights of others. POSILA is only invoked in extraordinary circumstances. Before an involuntary leave of absence is considered, efforts are made to assist a student in getting the help he/she needs and/or encouraging the student-of-concern to voluntarily leave the University, if appropriate. Restricted access or conditional attendance may also be considered and implemented as an option.

The Advisor will decide (sometimes in consultation) whether to call a case team meeting or whether the situation can be reasonably resolved through other less imposing means. The Advisor’s responsibility as policy coordinator continues through the entire POSILA process well beyond the initial threat assessment and may include a determination of an action plan with the coordination of the case team. In addition to making recommendations and the decision making process, there is also post-leave management, return to campus procedures, as well as on-going follow-up with the goal of re-integration. Though providing a crucial service and serving a highly reported need, the threat assessment role of the office and the POSILA cases are particularly time-consuming.

The term “student-of-concern” has come to be used interchangeably to indicate a student in difficulty (having potential risk to themselves or others) whether or not the policy is activated and/or corresponding provisions utilized. While there are a limited number of POSILA cases requiring a student to take a leave of absence whether voluntary or mandated, the number of students-of-concern and incidents being assessed by the office has increased since the policy’s inception. The initial crisis management usually requires a fast response time and working with several key partners including: Security, Health Services, Counselling & Development, the Office of General Counsel, Advocacy and Support Services. Additionally outside professionals may be called upon.

A student on an involuntary leave of absence is not permitted on campus, nor may he/she communicate with University personnel, except for the Advisor or with permission granted by the Advisor; therefore, all requests and any subsequent follow-up must occur through the Office. In addition, the return to campus requires a considerable amount of communication and monitoring. Most students who return to the University following a leave of absence under POSILA are required to have specific conditions. These conditions take into account the well-being of the University community as well as fostering success for the returning student-of-concern. This attention in transition back to the University may extend for months or years till a student graduates or leaves the University. Internal partners have been identified to assist ensuring

continued follow-up (i.e., every student who returns is either assigned a counsellor at Counselling & Development or at the Access Centre for Students with Disabilities, for example), depending on the individual's specific situation and requirements. External resources are also often implicated in the process.

Whether or not the Protocol or POSILA is activated, the Office has seen an increase in students-of-concern and requests for threat assessments and to date is regularly conducting them. Depending on the severity of the situation and specifics of a case, such internal assessments may be conducted in conjunction with security and/or mental health personnel. The range of incidents include: verbal and written threats, threatening or violent conduct, disruptive conduct, suicidal expression, observable mental health issues, and missing students. On some occasions law enforcement and/or external resources have been implicated.

Other Canadian institutions have expressed an interest in emulating what is seen as a needed and progressive standard of practice at Concordia.

The link below contains an article pertaining to POSILA which appeared in a June, 2011 edition of NOW, Concordia's online newsletter: <http://www.concordia.ca/now/university-affairs/governance/20110621/supporting-students-in-crisis.php>

POLICY ON HARASSMENT, SEXUAL HARASSMENT AND PSYCHOLOGICAL HARASSMENT, HR-38

In November, 2010, policy [HR-38](#) came into effect. The purpose of this policy is to assist the University in taking all reasonable steps to maintain a climate at work which is devoid of harassment and to ensure that each staff and faculty member's right to dignity and respect is protected; to contribute to the sensitization, the education and the training of all staff and faculty members to prevent harassing behaviour; and to provide the necessary support and redress to staff and faculty members who believe that they have been subjected to harassing behaviour by outlining a clear and expeditious complaint resolution process.

The Act Respecting Labour Standards states that an employer has an obligation to provide a workplace free from harassment; however, this is an "obligation of means" and not results. Although a the University cannot guarantee that acts of harassment will never take place, the obligation exists to prevent harassment through reasonable means and to take appropriate measures to stop any forms of harassment once reported (Commission des normes du travail, 2012).

Human Resources and the Office of Rights and Responsibilities are jointly responsible to inform and train managers and supervisors with respect to the provisions of the Act Respecting Labour Standards as they relate to psychological harassment, as well as the terms of this policy and the *Code*. Training has been developed and the plan is to offer both mandatory and optional workshops on the topic. Although the departments are completely separate and the Office of Rights and Responsibilities remains independent, prevention and promotion are part of both their respective mandates and in this regard they will be collaborating on this endeavor.

While harassment complaints are included in the Code, the University is emphasizing its commitment to safeguarding a healthy environment for its members and is committed to the values of civility, equity, respect, non-discrimination and an appreciation of diversity. Concordia's *Policy on Harassment, Sexual Harassment and Psychological Harassment* guides the University's practice and helps ensure compliance with laws, regulations, and government requirements concerning harassment. It is imperative that situations of harassment be dealt with and remedied as soon as possible and that recurrences are prevented. The policy incorporates prevention and education as well as support and redress when harassment violations occur.

A *Frequently Asked Questions* document was written by the undersigned. In addition to being included on the University website, containing all policies (<http://www.concordia.ca/vpirsg/policies/by-sector/>), it was distributed in the electronic versions of the University newsletter, NOW on October 20, 2011.

<http://www.concordia.ca/now/universityaffairs/governance/20111020/policy-on-harassment-frequently-asked-questions.php>)

Additionally, an article on the subject was also written with quotes from both the Advisor and a Manager from Human Resources on October 19, 2011:

<http://www.concordia.ca/now/university-affairs/governance/20111019/dealing-with-harassment.php>

This proactive policy applies to all employees of the University as does the Code. In addition to the recognition of informal and formal procedures that are available to both unionized and non-unionized employees, there is also recognition that the Code and harassment policy do not supersede but are complimentary to the provisions in any collective or employee agreements.

Any employee may go to the Department of Human Resources, specifically the Employment and Organizational Effectiveness unit or Employee and Labour Relations unit, or a union representative if applicable. At any time one may also seek assistance or advice from the Office of Rights and Responsibilities. The Advisor can provide information, give advice and support, explain options for resolving an issue, and help decide on a course of action. Due process and confidentiality are always observed.

Article 93 of the Code stipulates: “The Advisor shall terminate any attempt at informal resolution or formal resolution 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.” While two concurrent processes for the same complaint cannot take place at the same time, it is noteworthy that if a Complainant opts for a formal investigative procedure through the Office of Rights and Responsibilities, he/she does not lose his/her right to file a grievance at a later date, as long as specified time delays are respected.

The Advisor is naturally available for consultation regarding harassment procedures. While all unionized members, like all employees, have access to services of the Office and the provisions of the Code (and are likewise expected to abide by its principles), as previously mentioned, provisions of collective agreements supersede the Code. Consequently, it is important to have consistencies in related procedures and policies. Most of the unions to date have continuously worked collaboratively with the office when complaints have arisen and have been open to exploring all options available. Many unionized employees in consultation with their respective union or association have opted to proceed through the Office, while maintaining their support and guidance with their union/association.

ROLE OF THE ADVISOR

Due to some policy revision (as examined in the 2010-2011 Annual Report) as well as the implementation of recent policies (administered by the Advisor), the role and responsibilities of the Advisor have been expanded and now include the following:

- Administering the Code and/or other related University policies, specifically BD-3-Protocol, HR-38, and VPS-15
- Advising and assisting University members who are experiencing a problem related to another member’s behaviour (emphasis on informal procedures)
- Receiving and expediting formal complaints
- Coordinating informal resolution (This may include facilitating meetings or possible solutions, mediation, shuttle diplomacy negotiations, arranging settlement agreements, etc.)
- Actively promoting, through education and direct intervention, the values of the Code as well as members’ rights and responsibilities
- Providing training to University groups and members on a variety of topics and issues related to the Office

- Coordinating the University's response to urgent cases, which may involve threatening or violent conduct (Responses may include conducting threat assessments activating the Protocol or POSILA, consulting relevant professionals, and leading the appropriate case team in decision-making and procedural matters in such crisis or urgent situations.)
- Making recommendations regarding situations which have the general effect of violating the rights of members to pursue work, study, and other University activities in a safe and civil manner

When an issue or problem arises related to someone's behaviour, the Advisor can help evaluate options and provide assistance in making an informed choice as to what steps to take. Consultations are confidential. A formal complaint does not have to be launched in order to get information or advice. In most cases informal resolution is both possible and desirable. The Advisor may provide instruction to others so that they may intervene effectively (on a Complainant's behalf), in a given situation. Informal resolution takes a variety of other forms ranging from: clarifying perceptions through shuttle diplomacy, mediation, raising awareness of certain conduct (i.e., defining undesirable behaviour and outlining expectations and consequences), settlement agreements, etc. Settlements mediated by the Advisor are voluntary but once reached are binding. Finally, if the situation warrants, the Advisor can assist with the formal complaint procedure.

Essentially, the Advisor works directly with students, staff, faculty, and members of the administration to resolve behavioural matters. The Advisor will provide all the options available so that the Complainant can make an informed choice as to how to proceed towards resolution. This might include strategies and facilitation of an informal resolution or guidance on how to proceed with a formal complaint process when warranted. Often Complainants and Respondents will involve an advocate, which may be any other member, union representative, or advocate from Concordia's Advocacy and Support Services or an advocate assigned from a student association (Concordia Student Union or Graduate Student Association).

In an effort to reach a resolution informally, which is usually the reported desired outcome, the Advisor works with potential Complainants (and others implicated to assist) in a sometimes gradual process in trying different steps. In order to defuse situations and find an agreeable result, this incremental approach is often exercised well before consideration of a formal complaint. Sometimes the Respondent is completely unaware of the involvement of the Advisor or the Office. Often the Advisor will make recommendations and "advise" on how to handle a situation but ultimately the choice and subsequent actions may rest with the Complainant or those tasked with resolving the matter.

The Advisor does have the authority to formally dismiss a complaint on specific grounds (as per article 33 of the Code), refusing to assist in informal resolution or to proceed with a formal complaint; however, this does not often "formally" occur. In most instances, the Complainant is redirected willingly to the appropriate channels, often with the Advisor facilitating the initial steps. If there is not sufficient evidence to justify a complaint, it will be explained first verbally to the Complainant. Usually, there are other options proposed to resolve a particular conflict, even if not entirely within the jurisdiction of the Code. Because of this approach and the subsequent willingness of Complainants to understand the situation better and desire to seek resolution (not repercussions), most complaints never reach the stage where the Advisor must dismiss a complaint formally, in writing; therefore, for purposes of data collection, very few occur. Grounds for refusing to assist in informal resolution or to proceed with a formal complaint include the following:

- a) it is not within the jurisdiction of the Code, in which case the Advisor shall, if appropriate, re-direct the Complainant to the relevant channels for redress; or
- b) it is trivial, frivolous, vexatious or made in bad faith; or
- c) it is being dealt with, or has already been dealt with, by another University officer, policy or procedure; or
- d) it does not appear to be supported by sufficient evidence.

The Advisor has the mandate to oversee provisions in the Code, Protocol, and POSILA and is designated to prevent, monitor, and take coordinated and effective action against threatening and violent conduct on campus. As such, Concordia is taking a leading role among Canadian Universities.

STAFFING

Staffing consisted of the Advisor, a newly created Department Assistant position (previously a secretary/receptionist position), shared with the Ombuds Office, as well as a temporary project assistant (also shared with the Ombuds Office). Although a search was conducted to fill the position, the role of Department Assistant remained vacant for much of the year. For urgent cases, involving students-of-concern, Dr. Jeff Levitt, Manager, Mental Health Clinical Services (who regularly sits on the POSILA case team) was named by the Advisor to be the primary consultant/contact if the Advisor needed to be absent from the University.

The 2011-2012 year culminated with the renewal of the Advisor's appointment for a term of five years. The initial appointment, pursuant to article 19 of the Code, had been for two years. Concurrent with this renewal, the Advisor's official title was modified to Director and Senior Advisor, Rights and Responsibilities. This modification reflects the additional responsibilities and level with similar positions in the field as well as eliminates confusion with numerous University personnel who carry the title of "Advisor."

With the increased demands for services and complex cases, staffing needs will continue to be assessed in order to continue to progress and maintain the highest of standards.

PHYSICAL SPACE AND LOCATION

The Office of Rights and Responsibilities is located on the 11th floor of the GM building, sharing suite 1120 with the Ombuds Office. Due to the GM building recladding project, the offices were temporarily moved for several months from April to September, 2011. This space proved to be quite favourable both in separation of offices, acoustics, exits, adequate waiting area and additional space. Additionally, placement overlooking Guy and DeMaisonneuve allowed for visibility of any relevant action that was important to our roles. Following our return, a security assessment was performed. Security of personnel and visitors as well as confidentiality remain priorities. When meeting with sometimes challenging clientele, as well as conducting threat assessments as per the mandate of the Office, adequate space and office setup are considerations for optimal security, confidentiality, meeting dynamics, and effective operations.

A permanent move is planned for both offices in 2014 that is expected to meet our unique needs and prioritize security recommendations.

EDUCATION, OUTREACH AND PROMOTION

Education and outreach programming is on-going. The Advisor, through education (in the form of training, workshops, publicity and promotion) and direct intervention of the Code, as well as application of other policies which the Office oversees, takes place throughout the year. It is both recurrent and cyclical (such as Orientation) or may be by request, sometimes as a result of a recognized need. Requests may come as a result of existing issues or problems that are occurring. Some may be topic-specific, while other workshops are pre-emptive information sessions. Such training promotes a healthy and respectful environment for all members of the University community and informs students, staff, and faculty about the services available through the Office.

The Advisor provides on-site education and prevention training to inform the University community (including but not limited to new students, new faculty, department chairs, and staff) as to their rights and responsibilities under the Code. The following were some fairs attended and presentations given during 2011-2012:

- Discover Concordia New Student Orientation (Aug. 30, 31 and Sept. 1, 2011)
- New Faculty Orientation, Engineering and Computer Science (Sept. 1, 2011)
- Orientation for new Chairs and Unit Heads, Centre for Academic Leadership - Office of the Provost (Sept. 2, 2011)
- Graduate Students Orientation/Graduate School Connection (Sept. 9, 2011)
- Academic Cabinet - POSILA Presentation (Oct. 19, 2011)
- CUPFA Campus Equity Week (Oct. 26-27, 2011)
- Academic Sector Operations Group- POSILA/ORR (Oct. 27, 2011)
- Deans & Chairs Meeting, Faculty of Fine Arts – POSILA/ORR (Nov. 11, 2011)
- President’s Exchange Meeting - VPIRSG Directors and Dr. Lowy (Nov. 11, 2011)
- Meet & Greet, hosted by Counselling & Development (Jan. 5, 2012)
- Chairs/Associate Deans/Principals/Directors & Support Staff, Faculty of Arts and Science (Jan. 13, 2012)
- Re-Discover Concordia Fair 2012, hosted by Counselling & Development (Jan. 26, 2012)

In collaboration with the Office of the General Counsel and the Ombuds Office, a review continued of the needs for targeted workshops to be jointly offered by various units.

With the implementation of POSILA, the Office has received many requests and continues to deliver more specific workshops related to this policy and how staff and faculty may be implicated. With the adoption of HR-38, which specifies that prevention and education are the best tools for the elimination of harassment, periodic communications on the subject are distributed. In addition, the Advisor and the Department of Human Resources have been mandated to be jointly responsible for informing and training managers and supervisors with respect to provisions on the topic of harassment. This training will be offered, starting in 2012-2013.

The Advisor has been consulted on the development and implementation of POSILA. While it seems that similar policies exist in the United States, universities and colleges in Canada are feeling a need for such a resource and have just begun to develop similar measures to manage threatening conduct and support “students-of-concern.” Time permitting; it is the intention to present workshops on the subject to other institutions and professionals in the field.

The Office also distributes, throughout the University, a variety of publications including a general, newly revised and redesigned brochure on the services available through the Office. A poster concerning respect in the workplace is also offered. As our stock becomes depleted and information evolves, certain promotional items will be reviewed and possibly re-vamped.

Finally, the Advisor is often requested to sit on committees or be a guest at meetings within the University as a resource to the community.

The following articles on a variety of topics related to the Office and relevant policies have appeared throughout the year in Concordia’s on-line newsletter, NOW:

<http://www.concordia.ca/now/university-affairs/governance/20111020/policy-on-harassment-frequently-asked-questions.php>

<http://www.concordia.ca/now/university-affairs/governance/20111019/dealing-with-harassment.php>

<http://www.concordia.ca/now/university-affairs/governance/20111005/code-sets-standards-of-conduct.php>

<http://www.concordia.ca/now/university-affairs/governance/20110621/supporting-students-in-crisis.php>

PROFESSIONAL DEVELOPMENT

With an increasing demand for services and an increase in urgent cases, having one sole Advisor responding to regular issues and urgent matters makes it difficult to be away from the University. As such, professional development was limited to in-house opportunities. As supplemental training and educational opportunities are certainly valued in keeping current with best practices as well as providing networking opportunities, the hope is that with additional staffing to respond to community needs, the Advisor will have more opportunities to participate at more in-depth, external professional development.

Workshops attended were:

- Respect in the Workplace: Dealing with Discrimination, Harassment and Bullying, Canadian HR Reporter/HRPA Webinar Series (November 2, 2011)
- EAP Workshop: The Art of Managing Conflict (November, 15, 2011)
- Identifying and Managing Aggressive Student Behaviours, Attitudes and Emotions, webinar hosted by Advocacy and Support Services, (March 2, 2012)
- Preventing, Managing, and Responding to Conflict in a University, Concordia Centre for Academic Leadership (April 25, 2012)

The Advisor became a member of CAPDHHE, the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education.

As time permits, future professional development opportunities should include continued education in the areas of conflict resolution and mediation, as well as risk assessment and dangerousness management (within post-secondary institutions). Hosting such professional development, potentially with other internal partners, will also be considered.

DATA ANALYSIS AND REVIEW OF REQUESTS FOR SERVICES/ASSISTANCE

ACTIVITY SUMMARY

Requests for assistance and complaints are generated from many areas of the University and may come from all members (students, faculty, or staff). Individuals from outside the University generally do not have access to the services of the Office and they are usually redirected accordingly. Contacts with the Office that reach the Advisor are categorized as either a “case” or a “consultation.” One contacts the Advisor/Office by phone, email, or in-person. Appointments and scheduled meetings are preferred over “drop-ins.” The Office has deliberately limited this practice for a variety of reasons. Information requests and general inquiries that are answered at the front reception do not currently get tracked or recorded.

CONSULTATION

It is sometimes difficult to decide what constitutes a consultation versus a case. Consultations are recorded when the Advisor has been contacted for information or guidance on an issue or incident but does not take an active or on-going role. Consultations should be brief; however, there is sometimes a fair amount of follow-up, especially if it involves advice-giving or providing strategies for a particular issue. Often consultations (as do cases) involve speaking to several individuals (particularly when more than one person is tasked with assisting with a resolution). For example, a Department Chair may be asked to assist with a resolution involving a student and professor (even though, the initial complaint might not have originated with the Chair). Consultations often require the Advisor to provide an opinion and/or strategies to be attempted by the Complainant or involved parties. It is possible that the Respondent could be unaware of the Advisor’s “behind the scenes” guidance. Consultations take place in-person, by phone, by e-mail, or a combination of interactions. Information

and/or advice may be provided but the assistance is limited. Finally, a consultation may also be a request for resources or coaching. For the sake of reporting data, if a consultation evolves into a “case” it is only counted as the latter.

CASE

Most cases understandably start off as consultations. Complaints will not be retained without at least one consultation, usually in-person. Cases typically require direct intervention by the Advisor and/or review of direct evidence. Accordingly, the Advisor has taken an active and/or on-going role in providing consultation, advice, assistance and/or facilitating measures on a matter related to the Code or other policy. While informal resolution should generally not last more than three months, cases for a variety of reasons (complex issues, time extensions, holidays, absence of parties, breakdown of resolution, etc.) can occupy the Advisor’s time anywhere from a few days, spanning over months, and on rarer occasions over a year. A case may remain inactive after a resolution or decision and then evolve; thereby, re-opening the same case could be necessary. When a previous case is re-opened for some additional follow-up by the Advisor and for the purposes of tabulating the data they have been labeled as “other” (in Table 3 and Chart D). Cases (and consultations) are generally classified as behavioural issues under the Code, behavioural issues under the Protocol, or as students-of-concern under POSILA. “Other” refers to administrative follow-up, a non-jurisdictional complaint, or other matter that cannot be classified using the code infractions. For reporting of data, only breakdowns of the types of cases are provided. Consultations have simply been totalled.

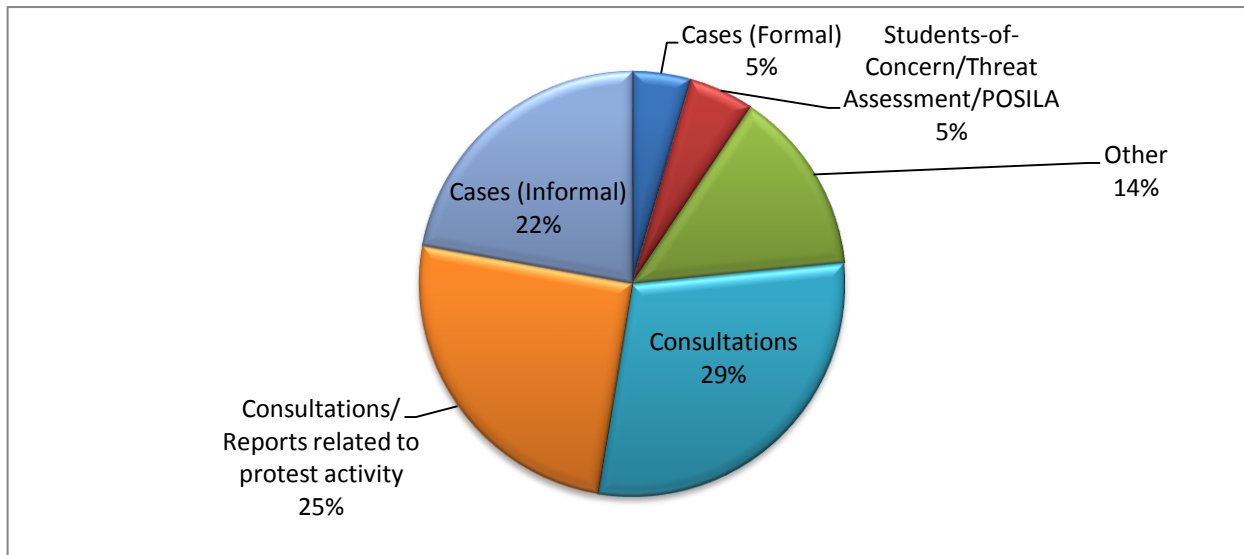
Often a case may start out as classified under one category and develop into another. In more extreme cases there may be both Code issues present that need to be addressed as well as matters to be dealt with under another policy. Each case is individually handled and decisions made as to how to best proceed with more urgent matters. For reporting of data, if there are several related issues falling under one case/dossier, it has only been counted as one case file; however, there may be more than one infraction present or even different case types.

OTHER SERVICES

Another service that the Office provides is security assessments for applications for authorization to access controlled goods. The Office of the Provost requires security clearance for access to controlled goods (for work or study) and verification of the absence of Code infractions from the Office of Rights and Responsibilities is required in the process of assessing such applications. Separate files are kept for such requests. On occasion the Office is also requested to verify a student’s behavioural history and assess if there are any previous or pending disciplinary issues with a student. With permission of the student to release this information to an external institution (usually for applications of some kind), the request is typically made by the Dean of Students Office or other department.

Other files that the Office retains are reports sent by Concordia Security, involving behavioural incidents. Not all reports from Security require follow-up from the Office. Most often, the onus is on the Complainant to seek assistance from the Office should they desire to have their concern addressed. As such, when appropriate, Concordia Security regularly directs or recommends individuals consult the Office and provides the contact information to a potential Complainant when warranted.

CHART A: DISTRIBUTION OF SERVICES



Requests for assistance during 2011-2102 totaled 330 (cases and consultations). While this is a substantial increase (up from 212 last year), it is difficult to compare as last year’s totals were based on a shorter period where some figures had to be estimated. In addition, 97 of this year’s complaints stemmed from a situational occurrence. Discounting these complaints, the numbers are still elevated, totaling 233.

Forty-two reports from Security were sent to the Advisor for consultation and/or review concerning a behavioural matter, only some requiring direct intervention. In fact only 10 evolved into cases. (*Note:* Those not requiring intervention by the Advisor were not included in the case or consultations totals. Totals also do not include basic information requests of the Office which do not reach the Advisor). There were 12 applications of security assessments for authorizations to access controlled goods (sent to the Advisor) for verification of absence of Code infractions, up from two requests last year. (*Note:* For the purpose of reporting annual comparisons consistently, these services administered are also not included in any of the totals displayed in Tables 1 and 2).

In addition to the usual requests for assistance, March 2012 saw the beginning of a student protest movement throughout Quebec. Many of those dissatisfied with the government’s proposal to raise university tuition fees made their opinions known using a variety of tactics. At Concordia, some of these tactics included violations of the Code of Rights and Responsibilities. A more detailed discussion can be read starting on page 19. While the majority of formal complaints resulting from this activity were filed in 2012-2013, the Office saw a substantial amount of action in 2011-2012 as well. The Office received 24 letters of opinion on the subject (directed to the protestcomplaints@concordia.ca email address (not counted in the data). Included in the “consultations/reports related to protest activity” in Chart A are 50 complaints (37 by email and 13 by phone and in-person) received by the Office and an additional 47 incidents reported to the Office by Campus Security. It should be noted that of these 97 complaints/consultations, they were single incidents involving one or more persons (up to 12). Unlike regular cases and consultations which usually identify one Respondent and may identify one or more behavioural infractions under the Code, these complaints often involved single incidents of behaviour but with multiple persons, many of whom were unknown to the Complainants. This lack of identification of Respondents made it impossible for some Complainants to proceed often leaving them feeling frustrated. It should also be noted that of the 47 incidents reported to the Office by Security (on behalf of the University) due to conduct violations in March and April, 15 of them eventually led to formal complaints being filed in 2012-2013. As a preview to next year’s figures, out of many more reported incidents, close to 60 complaints were filed against a total of 24 students. Each student charged had anywhere from 1 to 7 complaints lodged against him/her. Eventually they were withdrawn. A more detailed discussion with results will take place in the 2012-2013 Annual Report. No formal complaints were laid by the University in 2011-2012

(as previously mentioned). In consultation with Security and the Advisor, the University decided to postpone laying any charges until exams of the winter semester were finished. Three formal complaints as a result of protest activity by other members were initiated in 2011-2012.

TABLE 1: 2011-2012 REQUESTS FOR ASSISTANCE

2011-2012 Academic Year	Cases	Consultations	Total
May 1, 2011 - April 30, 2012	121	209 ¹	330
¹ Regular consultations during this period were 112. In March and April, the office recorded an additional 97 complaints in March and April, 2012 related to the student protest activity			

TABLE 2: ANNUAL COMPARISON

Yearly Comparison	Months	Cases	Consultations	Total	Annual Change
2008-2009 Academic Year	12	119	65	184	n/a
2009-2010 Academic Year	12	121	72	193	+4.9%
2010-2011 Academic Year	11	107	105 ¹	212	+47.6% ²
2011-2012 Academic Year	12	121	112/209 ³	233/330 ³	+10%/55.7% ³
¹ The number of consultations were only recorded during the last 7 ½-months of the year					
² Percent change reflects statistics corrected to a 12-month period; therefore, the increase is only an estimate					
³ Includes additional protest complaints received in March and April					

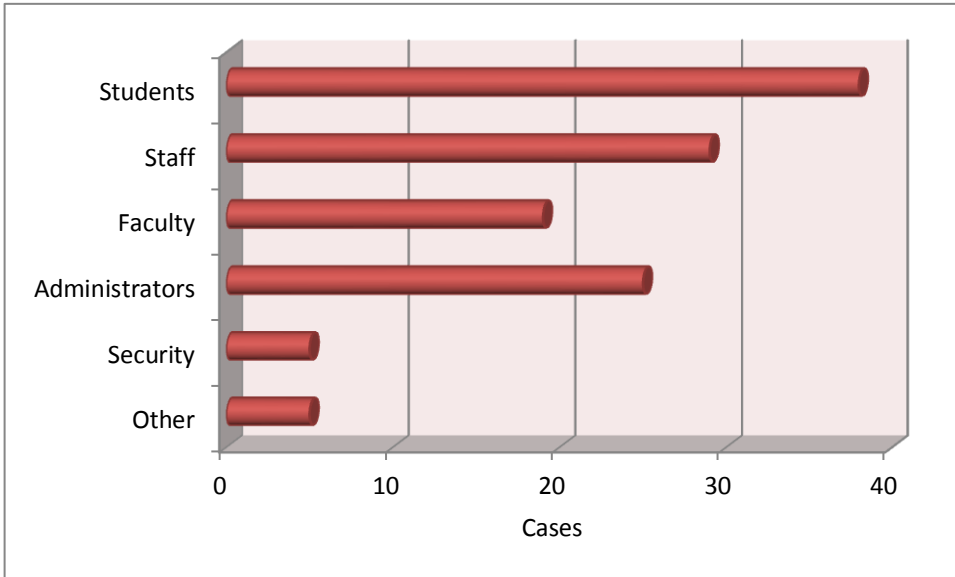
The number of cases and consults recorded is steadily increasing each year. With the addition of the protest complaints, the total yearly increase was approximately 56 %. Next year’s annual report will display an extremely unusual increase in formal complaints being filed due to the student protest activity, which was undoubtedly situational. The smaller but steady regular increases in activity can potentially be attributed to increased visibility and an increased mandate since 2010-2011.

BREAKDOWN OF REQUESTS (CASES AND CONSULTATIONS)

Similar to last year’s records (up until March), the numbers of cases and consultations were nearly at par with each other. Additionally, there was a slight increase in both figures, covering a variety of topics and infractions with requests made by different groups of the community. In March and April, as previously mentioned, the Office was inundated with complaints (recorded as consults) related to allegations of infractions during the student protests against proposed tuition hikes. Conduct reported included “blocking access, vandalism, disturbances, harassment and intimidation.” There was only one protester who reported an incident involving an alleged violation of the Code. For reporting purposes, detailed information is only being provided on cases for the 2011-2012 period. With the installation of a new data management system, more detailed breakdowns and tracking should be available in the future.

CHART B: COMPLAINT DEMOGRAPHICS

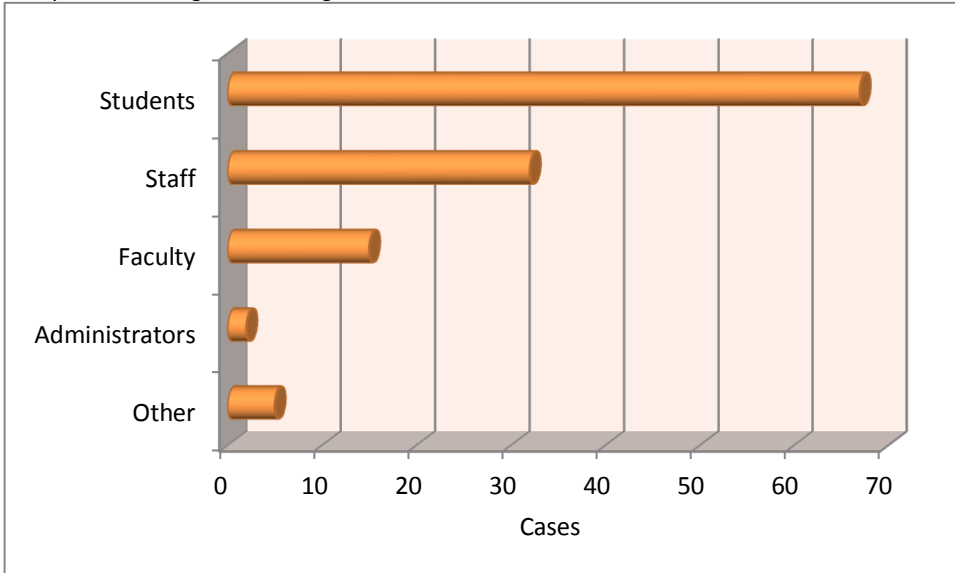
Requests for assistance/complaints were generated by:



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 C: RESPONDENT DEMOGRAPHICS

Complaints were generated 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.

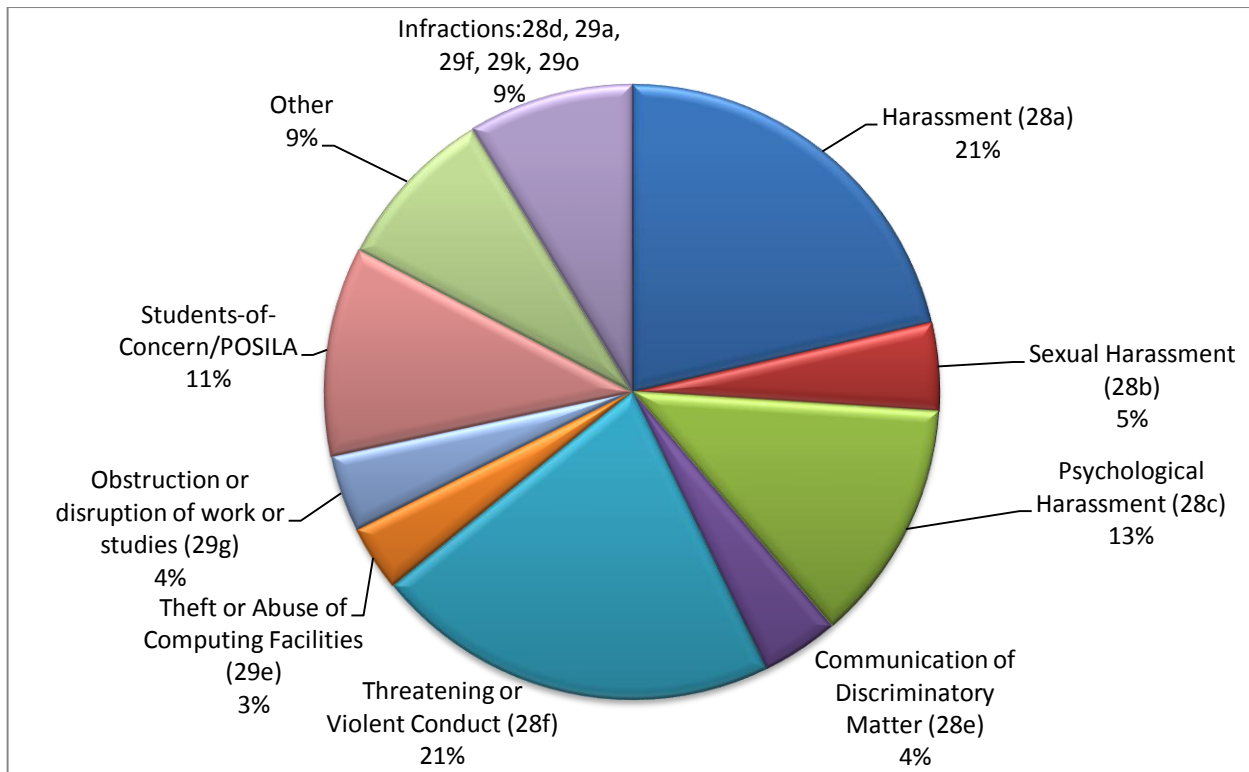
TABLE 3: BREAKDOWN OF 121 CASES BY INFRACTIONS

OFFENSE	CODE	TOTAL
Harassment	28a	37
Sexual Harassment	28b	8
Psychological Harassment	28c	22
Discrimination	28d	2
Communication of Discriminatory Matter	28e	7
Threatening or Violent Conduct	28f	37
Offences against property	29a	2
Furnishing false information/Accusation/Emergency	29b	0
Maliciously activating fire alarms	29c	1
Bomb threats	29d	0
Theft or abuse of computing facilities or time	29e	6
Unauthorized entry into University property	29f	3
Obstruction or Disruption of University Activity	29g	7
Camping or Lodging on University property	29h	0
Forging or altering University documents	29i	0
Hazing	29j	0
Unlawful use, sale, distribution, etc. of controlled substances	29k	3
Possession or use of explosives or destructive devices	29l	0
Possession or use of firearms, chemicals, or other weapons	29m	0
Unauthorized use or duplication of University's name, logos, etc.	29n	0
Unlawful offense in the University context	29o	5
Student-of-Concern/Threat Assessment/POSILA	n/a	19
Other	n/a	15
Total		174

It should be noted that some formal complaints allege more than one Code infraction, yet, are still counted as a single complaint/case file, regardless of the number of offences charged. Comparing the total cases in Tables 1 and 3, there were 121 total cases which included 174 infractions cited. Cross complaints though rare, do occur and are counted as separate cases.

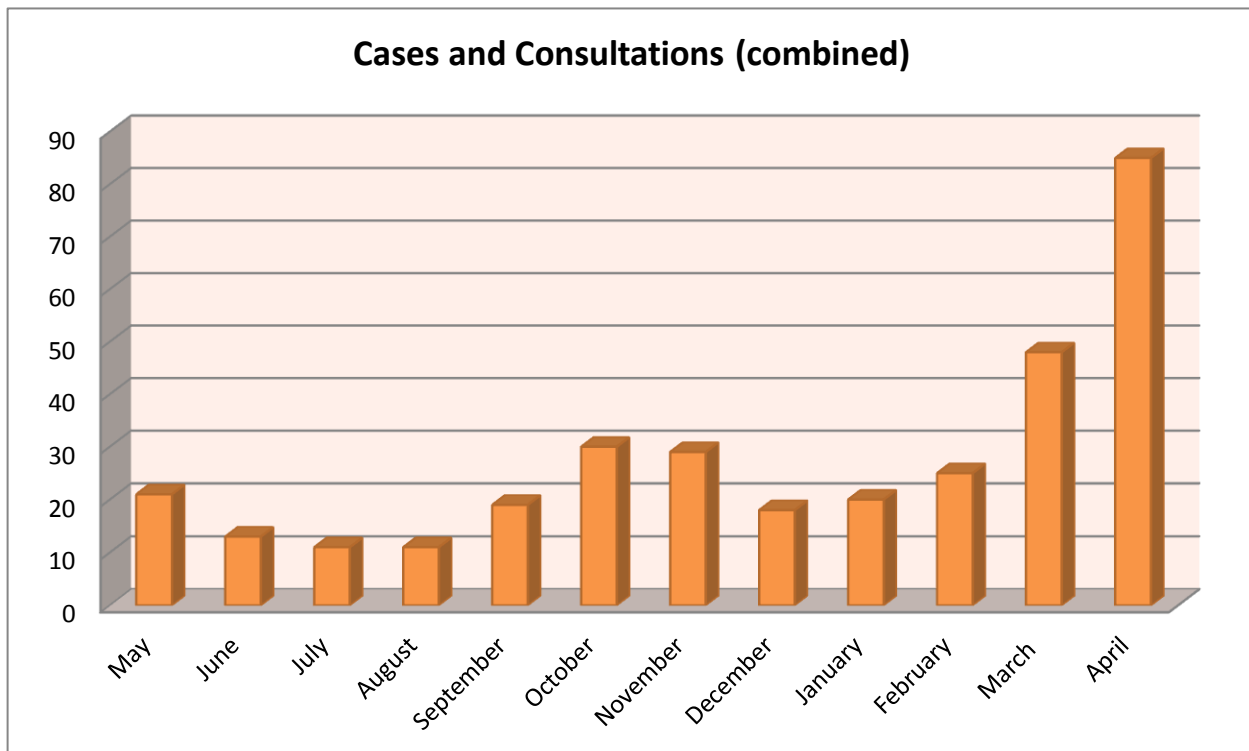
The breakdown in Chart D (below) provides a rough overview of the types of cases retained by the Office. None of the tables indicate the amount of time spent in consultation, gathering information, reviewing evidence, resolving issues, etc. or how long the case remained active. Most cases were resolved through some informal means. Cases handled informally resulted in mediated settlements being signed, behavioural contracts/agreements, etc. One complaint (formal) was dismissed by the Advisor due to a lack of evidence.

CHART D: PRESENTING ISSUES



Note: The total number of students-of-concern was 19 and represented approximately 11% of incoming cases. General Harassment and Threatening/Violent Conduct were the complaints most often reported at 21%, followed by Psychological Harassment at 13%.

CHART E: MONTHLY DISTRIBUTION OF REQUESTS FOR ASSISTANCE

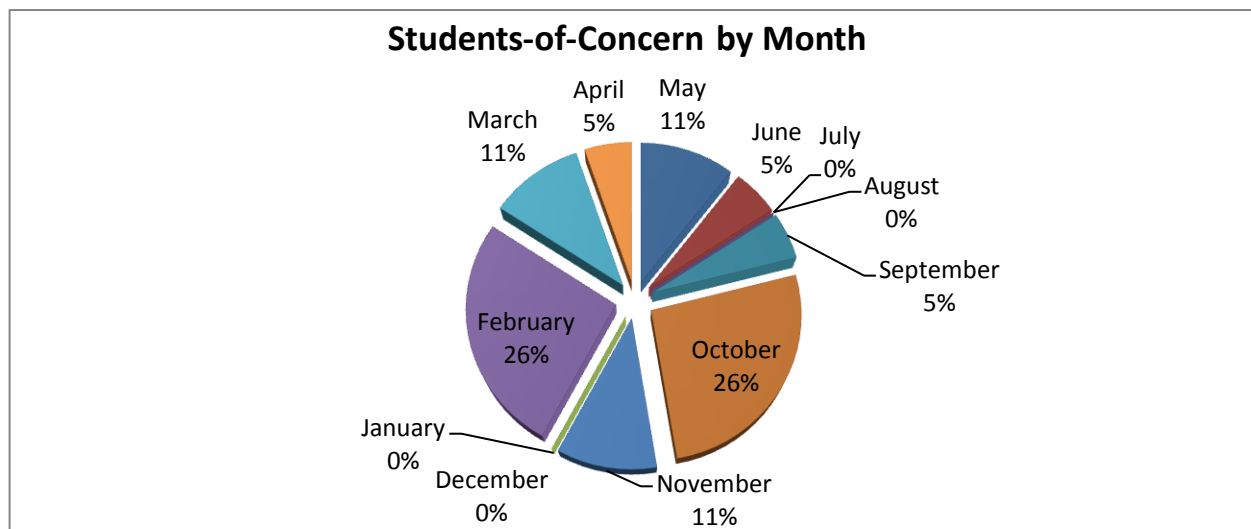


Students-of-concerns involve issues such as assessing threats made, disturbing behaviour, missing persons, suicidal ideation, etc. Although there may be underlying issues for the behaviour (mental health issues, psychosis, drugs, etc.), the Office must simply address the undesired conduct. In reaching out to students-of-concern, most have been receptive in working with the appropriate professionals and voluntarily accessing the needed assistance. Only a small number of students require intervention under POSILA, usually because the presenting behaviour or condition is so extreme and he/she is not capable of making reasonable decision. In such a situation, having the person on campus frequently presents a safety issue to one or more members. In almost all cases where POSILA is invoked, threatening or violent conduct has occurred, sometimes concurrently with other behavioural infractions. Often in these cases there has also been police intervention at some point. In all cases to date, mental health issues were identified.

Of the 19 student-of-concern cases, only 4 required POSILA to be invoked resulting in either a voluntary or involuntary leave of absence. One student has since returned successfully and maintained his/her status within the University. One student returned following a voluntary leave of absence with strict conditions imposed by the Court and University. After a serious violation of the return-to-campus-management plan, that student was placed on an involuntary leave of absence and has since withdrawn from the University.

Chart F illustrates that October and February were the months when new student-of-concern assessments were highest (with 5 of 19 new cases each month). Given that this is one month into both the fall and winter semesters, it would be logical to hypothesize as to why this might be. Is it close to midterms? Is it just long enough for stress levels to escalate but not long enough for students to get fully acclimated? The Office would have to look at additional years' data to see if any patterns emerge. A sneak peak at the 2012-2013 numbers do not support any conclusion as there was an escalation in POSILA/Student-of-Concern incidents and cases in December, 2012. In fact the number and severity of cases that month exceeded any other previous amount, of any given time, since the adoption of POSILA. Summer months were relatively quiet for new cases but involved substantial follow-up activity including requests for readmission and reintegration measures being planned.

CHART F: STUDENTS-OF-CONCERN DISTRIBUTION



Although most cases under POSILA also involve Code infractions and sometimes have concurrent formal complaints issued, for purposes of data collection, they are only counted as one case. In most situations, the Code complaints are usually dealt with informally during the agreement to a voluntary leave of absence or during the return to campus phase, once a student is deemed ready to come back.

PROTOCOL/POSILA CASES AND THREAT ASSESSMENT

It can sometimes be a little confusing as to when the Advisor activates the Protocol versus POSILA. Both are only activated in urgent and/or extreme situations. The Protocol can be activated for any incidents of threatening or violent conduct by one or more individuals, or conduct deemed potentially dangerous as described in the Code. POSILA is restricted to usage with students whose apparent physical and/or mental state and/or related conduct is such that he/she may be or have become a threat to themselves, others, the educational process, or the University community in general. POSILA allows for incidents off-campus to be considered if the potential consequences of the incident have a direct impact on the University. In cases involving students, the Protocol may initially be activated and then through further information, it is deemed that the situation warrants procedures and assessment under POSILA. Most often, perceived threats have been determined to be low-level. Any preliminary safety concerns or risks of threat are usually assessed prior to consideration of activating the Protocol, by the Advisor and/or Security, depending on the situation. Any and all threats must be taken seriously and assessed; however, it is also important to not over-react. In some instances, frustration and misuse of language were the culprits which led to instances of students issuing what could be construed as a threat (either verbal or in the form of written text). Such incidents usually involve speaking to the student and getting a clarification of their intention, as well as outlining acceptable behaviour and potential consequences should further issues arise. Most students were remorseful for their actions and expressed that their communication was not intended to be threatening.

ANALYSIS OF FORMAL COMPLAINTS AND THEIR OUTCOMES

As part of the Office's mandate is to assist with corrective measures, few cases proceed to formal complaints. Although sanctions can be issued, the Code is not meant to be punitive in nature. Rather, attempts are made to restore harmony, collegiality and cooperation between members. In many cases involving inappropriate behaviour, the Respondent should be told to stop the undesired behaviour and the expectations for change as well as the potential consequences outlined, should the behaviour not improve. While this may sound simplistic, it is often enough to facilitate the desired change in behaviour. Such messages can be given by a Complainant directly to a Respondent or in some situations by another individual related to the situation or, when appropriate, by the Advisor. Respondents usually should first be given an opportunity to modify their behaviour. This can be done by setting limits and/or asserting corresponding rights. If this intervention does not produce the desired results, then other options can be considered.

Formal cases are usually initiated when: mediation has broken down, one or both parties do not want to proceed with informal resolution, there has been a breach in a settlement reached, or the Complainant feels that only a formal complaint procedure can address the seriousness and nature of the complaint. There have been several Complainants who initially expressed a desire to file a formal complaint but following consultation and review with the Advisor chose to proceed informally. These complaints were not recorded in the data as formal complaints. Only, if a formal complaint was made to the Office in writing and a letter received as per articles 51 (a) and 101 (a), was the complaint recorded in the formal complaints data. Even if an informal resolution was reached prior to a hearing or investigation or the complaint was eventually withdrawn, it was still registered as a formal complaint.

In 2011-2012, 17 formal complaints were launched (three more than in the previous year), representing just over 5% of total requests for assistance (including the 97 protest complaints, or 7 % if not included) and 14% of total cases. Of the 17 cases that were processed as formal complaints, 7 were made against students and 10 were made against employees of the University (staff, faculty and administration). Complaints made against students consisted of the following division of Complainants: *Administration (3), Faculty (3), and Students (2)*. Formal complaints made against University employees (4 faculty, 5 staff and 1 administration member as Respondents) consisted of the following division of Complainants: *Faculty (2), Staff (4), and Students (4)*. For reporting purposes, "Administration" includes any employee holding an administrative position or Security filing a complaint on behalf of the University.

Although a hearing had been scheduled, one case was resolved through a mediated settlement prior to the hearing taking place. The Complainant felt that of the possible sanctions, he/she could obtain similar, if not better, results through a settlement agreement in a shorter period of time and still convey that the infraction was of a serious enough nature to

Table 4: 2011-2012 Formal Cases

Date	Infraction	Respondent	Complainant	Hearing/ Investigation	Outcome	Action Taken	Informal Attempted
Sept/11	28c	Staff	Faculty	Investigation	Pending	Informal Proposed ¹	Y
Oct/11	28c	Faculty	Student	Investigation	Founded	Corrective Measures ¹	N
May/11	28c	Staff	Staff	Mediation Attempted	Complaint Withdrawn	None	Y
Aug/11	29c	Staff	Staff	Investigation	Not Founded	Procedural Modifications ²	Y
May/11	28f, 29o	Student	Administration	Hearing	Founded	Sanction(s) Imposed ¹	Y
May/11	28c	Faculty	Staff	Investigation	Pending	n/a	Y
Dec/11	28c	Faculty	Faculty	Investigation	Founded ⁴	Corrective Measures	N
Nov/11	28c, f	Staff	Staff	Investigation	Founded	Sanction(s) & Corrective Measures	N
May/11	29f, k	Student	Administration	Hearing	Founded	Sanction(s) Imposed ¹	N
Dec/11	28a	Faculty	Student	Investigation	Founded ⁴	Disciplinary Action Corrective ³	N
Mar/11	28a	Administration	Student	n/a	Dismissed by Advisor	Decision Upheld Following Appeal	N
Apr/11	29a	Student	Administration	Hearing Postponed ⁵ & Proceedings Suspended	Pending	Pending	Y
Nov/11	28c, f	Student	Student	Hearing Cancelled	Mediated n/a	Mediated Settlement & Conditions	Y
Mar/12	28e, 29o	Staff	Student	Investigation	Pending	n/a ³	N
Apr/12	29g	Student	Faculty	n/a	n/a	Complaint Withdrawn ⁶	N
Mar/12	29g	Student	Faculty	Hearing Pending	Carried Over/Pending	n/a ^{3,6}	N
Mar/12	29g	Student	Faculty	Hearing Pending	Carried Over/Pending	n/a ^{3,6}	N

¹ The case was carried over from 2010-2011
² Identified during the informal phase
³ Case continued into 2012-2013
⁴ Professional misconduct
⁵ Student no longer registered, therefore proceedings suspended
⁶ Complaint filed as a result of student protest activity resulting in Code violations

warrant a formal complaint. The Advisor dismissed one formal complaint due to insufficient evidence. A total of six cases were founded, warranting corrective measures and/or sanctions. As mentioned, the University only filed formal complaints during the student protests in 2012-2013, although many informal complaints were made to the Office.

The 3 formal complaints of 2011-2012, related to alleged infractions during the student protests, were filed by individual faculty members. By the end of the year, six of the 17 formal cases were still pending, with one complaint being withdrawn. The complaint (related to the student protests) was withdrawn due to another complaint being initiated against the same Respondent for the same infraction. The Complainant agreed to defer to the other complaint and be a witness. Table 4 (above) displays a detailed breakdown of the 2011-2012 formal complaints.

It should be noted that although some of the “pending” results have been finalized (prior to the release of this report), the outcomes were only decided in 2012-2013 and will be reported in next year’s annual report. This report is limited to activity taking place during the 2011-2012 year.

COMPLAINTS RELATED TO THE STUDENT PROTEST MOVEMENT - COMMENCING MARCH, 2012

In 2012, the student protest movement had a significant presence at Concordia University as well as many educational institutions throughout Quebec. Thus, this exceptional situation warrants some commentary in this year’s and next year’s annual reports. The heart of the conflict was the Quebec Government’s intention as indicated in the provincial budget to raise university tuition fees.

The Concordia Student Union (CSU) and the Graduate Students’ Association (GSA), as well as some faculty and departmental associations, passed motions to support boycotts of classes. Class boycotts and other protest actions began March 5th and continued well into 2012. Subsequently, the Office and the University as a whole faced several challenges in dealing with conduct issues related to the student protest movement.

While the protest action was sometimes referred to as a “strike,” the University’s stated position explained that the term strike is specific to employees who have a collective agreement with an employer. Students are not bound by an employee collective agreement with Concordia and, therefore, are not eligible to “strike,” and cannot be forced to do so by a student association (Concordia University 2012c). Each student has the freedom to decide whether or not to attend classes and the University tried in good faith to continue regular operations during the protests. While respecting the freedom of students to express their views on important issues, it was the expectation that protest activities would not disrupt the functioning of the University nor prevent people from entering the University’s premises (buildings, classrooms, etc.), as provided by the [Code of Rights and Responsibilities \(BD-3\)](#) and [Security Policy \(VPS-20\)](#). Security agents were present throughout the University’s two campuses to monitor the situation and maintain safety.

Despite this expectation, the Office received numerous reports from students, faculty, and staff complaining of the on-going situation and members expressed frustration with individual and collective rights being violated. As a result, the Office set up a special email account designated to receive such complaints. There was also an influx of complaints being made in-person at the Office. The following were some of the descriptions pertaining to Code violations given by Complainants: “unable to enter classroom, picketers blocking classrooms, classroom disruptions, blocked access, no classes since March 5th, building disruption, absent professor, pushed aside, issue with professor in support of strike, etc.” Regular descriptions by Complainants and those consulting the Advisor reported being physically harassed by protesters. In the majority of situations, although many passionately voiced that they wanted to file complaints, Complainants were unable to do so because the identity of those allegedly violating the Code were unknown to the Complainants.

Among the incidents reported, on March 21st, the entrance lobby of the GM building was taken over by protesters paralyzing operations of all the administrative offices including Health Services which is located in the building. Staff and clientele could neither enter nor leave. In addition to being a violation of article 29 g of the Code: “obstruction or disruption of teaching, research, administration, study, student disciplinary procedures or other University activity,” this action posed numerous safety risks. This incident required intervention by Police and eventually ended peacefully with access being restored.

Protest organizers designated Concordia’s downtown campus as a gathering point for a march planned by students from Montreal and other cities. It was expected that more than 15,000 students from across the province would mobilize around Concordia on March 22nd, to protest the increase in tuition fees announced by the Quebec government. In light of security concerns and related operational challenges regarding the size of the crowd expected to gather at Concordia, the University closed its two campuses on March 22nd.

On March 23, 2012 the University issued several communiqués to students, faculty, and staff clearly expressing the consequences related to any further action that violated the Code and the rights of others. The University stated that while

they had not done so previously, they would begin to lay charges against those who violated University policies. Individual members also retained their right to file a complaint should they believe that their rights were violated. Article 29 g (one of the main violations under the Code being exhibited) allows for "...peaceful and orderly protest, demonstration, and picketing that do not disrupt the functions of the University."

Although evidence was gathered and several complaints made to the Office, it was decided in the interest of all parties, that all formal complaints launched by Security and the Concordia University administration would only be officially filed after the exam period was over so as to not disrupt the students' academic pursuits. As such, more details concerning any formal complaints brought on by the University will be further discussed and clarified in the 2012-2013 Annual Report, with activity reported commencing on May 1, 2012. (Noted, however, is that at the time of publication of this annual report, it is well-known that ultimately, the majority of complaints were eventually withdrawn).

As was communicated to the University community, "Members have the freedom of peaceful assembly and freedom of association, the whole subject to the limits recognized by law and university policies and procedures. Any activity that impedes access to, or interferes with, the activities in a class or meeting, or which disrupts the functions of the university, is an infraction under the Code. Members who commit infractions risk being charged under the Code with sanctions potentially being imposed. The Code applies to all members of the University (students, faculty and staff) and all members may reasonably expect to pursue their work, studies and other activities related to university life in a safe and civil environment (Concordia University, 2012c)."

The University responded ultimately out of the necessity to protect rights safeguarded under the Code as well as for safety and security concerns (Concordia University, 2012e). Some arguments were made that formal complaints should not have been filed because the student protests were an exceptional situation warranting leniency. The Code does not recognize situational circumstances that would permit infractions. As such, feeling passionately justified about a cause cannot be used as a valid argument to violate the rights of other members. The parallel argument that protest actions (for example, blocking classrooms) are benign enough to be justified is also not supported by the Code. Notwithstanding this sincerely held belief by some, offenses are neither ranked nor weighted in the Code. All offences under the Code are simply prohibited. Such topical discussions took place in attempts to reach some informal resolutions.

The arena for weighting the severity of an infraction is either during an informal resolution process (if agreed upon) or during a formal process, such as a student hearing where sanctions are decided. Any party may suggest an informal resolution and a settlement facilitated by the Advisor may be agreed to by the parties (at any time prior to a hearing). A hearing is a formal procedure based on the principles of natural justice and fairness, which enables the University to deal with allegations of student misconduct. Student Respondents are provided an opportunity to defend themselves before a panel of their peers. Hearing panels must provide reasoned decisions and have the ability to take all circumstances into consideration if and when they choose to impose a sanction on a Respondent.

In some selected segments of the University, the climate during the protests was one of divisiveness amongst students, amongst faculty, and amongst staff. A limited number of departments were reportedly divided on the issues as were some members of the community.

It is not the first time in the Office's history to be situated in the middle of a somewhat political conflict and once again as the situation became more divided, so came an increase in the demands for action. While the Code has been through at least two revisions since originally adopted and the mandate of the Office and role of the Advisor has evolved, there are still some constant and fundamental principles that endure. For one, the Advisor remains impartial. This should not be confused with not having an opinion. In fact, the role of "advising" is a primary function of the Advisor (Shiller, 2011). This may include presenting all available options and using one's expertise to give an opinion, when appropriate, as to what potentially will produce the desired remedy or best outcome. The Advisor is not an advocate for any party (Complainant or Respondent) but is responsible for upholding the principles and rights protected by the Code and assisting with allegations of Code violations. "The bottom line is that the Code's area of jurisdiction concerns misconduct against persons or property

and the Advisor must accept or reject complaints accordingly. If a complaint does not fit the definitions or the jurisdiction of the Code, it should be re-directed if possible, or simply declined. The Code should never be massaged to respond to partisan complaints, or amended to respond to partisan interests” (Spilhaus, 2001).

The University administration continually communicated that blocking access to the University’s premises, vandalism, and associated infractions which infringe on the rights of others constituted serious violations of the Code. It was also communicated that while the University in this situation was determined to accommodate the peaceful expression of divergent views, disruption of University activities by those who refused to respect the rights of others could no longer be tolerated without objection. The Code safeguards that students have the right to attend their classes and pursue their academic activities and that faculty members and staff have the right to carry out their professional duties. As such, the University had an obligation to respond as impediments in some areas persisted (Concordia University, 2012d). The Code prescribes how one must behave and the available responses to conflicts, ultimately with the desire to settle them in an effective and constructive manner.

RECOMMENDATIONS

The Code initially came into effect on May 1, 1996 replacing the previous Code of Conduct (non-academic) and the sexual harassment policy. The last revision took place in 2010 amending and superseding the previous 2004 version. Details of some of the revisions were provided in the 2010-2011 Annual Report. As stipulated in the Code, specifically in articles 15-16, the Advisor may, when warranted, make recommendations to University authorities regarding situations within a unit, department, faculty, or the University as a whole, which have the general effect of violating the rights of Members to pursue his/her work, study and other activities related to University life in a safe and civil manner in keeping with the values espoused by the University and outlined in the Code. As well, the Advisor makes recommendations, as necessary, with regard to either the Code or the operations of the Office. As the Advisor oversees other related University policies, proposed revisions and/or improvements when needed will also be suggested.

The usual time frame for a thorough policy review and revision is approximately five years. The policies and procedures that govern the Office are working documents and as well intentioned as they may be, from a practical standpoint do not always “fit” a situation and have to be modified accordingly. Likewise, recommendations and revisions are continually proposed to safeguard best practices. The 2010-2011 Annual report highlighted several recommendations of the Code and related policies which will be kept on file until the next formal review of the Code.

Article 21 of the Code states: “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. Except for those terms specifically defined in this Code, the terms used shall have their usual meanings.” Recommendations generally come about as a result of specific cases or situations. Although article 21 implies that fairness guides some of the decision-making process when the provisions of the Code or related policy don’t “fit,” some of these exceptional situations may require review in making appropriate future amendments to the Code, either in the form of clarifications or revisions. This year’s annual report will highlight some unique challenges brought on by situational conflicts. As well as recommendations, the undersigned has also included some clarifications as to how certain Code articles are interpreted.

CODE RECOMMENDATIONS (TO BE CONSIDERED DURING THE NEXT FORMAL REVIEW OF THE CODE):

- The Code does not cover joint actions, that is, a complaint with multiple Respondents with the same action or multiple Complainants for the same infraction against one individual. Currently the Advisor only accepts separate complaints against sole Respondents by sole Complainants. Discussions concerning this topic should take place during the next Code revision. In the 2012-2013 Annual Report, the subject of joint hearings through the Office of Student Tribunals will be discussed as this occurred, out of necessity, for the first time in the Office’s history as a result of numerous formal complaints lodged against students during the student protest movement which began

in March, 2012. Many of these singular incidents had multiple Respondents for the same corresponding infraction (29 g).

- Last year's report discussed the expansion of what is permitted for community service when issued as a sanction. Discussions have taken place with the Dean of Students. Additionally, while the fulfillment of community service should still be monitored by the Dean of Students, the hearing panel issuing the sanction should indicate an expected date of completion, which could only be extended by the Dean of Students in exceptional circumstances.
- At the next revision, consideration should be given to whether a provision should be included which stipulates that the Advisor cannot be called as a witness in any internal procedure or hearing.
- Cases or consultations with no contact or notification from any party involved in a complaint for three months will be considered withdrawn and the file closed. If after three months, there is additional follow-up on the same reported issue, the case will be re-opened. The next Code revision should consider adding such a provision.
- In the same way that students are further defined as being a "member" in the definition section of the Code, definitions for staff and employees should be more detailed. Also, as with student members, it should be defined when other persons "cease" to be members. When someone ceases to be an employee as with a student, they no longer have access to filing a complaint under the Code, even if the incident/complaint took place while they were employed with the University. This is not to say that there is not any recourse available; but, the entry point for a complaint to be received internally is not the Office of Rights and Responsibilities. In most instances it will be the Department of Human Resources receiving a complaint or grievance procedure initiated through a Union.
- The above issue is further complicated with casual employees who work sporadically. For example, if an employee is temporarily not working (i.e., not yet called back for casual work) and wants to file a complaint with the Office of Rights and Responsibilities, the alleged infraction must have taken place within the specified 3-month (or 90-days for psychological harassment) while the casual employee was assigned. If the employee wishes to file a complaint after this date or if he or she has resigned or been terminated, then the Office of Rights and Responsibilities is not an option.
- Article 17 details the way in which a member may complain if he/she feels there were any procedural failures by the Advisor, subject to investigation and notification by the Secretary General within 15 days of receipt of a written complaint. This article, however, does not have a time delay for such a submission of a written complaint. Similar to article 34 (described above) which stipulates a deadline of 10-days for submission of an appeal, a deadline should be specified for such complaints of alleged procedural failures.
- Section IV (articles 22-25) covers "Jurisdiction." 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) 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. In the case of a student, a tribunal hearing is mandated. In the case of a staff or faculty member, an investigation must take place to determine if a complaint is founded. In cases where a Respondent is either a staff or faculty member and a student, the Advisor will query whether the Respondent was acting in his or her role as a student or staff person when the incident/conflict occurred in order to determine by what means to proceed.

Further article 22 makes clear, Respondents must be members. The Advisor does not have any jurisdiction with fee-levy groups or members of these groups (as they are not considered "members" under the Code). Fee levy groups (and members of these groups) are neither contractors (and/or their employees or representatives), visitors, or persons taking courses as specified in article 25. This article was never meant to include fee levy groups or independent student associations, as the Advisor does not have jurisdiction with either. The University has recognized the independence of such groups which includes how they manage their resources, affairs, and conduct. When appropriate, the Advisor may refer such a matter or simply offer strategies and/or advice on how to handle/resolve a particular situation.

- Article 23 and 24 which deals with “complaints against former students” was originally intended to be recommended for review, namely due to issues being brought forward as a result of a very limited number of complaints where imposed sanctions or conditions of settlement had not been fulfilled prior to a Respondent graduating. With the numerous complaints lodged as a result of behaviour associated with the student protests, additional difficulties with these articles became more apparent, including problems with interpretation and possible inconsistencies of application. As such, they will most certainly require discussion and future revision. The articles currently read:

Complaints against Former Students

23. In cases involving a Student’s conduct, the person need only have been a Student at the time of the alleged violation of the Code. If any proceedings under the Code cannot be initiated or completed because a Student has graduated or ceases to be a Student in accordance with the definition contained in Section III of the Code, the proceedings shall continue if the person registers again or, in the case of a person who has graduated, if the alleged offence, if proven, would impugn the validity of the degree conferred.

24. 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.

In exploring article 23, it would appear that there are limited infractions under the Code that would “impugn” the validity of a degree. While an infraction such as forgery might be considered, most infractions that could potentially invalidate a degree would be infractions under the Academic Code of Conduct. Further, it is not specified who would render a decision and how a decision would be made. Therefore, in most instances when a student commits an infraction and then subsequently graduates or leaves the University, the proceedings are suspended indefinitely. While formal complaints against students are only considered allegations until they are founded or unfounded by a hearing panel, it would seem that the timing of one’s degree or departure can in fact have an unfair effect on how the situation is dealt with. One could even strategically leave the University prior to a pending hearing to avoid a potential sanction, such as expulsion or suspension. While the student will have left the University, their record will remain virtually untainted. One definition of when a member ceases to be a student (three consecutive semesters after he/she was last registered in at least one course), contained in article 20 may prevent such an avoidance; however, if a person is declared in failed standing or has graduated, the complaint and proceedings are suspended and may never be dealt with. It is only if a student wishes to return (or enter another program) that such behavioural issues may be treated. Given the potential timing of such readmissions, the University cannot ensure due process or fairness if a substantial time period has elapsed. Even more problematic and what came about following complaints filed during the student protest movement was that some students appeared to have postponed their pending hearing as a strategy to avoid formal processes and/or potential sanctions. Ultimately, by the time a new hearing could be scheduled, the student would have graduated, thereby guaranteeing never to face any consequences. While most students finish their academic careers without committing any behavioural infractions, one could reason that those close to graduation have little incentive to obey the Code (barring of course basic civility and one’s own moral compass and standards). While all aspects of article 23 should be reviewed, at the very least consideration should be made that if a student Respondent opts to postpone a scheduled hearing and if it can only be rescheduled after the student potentially graduates, then postponement of the degree being conferred should also occur. One must apply for degree conferment and pending charges under the Code should be considered before a degree is awarded. It was suggested that having a pending formal complaint under the Code should automatically warrant graduation postponement, if applicable. There are at least two flaws with this suggestion: 1. Postponement of graduation can be seen as a sanction and a sanction can only be issued as a result of a formal process. 2. Someone could technically file a formal complaint against another student member to prevent them from graduating on time (although there are provisions that prevent vexatious complaints from being retained).

Although it is regular practice for a student’s status to be verified, it is also recommended that before any processing of formal complaints or hearing scheduled that careful attention be paid to students who have the potential to graduate (i.e., that if a student has the ability to apply for graduation, verification of their status by the Registrar should be sent to the Advisor and Office of Student Tribunals).

As article 24 deals with unfulfilled sanctions, one cannot re-register at the University until such sanctions are dealt with beforehand. Article 69 also deals with such matters but appears to deal with current students not fulfilling sanctions; however, there is a provision (69, d) which allows a diploma to be withheld until such time as there has been full compliance with a prescribed sanction. While disregard of imposed sanctions is not common, when it has occurred, withholding of a diploma has been implemented. An unfulfilled sanction is simply an unfulfilled/outstanding responsibility and can be equated to a library fine owed, outstanding fees, etc.; therefore, withholding of one's diploma should be permitted in article 24 as in article 69. It would seem that there is some inconsistency with the two articles when it comes to dealing with outstanding sanctions of graduating/graduated students and both articles should be reviewed collectively.

- It has been suggested that Alumni be mentioned in article 25 which discusses the expectation that visitors to the University are expected to uphold the Code as well as be respected by the provisions of the Code.
- Article 33 of the Code specifies that the Advisor has the authority to refuse to assist with informal resolution or to proceed with a formal complaint, based on specific grounds. While this provision is not often exercised in such a formal matter, it is invoked when needed. Grounds for refusal may be exercised regardless of status of Complainant or Respondent (i.e., staff, faculty, or student is irrelevant). Following such a refusal to retain a complaint, article 34 provides a procedure of appeal for a Complainant. Specifically, the Complainant must do so "by submitting a request in writing to the Secretary of the Hearing Panel who will provide a copy of the request to the Advisor. A Hearing Panel shall be convened as soon as possible and.... shall render its reasoned decision." Hearing Panels, however, are only used in cases where a student is named as a Respondent and is not applicable when a Respondent is an employee. Article 34 is confusing in that it does not specify that this appeals process is limited nor does it specify any appeals process when a complaint has been dismissed by the Advisor, in a case of an employee as a Respondent. In such a situation, there is not a defined procedure contained in the Code. To date, since the implementation of the Code, this issue had not occurred until this year. Following a careful review as per article 21, the student (Complainant) was directed to file her complaint against the employee (Respondent) directly with the employee's Supervisor if he/she so desired. In essence, a new entry point for filing a complaint was specified. Undoubtedly, article 34 will need clarification and revision in the next Code review.
- Article 49 states that 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. In addition to the recommendation made in 2010-2011, in regards to the wording and clarification of this article, it further needs to be stipulated that information is confidential except as required by law (e.g., subpoena, court order, etc.). This holds true for all communication shared with the Advisor and work-product.
- Article 59 stipulates that: "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." While this is sometimes ideal, settlement agreements can be mediated without a meeting between the parties and in some situations such contact may be detrimental to the resolution process and shuttle diplomacy is the preferred informal dispute resolution method. As per article 36, "the parties may be brought together or communication may be effected through the Advisor." Article 59 should therefore be slightly revised to reflect this option.
- In addition to stipulating that a settlement may be agreed upon prior to the hearing, it should also specify that a complaint may be withdrawn by a Complainant at any time prior to a hearing.
- Article 69 -70 requires review (see discussion of article 24 above). As well, in dealing with unfulfilled sanctions, only recommendations of suspension (b) and/or (c) expulsion should require recommendations to the President. Prevention of re-registration (a) and withholding of a diploma (d) should be directed by the Dean of Students to the Advisor who normally handles such administrative matters. These articles should not compete with article 24.
- Articles 71-89 outlining an "Appeals" process should be studied for clarity and amended as appropriate to address the variety of Complainant and Respondent combinations.

- Article 93 states: *The Advisor shall terminate any attempt at informal resolution or formal resolution 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.*

The Code allows for an informal resolution to be reached at any time prior to completion of a formal complaint process under the Code (hearing or investigation). This occurs on occasion. Conversely, when another procedure commences (such as a complaint with the Commission des normes du travail, a grievance, etc.) the Advisor is required to terminate any involvement. It has been suggested that this blanket prohibition be relaxed to continue to allow attempts at informal resolution if both parties agree to maintain the process without prejudicing their rights and the contents of the informal process to remain confidential. In last year's report, it was also mentioned that article 93 does not preclude any concurrent criminal cases or police matters or the possibility of such if applicable.

- Article 103, concerning transmitting a formal complaint to the authority could be better worded to make mention of non-unionized Respondents and the procedure for this group.
- In handling formal complaints, Article 107, d stipulates that an "Authority" may "consult any University officer (representatives of the Department of Human Resources, the Office of the General Counsel, etc.) or outside counselors as may be required." Generally speaking the Employee and Labour Relations Unit usually assist with an investigative process, often acting as a coach to a named authority. Therefore as general practice, the Office has been identifying employment managers in Employee and Labour Relations (based on the Respondent's union status and affiliation) to assist with the process. This also allows the Office to be notified of any grievance or other formal internal procedure, or any external procedure such as a complaint or action before a commission, board or tribunal filed, as the Advisor must terminate any attempt at informal resolution or formal resolution should either party initiate such action (as stipulated in article 93). Lastly as the Code only deals with specified sanctions and disciplinary measures are included in collective agreements or employee associations, any other damages, monetary requests, lost wages, etc. can only be handled with the assistance of Labour Relations staff. While this practice for the most part seems to be working well, the practice should be reviewed and clarified further along with the wording of article 107.
- Articles 108-114 which deal specifically with harassment complaints should be reviewed for clarity and relevance. The University does not currently have an "investigator pool as agreed to by the University and the unions and employee association," as specified in article 108. Rarely is an external investigator used for harassment complaints. Internal "Authorities" are named as assessors by the Advisor because of their position in relation to the Respondent or as mandated by a collective agreement. Any conflicts of interests are considered (e.g., if the proposed Authority was too heavily involved with any attempts at informal resolution and might not be able to remain impartial). This is not to say that external investigations are not of value but the practice should be studied for relevance.
- Article 112 states: "When the matter has been decided by the Authority, the Authority shall notify the Complainant and the Advisor of the general substance of the decision and any action that was taken as a result of the complaint. " Better follow-up and communication with regards to this provision is needed. The Advisor on too many occasions has been left to chase down the result of a formal complaint and investigation. A mandatory deadline (e.g., ten days) following a rendered decision for notification to the Complainant and Advisor should be considered. When there are accepted or agreed upon delays within the investigative process, all Complainants (student, staff – unionized or non-unionized, or faculty) along with the Advisor should be notified. Besides the right to be notified of the outcome, as per the Code, Complainants have the right to exercise other available options and should not be put in a position where they unknowingly miss a deadline because they were uninformed of a delay in procedure.
- The Code contains articles that deal with "urgent situations" as does the Protocol and POSILA. One of the responsibilities of the Advisor as specified in the Protocol is to evaluate team actions and ensure that any "lessons learned" are integrated into protocols and procedures, and conveyed to the appropriate authorities. While the Advisor has had several situations involving "students-of-concern," situational recommendations have come about some of which are included in this report.

In situations where a student is deemed to be a safety issue and measures have been taken under the Code and/or POSILA and/or the Protocol and the student is allowed back on campus for procedural matters (such as an Appeal), it should be taken into account if having the student on campus could pose as a potential threat. While POSILA allows for the option of written submissions all of the relevant policies should contain a specification that allows for exceptional situations where submissions or appeals of a Respondent or student-of-concern should be made in writing only.

- Article 119 identifies which individuals are considered “disciplinary officers” under the Code. These individuals are often called upon in emergency and exceptional situations, namely to temporarily exclude a member. Currently disciplinary officers include:
 - a) the President and Vice-Chancellor;
 - b) the Vice-Presidents;
 - c) the Academic Deans including the Dean of the School of Extended Learning.

It is recommended that the list be reduced to include: the President and Vice Chancellor; Vice President, Services; and the Vice President, Institutional Relations and Secretary General. Both these Vice Presidents named have jurisdiction within their respective dossiers with one or more of the applicable policies. It is also felt that Academic Deans should remain at an arm’s distance away from any emergency protocol decision-making as they are often implicated in the pending follow-up.

- Additionally, it is being recommended that section IX, dealing with Urgent Situations, and any corresponding provisions in related policies (the Protocol and POSILA) be reviewed including articles 120-124 which deal with “temporary exclusion of a student by a disciplinary officer” and “suspension of a student by the President.”

It is being recommended by the undersigned that a “temporary exclusion” be changed from “a period not exceeding two (2) Days” to a 5 day maximum. When a temporary exclusion is issued because the individual’s presence is considered an immediate threat to the safety or security of others and/or there are decisions pending that may affect the student’s ability to return (e.g., psychiatric assessment, court proceedings, etc.) the temporary exclusion order should be renewable. Two days does not allow the Advisor and team(s) to assess the situation adequately, nor does it allow more long-term measures (under POSILA) to be implemented when appropriate. Renewals are necessary when other deciding factors affect what steps need to be taken within the University and safety and security are of utmost importance. Further in the event that a disciplinary officer is unavailable, it should be considered that the Advisor be granted emergency authority to order a 24 hour temporary exclusion. Temporary exclusions have generally been issued in situations where there has been a perceived threat and it appeared that the student was suffering from mental health issues resulting in extreme behaviour. In all such cases, POSILA was utilized successfully in implementing longer term measures.

- Consideration should be given to allow another Disciplinary Officer (other than the President) to suspend a student due to reasons of safety and security as outlined in articles 124-129.
- Article 125 invites a student who has been suspended to consult with an advocate from Advocacy and Support or a student association. The wording of this provision has to be resolved, given a student is not permitted on campus when suspended.
- Article 134 should include “registered mail” as an accepted means of delivery of written notice.

POSILA RECOMMENDATIONS:

- While several POSILA workshops have been given, more are recommended for specific staff that may be implicated (e.g. staff of Counseling and Development, staff of Advocacy and Support services)
- Student’s applying to return to the University following a leave of Absence may be requested to meet with members of the case team to address any outstanding issues or questions and to assess the likelihood of a successful re-integration
- Following a recommendation by the POSILA case team for approval to re-enter the University following a leave of absence through POSILA, the student must meet with the Advisor, acting as the policy coordinator (and if needed

a relevant member of the POSILA case team) to discuss the proposed return to campus management plan and any conditions for reintegration. The coordinator and case team member must be confident that the returning student understands and is capable of respecting any conditions.

- While the “Leave of Absence Return Assessment Form” was revised with the implementation of POSILA, it is felt by members of the case team that further revision is needed. Related to the matters which led to a leave of absence pursuant to POSILA, the case team often requires a complete assessment from a treating physician, diagnosis, and recommended follow-up. While some students provide this documentation at the onset, others neglect to include it. Requesting this information as part of the return-to-campus application would save time in having to ask for it at a later date which could potentially delay a decision concerning readmission. The best way to contact the treating physician should also be included, so as to avoid delays.
- Deadlines for students to submit a completed Leave of Absence Return Assessment Form and accompanying documents need to be reviewed and revised. At the very least, the date of July 15th, for readmission for the Fall Semester needs to be changed to June 15th. This recommendation is being made for an immediate amendment. The main reason being that many members of the POSILA case team take vacation during various times in the months of July and August as do external professionals involved with the case files, and it has proven nearly impossible to assess the application and put all the necessary arrangements that may be required into place for a successful re-integration by the start of the Fall semester. The Dean of Students, who must approve the recommendation by the case team, is also often away during the summer months when the Advisor is available to present the recommendation. Additionally, if further information or documentation is needed from the student, it makes it difficult for a student to retrieve such information in a timely fashion. Through no fault of their own, the student is at risk for having their application deemed incomplete and their readmission inadvertently denied until a proper assessment can be made. Additionally, for purpose of the Code, article 33 stipulates “in the calculation of any delay set out in the Code, the months of July and August shall not be taken into account.” If any Code issues need to be addressed, consistency in time delays is required.
- All returning students are to be assigned a counsellor, specifically to monitor the reintegration as well as coordinate with treating professionals (if applicable) and the Advisor in monitoring conditions. The counsellor may be one already assigned and working with the student (for example, in Counselling & Development or the Access Centre for Students with Disabilities).
- Pursuant to any revisions in the Code, any deadlines with references to Code procedures will require modification. This specifically refers to the recommendations made concerning temporary exclusions of students (article 30).
- Article 43 deals with academic notations following a voluntary leave taken or involuntary leave imposed and states: “the Case Team will also decide which of the following notations -DNE, DISC, MED, DEF, INC, would be more appropriate on the transcript depending upon the circumstances. Each case will be decided on its own merit.” While the Advisor may consult the case team or Ombuds Office on such matters, decisions are ultimately made in the best interest of the student and in consideration of academic requirements, usually done in consultation with the department(s) and/or professor(s) involved. In some cases, students have even been able to get credit for partial work completed and individualized accommodations were made when appropriate. There has also been some administrative disconnect in terms of suggesting that some notations requiring a student to navigate through the usual protocol. Therefore this provision should be reworded to read: “notwithstanding any academic regulations to the contrary, the policy coordinator may authorize appropriate grade notations,” as a student-of-concern on a leave of absence is deemed incapable of requesting or navigating appropriate channels. Further, there are some grade notions listed above which should be deemed inappropriate because it may require work completion by a specified date. When a student is on a leave of absence it is usually unknown if and when they will be returning to the University.
- Articles 49- 51 should be reviewed. While the Return to Campus Management Plan may be shared with the Dean of Students prior to a decision for readmission being made, the final version is only implemented once shared with the student (in person). As well, given a student on a leave of absence through POSILA is only allowed to communicate with the Advisor/policy for purposes related to the application of the policy as stipulated in article 39, the Advisor should communicate the decision to the student following receipt from the Dean of Students.

RECOMMENDATIONS RELATED TO THE FUNCTIONING/OPERATIONS OF THE OFFICE:

- Website is to be revised and to include links to other relevant departments and trainings. The University is undergoing a complete web renovation which may affect timing of this undertaking.
- Retention rules and schedules were reviewed and revised further with the Records Management and Archives Departments during 2011-2012. New retention rules were decided and took effect later in 2012, the details of which will be discussed in the next annual report.
- Recognizing that the Advisor has been somewhat of a “one person operation,” the adoption of VPS-15 and HR-38, the increased demand for services, and the increase in more complex cases, review between the Advisor and Secretary General continued (as recommended in the 2010-2011 Annual Report). Modifications were proposed as outlined in the “Staffing” section of this report.
- In certain circumstances, Complainants and/or Respondents who seek services from the Office file a report with Security. Sometimes, Security is required to investigate the matter further and is able to provide essential information related to a case. Therefore, if knowledge of a Security report exists, it is beneficial when possible to wait to receive the report before meeting with a Complainant.
- Supervisors, Deans, and those in a position to be named as an “Authority” could benefit from training on how to conduct effective workplace investigations. This may be considered at a later date as an extension of the mandatory training on harassment being offered.
- In addition to the HR-38 FAQ’s, the office would like to create some templates and information documents to assist potential Complainants, to either be included on the website and/or as tools within the office:
 - Sample complaint letters : While the Code specifies the appropriate format and the required content and the Advisor reviews this information with Complainants, more specifics are often needed and examples could be a useful tool
 - Questions that may be asked by the Advisor in a consultation and questions that one may ask him/herself when trying to decide on whether to proceed with a complaint: Such questions may include: What is my desired outcome? Is the desired outcome reasonable? Is the desired outcome worth the investment (in time, emotionally, etc.)? If my desired result is not achieved, will I be okay with the other possible outcomes?
 - Steps to take before seeking assistance from the Advisor: Often the Advisor is providing advice on what steps to take and what options are available. Specific conflict-specific examples could be provided. For instance, if a student is having difficulty with a professor and has not been able to resolve the issue directly, he/she could consult the Chair of the department as a first step.
- At a recent professional development, it was suggested that personnel conducting threat assessments should record (video and/or audio) interviews. Currently, Security conducts such interviews on campus as does the Advisor and another POSILA case-team member, when required. This suggestion should be explored in the future along with any implications.

OTHER UNIVERSITY-WIDE RECOMMENDATIONS:

While the Office makes recommendations and advises clients, including departments, many of these recommendations may be deemed confidential; therefore, only very general recommendations are being included in this report. The office will sometimes consult or verify with others, such as the Office of General Counsel or Employee and Labour Relations, in order to advise correctly.

- It was suggested to the Environmental Health and Safety Office, that some of their publicity and promotional items which mentions “Rights and Responsibilities,” be modified so as not to be confused with the Office of Rights and Responsibilities.

- Advice concerning confidentiality and speaking to outside parties has been given on several occasions (e.g., not speaking with parents concerning a student, unless under the age of 18). Verification of with whom one is speaking is essential.
- With the recommendation of clarifying the new harassment policy (HR-38), which applies to staff, faculty members and members of the Administration, FAQ's were developed.
- It was recommended to Human Resources that non-unionized contractual employees be notified of their renewal or non-renewal within a reasonable timeframe prior to the expiration of their expected ending dates. Not doing so had undesired implications for both the employee and employer.
- The Office has come across on rare occasions in dealing with specific complaints, that more sensitivity was needed in the acknowledgement of the rights of casual employees (sometimes referred to as "time-sheet employees"). The Office wishes to acknowledge for the community that non-unionized casual employees are entitled to accessing the Office of Rights and Responsibilities and seeking redress, when appropriate. There should not be any insensitivity shown when it comes to any employee's rights, no matter what the status of the employee.
- Currently the onus is on students to update their personal information in the Concordia portal/database. Not all current students do so and maintain inaccurate outdated information (such as address, e-mail, telephone, etc.). Not having current contact information is in itself problematic but manifested into a more serious issue when dealing with issues of safety and security. Most problematic was the delays caused when trying to locate and assist students-of concern and/or students reported missing. The Office is therefore recommending that the University implement technological steps to improve this issue.
- In trying to resolve issues or conflicts with students, staff and faculty should only meet with students on University premises. In addition to a potential undesired level of familiarity, meeting outside the University can pose unwanted and unnecessary security risks.
- During exams, invigilators should be easily identifiable. Invigilators should be well-trained and consistent in their handling of alleged infractions.
- The Advisor for several departments who have either LISTSERVs or on-line discussion groups recommended and assisted in writing a user agreement or code of conduct (making reference to the Code of Rights and Responsibilities). A user agreement should outline expectations of proper conduct with potential consequences for breaches including the ability of listserv administrators or moderators to remove a user at their discretion. Such agreements are recommended for all University LISTSERVs.
- The International Students Office should have all international students provide "in case of emergency" contact information and emergency authorization to obtain and release information. Currently, only those students who attend orientation provide this information.
- Certain programs within the University have guidelines specific to their cohort. Such guidelines may include how disciplinary matters are handled, may have committees for program-related decisions, criteria for eligibility to remain in a program and specifications for dismissal. Such provisions must be clearly outlined and precise. As well handbooks and documentation should be clear and consistent so as to prevent ambiguity and inconsistency in decision-making.
- In sometimes assessing students-of concern and problematic behaviour, the Advisor will review a student's file. Specifically, if a student's writing or correspondence has been brought to the Advisor's attention as threatening or troubling, the Advisor will look for changes in the student's writing. In doing so, on more than one occasion, the Advisor has noted problematic behaviour in the form of inappropriate or aggressive correspondence at the application or pre-admission stages of a file. The Advisor is therefore recommending that inappropriate correspondence (e.g., swearing, aggressive or demeaning comments, etc.) be flagged and potentially reviewed and/or addressed prior to one being accepted into the University.

- Both for formal complaints, in naming an “Authority” and informal complaints where individuals may be implicated in the resolution process, it would be helpful if employee lists and organigrams were kept up to date.
- Departments having their own rules and regulations should not issue sanctions under the Code without formal processes taking place. It is recommended that any departmental consequences to specific behaviours be clearly identified, prior to any action being taken in order to be applied fairly.
- When an individual or department receives concerning information about a student (medical, security, etc.), it should be forwarded without delay to Campus Security for assessment.
- When referring members to the office, departments should avoid using language that directs a member to file a formal complaint. While this may turn out to be an appropriate option, less adversarial language is recommended in promoting the spirit of the Code and seeking a resolution to a conflict.

CLOSING REMARKS

The Office of Rights and Responsibilities is a resource for the entire Concordia University community. This is no easy task given the diversity and size of the population. It is also difficult to sum up in a several pages what actually takes place and confidentiality prevents going into much detail. I am certainly proud of what has been accomplished to date and the vital role the Office plays in serving University members.

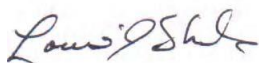
Generally speaking, the Office assists in resolving behavioural conflicts and responds to situations which may be threatening in nature. Prevention is also part of our mandate and is met through education and promotion. The mandate and functions of the Office are important in aspiring to and maintaining safe, healthy, and respectful working and academic environments. While our mandate is vast and situations may be challenging and sometimes demanding, the work is always interesting, providing positive challenges and learning experiences along the way. We continue to meet and sometimes exceed the objectives met as well as strive for improvements in realizing best practices.

While the Office is independent in nature, institutional partnerships are imperative. The Office has the pleasure of working collaboratively when needed with several internal partners including: Advocacy & Support Services, Counselling & Development, the Dean of Students, Employee & Labour Relations, Health Services, the Office of General Counsel, the Ombuds Office, Registrar's Office, the Secretary General, and Security and as well as other departments within the University. Resolving conflict is always a collective effort.

All members have a unique opportunity to shape their Concordia experience. When one encounters a "bump in the road," there is no shame in asking for some assistance to help resolve a problem or dispute. No University or institution can guarantee that there will never be undesirable situations but we can do our best to prevent incidents as well as support and facilitate redress when violations occur. It is important to take action promptly so that the undesired conduct does not persist and does not recur. The Office of Rights and Responsibilities is committed to safeguarding a healthy environment for its members and the policies administered by the Office guide the University's practice in resolving any issues that may transpire.

I look forward to continuing to build and improve relationships, trust, and collegiality within the community.

Respectfully Submitted,



Louise J. Shiller, M.Ed.
Director and Senior Advisor, Rights and Responsibilities



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