OFFICE OF RIGHTS AND RESPONSIBILITIES

Promoting Respect on Campus

ANNUAL REPORT 2020-2021

OCTOBER 2021

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Office of Rights and Responsibilities - Annual Report 2020-2021

Introduction

The present report refers to the activities of the Office of Rights and Responsibilities ("**ORR**" or the "**Office**") from **May 1, 2020 to April 30, 2021**. Submitted to the Secretary-General each year, the ORR's annual report aims to do the following:

- Offer an overview of the mandate of the Office;
- Present statistics on cases and consultations processed during the previous academic year;
- Make recommendations with respect to policies or operations of the Office.

The report is made available to the University community via the ORR website www.concordia.ca/rights. It is also submitted, for information purposes, to Concordia's Senate and Board of Governors.

What is the Office's mandate?

The Office is mandated with administering the Code of Rights and Responsibilities (the "**Code**"), which sets out the behavioral expectations that apply to all members of the University, including students, faculty and staff. It explicitly prohibits a range of behaviours, including threatening or violent conduct, sexual violence, sexual assault, harassment and discrimination. The Code governs behavior that takes place on University premises or on other premises in the course of University activities or events.

When any University member has a behavioural concern or complaint, they may approach the Office to obtain impartial, confidential and independent advice and support in resolving the situation. The Office helps members by reviewing all available options and assisting in selecting the most appropriate approach. Options include:

- Helping informally resolve disputes by providing shuttle diplomacy, mediation, crafting settlement agreements, and/or providing strategies for resolution;
- Initiating the appropriate formal complaint processes, such as forwarding cases to the Office of Student Tribunals or the appropriate authority;
- Directing complainants to another, more appropriate mechanism for addressing their complaints, for example: union grievance, police complaints, etc.

In addition to resolving conflicts, the Office coordinates the University's response in handling urgent cases and managing behaviours that may pose a danger or threat to the Concordia community. Members may approach the Office to flag any such behaviour. The Office then takes immediate steps to direct an appropriate and time-sensitive response, in consultation with colleagues from across the University.

The ORR frequently participates in committees and other University bodies mandated to address behavioural issues. Most recently, this has included the Standing Committee on Sexual Misconduct and Sexual Violence ("**SCSMSV**").

Which policies guide our work?

In addition to administering the Code of Rights & Responsibilities, the Office is guided in its work by a number of related University policies, including the following:

- *Policy Regarding Sexual Violence*
- *Protocol on the Coordination of Urgent Cases of Threatening or Violent Conduct*
- *Policy on Student Involuntary Leave of Absence* **("POSILA")**
- *Policy on Harassment, Sexual Harassment and Psychological Harassment*

Each policy sets out timelines, decision-making structures and a selection of appropriate responses to potential situations. The policies aim to guide difficult decision so that they can be made in a timely manner with input from experts from across the University, including the Provost's Office, Campus Security, the Sexual Assault Resource Centre, the School of Graduate Studies, International Students' Office, Campus Wellness and Support Services, and others.

A revised Policy regarding Sexual Violence was approved by the Board of Governors in June 2020. Among other modifications, the revised Policy clarifies support for survivors of sexual violence and details the resolution processes available. For information about the revised Policy regarding Sexual Violence, please refer to the SCSMSV website. Initially rolled out in 2019, the university's mandatory training on Sexual Violence awareness and prevention continues to sensitize and educate our students, faculty, and staff. Concordia's training modules and content have also been adopted by other universities as part of their efforts to address sexual violence.

Additionally, the 2020-2021 reference year saw the implementation of a revised POSILA based on the 2019 policy committee recommendations. Notable revisions included more gender inclusive language, reference to additional support resources and changes to leave and return procedures including timelines for students who are put on leave. POSILA revisions also introduced an updated assessment form to better capture and evaluate a student's condition prior to a potential return to campus.

Who works at the ORR?

The ORR team is composed of a Director, Associate Advisor and a shared Department Assistant, who also serves the Ombuds Office. Throughout the 2020-2021 reporting year, the staff was as follows:

- Lisa White, Director and Senior Advisor
- Daniel Giglio, Associate Advisor
- Sraddha Bista, Department Assistant

In January 2021, Concordia appointed Lisa White as its inaugural Executive Director of the Equity Office. She continued to lead the ORR while a search for her replacement took place.

A selection committee appointed the undersigned, Aisha Topsakal, as the new Director and Senior Advisor of ORR, effective May 1, 2021.

Education, Outreach, Promotion and Collaboration

ORR education and outreach takes place throughout the year and takes many forms. The staff participates in student, faculty and employee orientations, offers workshops and training, and provides information regarding harassment, threatening or violent conduct and dealing with disruptive members.

Throughout the 2020-2021 year, ORR participated in and presented at various University events and activities, albeit less than in previous years due to COVID. Outreach activities also included providing information to departments regarding ORR policies and approaches to behavioural incidents and concerns. Due to the pandemic, all outreach activities were conducted remotely throughout the reporting year.

Particular to the pandemic context, the Office was also included in a number of resources related to adapting teaching, learning and university activity to an online environment. As a specific example during the reference year, a behavioural expectations section was added to the Centre for Teaching and Learning's Course Outline Guide as well as the COVID-19 Student's resource page.

Recommendations

The Office may make recommendations regarding situations within a unit, department, faculty or the University as a whole, when such situations have the general effect of violating the rights protected by the Code. Often, these recommendations arise from specific issues or situations that are brought to the Office's attention. The Office also makes recommendations as needed regarding the Code, related policies and its own operations. University members are welcome to submit recommendations for consideration.

In 2019-2020, the ORR highlighted the need to explore new partnerships and modes of service delivery given the isolation arising from the pandemic. We are pleased to see that a pilot project is currently underway with service provider **Bartimaeus**. Initiated and led by Campus Wellness and Support Services, the partnership aims at providing case management services to the most at-risk and vulnerable students. Our office will continue to collaborate with our colleagues across the University to support isolated students.

As we look ahead, we recommend the following for the coming year:

Updating and improving ORR communication tools: The pandemic has taken an immense toll on the physical, mental and emotional health of everyone and the members of our community are no exception. The return to campus will bring with it its own set of challenges, including a potential uptick in behaviour-related concerns. With a view to preparing for this, we are working to provide as much information as possible to members regarding ORR services. In particular:

- We are updating our website to include more information about our services, tailored to

  different members of our community.
- We will update and re-circulate behaviour-related posters (i.e. "No threatening behaviour tolerated") and resource checklists that professors, staff and student associations can display in their offices.

Collaboration with the new Equity Office: We applaud the vision and initiative of the Provost's Office in creating the university's new Equity Office. Synergies will certainly exist between our offices, particularly given Executive Director Lisa White's prior role as Director, ORR.

We recommend that ORR and the newly launched Equity Office develop a combined program of outreach efforts, including workshops and departmental visits. Some of the complaints brought to ORR are tied to problems or issues of a more systemic nature. For example, a complaint about discrimination might indicate the need for greater training. In order to jointly address equity and diversity concerns, ORR looks forward to continuing to work with the Equity Office and exploring new modes of collaboration.

# Data Analysis and Statistical Review

Activity Summary and Breakdown of Requests for Assistance

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

- **Consultations** – ORR provides information and/or guidance but usually does not play an active or ongoing role in the situation, complaint or concern; or
- **Cases** – ORR provides information and/or guidance and may also directly intervene, review evidence or play an ongoing role in the situation, complaint or concern. This can include forwarding a complaint to the appropriate authority.

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

One might have assumed that closing the University campus would put an end to many behavioural incidents and concerns, but that has not been the case. **In 2020-2021, total requests for assistance remained stable at 430, compared to 424 requests in the previous year.** A slightly greater proportion of those requests led to informal resolution (22% versus 17% in the previous reporting year) rather than remaining at the level of "consultation". Despite the many challenges of the pandemic year, the ORR team delivered a stable level of service.

CHART A: DISTRIBUTION OF SERVICES (2020-2021)
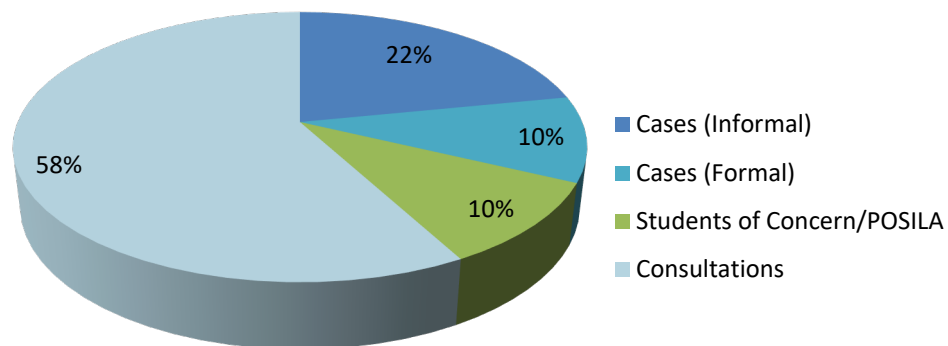
Consistent with previous years, consultations accounted for a majority of services provided. Also in keeping with historical trends, informal resolution tends to be preferred over formal resolution. Active formal complaints represented approximately 10 percent of the Office's activity, with a portion of those complaints being resolved informally after their submission.

In 2020-2021, there were 44 formal complaints in progress with the Office, a slight decrease from the previous year (47). Formal complaints can be resolved informally or formally and a complaint can be withdrawn at any time prior to the start of a hearing or investigation. Additionally, an informal resolution may not work for any number of reasons and such complaints may end up going through a formal resolution process. Finally, even when there is a formal resolution, an appeals process can be triggered in certain circumstances.

ORR had 43 active cases involving SOCs and threat assessments during the reporting year, up from the 38 administered the previous year. SOC and threat assessment cases most often involve safety concerns, mental health issues and serious disciplinary matters. Generally, they require both immediate and long-term responses, interventions and timely coordination across sectors. The challenges of the pandemic were perhaps most felt here, as it can be difficult to assess behaviour in remote circumstances. In this context, the ORR team is all the more grateful for the support of its partners across the university, whose expertise was essential in addressing difficult cases.

TABLE 1: 3 YEAR ANNUAL COMPARISON

Year	Cases	Consultations	Total
2018-2019	138	241	379
2019-2020	156	268	424
2020-2021	181	249	430

TABLE 2: BREAKDOWN OF CASE TYPE - 3 YEAR ANNUAL COMPARISON

Case Type/Year	Informal	Formal	SOC/Threat Assessment	Total Cases
2018-2019	69	41	28	138
2019-2020	71	47	38	156
2020-2021	94	44	43	181

Complainant and Respondent Demographics

In considering Complainant and Respondent demographics, the following definitions apply:

- **Student** - members registered in any academic program on a full-time or part-time basis, independent students, members registered in non-credit courses, auditors, exchange students and visiting students
- **Staff** - full-time and part-time employees who are not faculty members and/or do not perform administrative and/or supervisory functions as specified in the 'Administration' category
- **Faculty** - full-time and part-time professors including extended and/or limited term appointments, visiting lecturers, etc.
- **Administration** - employees and/or units who fulfill specific administrative and/or supervisory functions including Deans, Associate Deans, Department Chairs, Campus Security, Residence Life, Directors, etc.
- **Other** - non-members including alumni, contractors, non-academic visitors, volunteers, etc.
- **Joint** - two or more Complainants and/or Respondents from different demographic categories
- **N/A** - Complainants and/or Respondents who are unknown, unidentified or anonymous. Complainants in the 'N/A' category are typically anonymous and seeking consultation services from the Office, while Respondents in this category are generally either unknown to the Complainant or not identified by the Complainant.

Who is seeking assistance?

The term "Complainant" is used to refer to any member of the University community who is directly affected by someone's behaviour and/or as part of their administrative role, raises a concern with the Office. The conduct in question should be within the scope of the Code. If warranted, a case file is opened regardless of whether informal resolution was sought or a formal complaint was launched. In 2020-2021, students followed by members of the administration most often requested assistance from the Office in both case and consultation categories.

CHART B: COMPLAINANT DEMOGRAPHICS 2020-2021 (CASES)
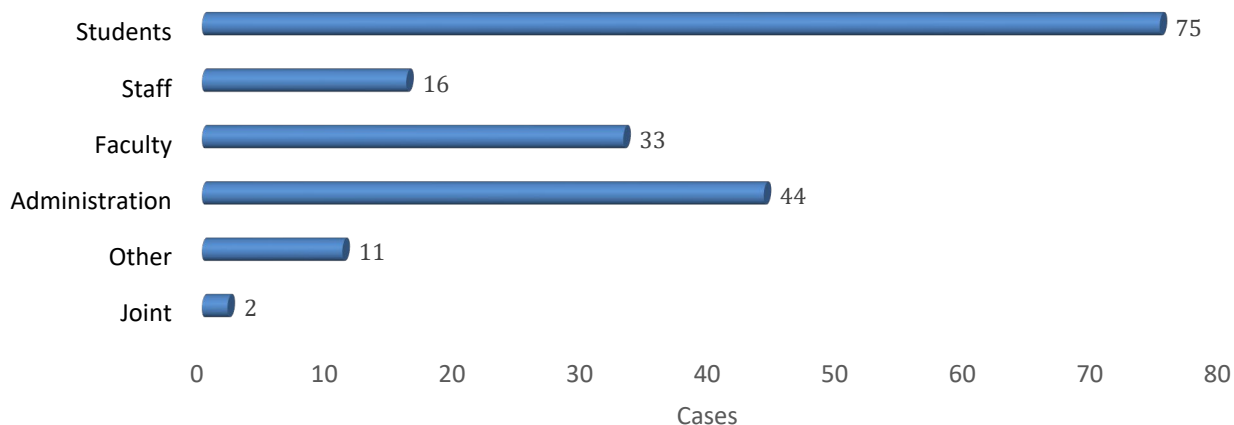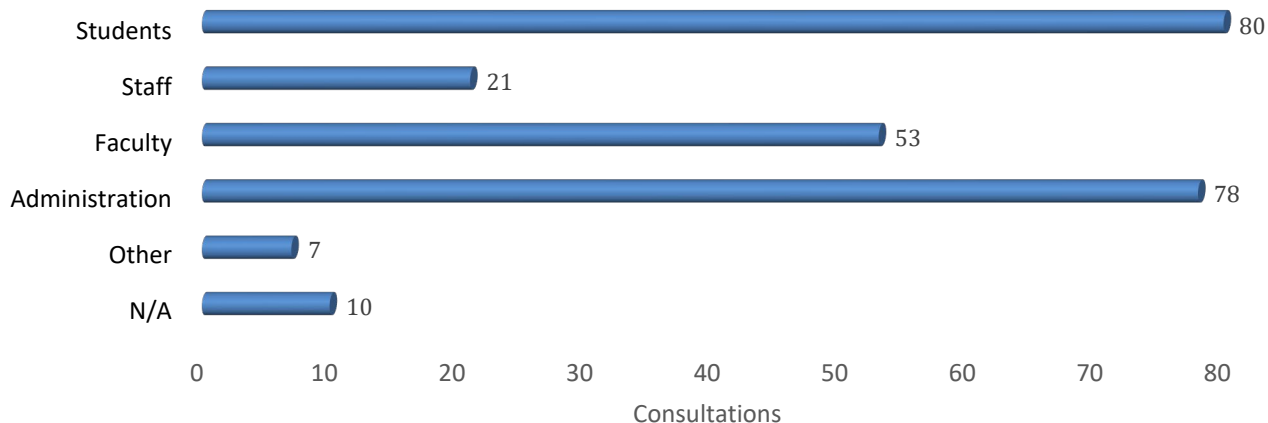
Requests for assistance/complaints were generated by:

Category	Cases
Students	75
Staff	16
Faculty	33
Administration	44
Other	11
Joint	2

(Horizontal bar chart, x-axis labeled "Cases", scale 0 to 80)

CHART C: COMPLAINANT DEMOGRAPHICS 2020-2021 (CONSULTATIONS)

Requests for assistance/complaints were generated by:

Category	Consultations
Students	80
Staff	21
Faculty	53
Administration	78
Other	7
N/A	10

(Horizontal bar chart, x-axis labeled "Consultations", scale 0 to 80)

Who are complaints being made against?

The term "Respondent" refers to the person against whom a complaint is made. A "Respondent" is any Member who is alleged to be responsible for undesirable behaviour described as an offense/infraction under the Code. Students were predominantly the identified respondents in both complaints and consultations, followed by faculty.

CHART D: RESPONDENT DEMOGRAPHICS 2020-2021 (CASES)
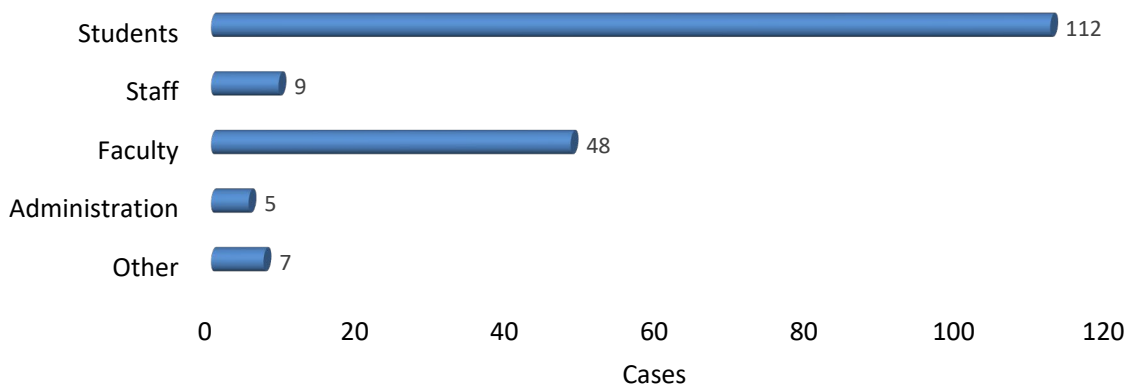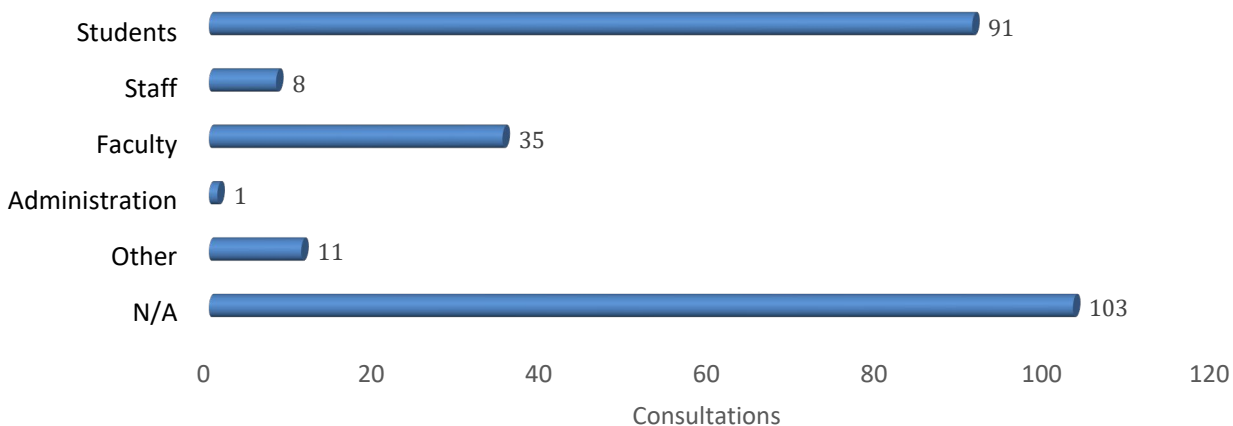
Complaints were generated against:

	Cases
Students	112
Staff	9
Faculty	48
Administration	5
Other	7

CHART E: RESPONDENT DEMOGRAPHICS 2020-2021 (CONSULTATIONS)

Complaints were generated against:

	Consultations
Students	91
Staff	8
Faculty	35
Administration	1
Other	11
N/A	103

What infractions are being reported?

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

number in the "Miscellaneous Consultations" category.

Below, you will see a full breakdown of all infractions reported (note that one case or consultation can involve multiple infractions). Following an entire year of online activities, the breakdown in infraction categories in the 2020-2021 reporting year remained consistent with the prior year's report. Increases were noted in the number of times Discrimination (40 up from 29) and Communication of Discriminatory Matter (28 up from 15) were cited, with a decrease in the Sexual Violence and Sexual Assault category (27 down from 37) and Forging University documents (6 down from 11). While recorded in exceptional circumstances, the Office will continue to monitor if any trends emerge through future reporting periods.

TABLE 3: BREAKDOWN OF CASES (181) AND CONSULTATIONS (249) BY INFRACTION (2020-2021)

Offence	Code art.	Case Total	Consults Total	Total Infractions
Harassment	32	95	55	150
*Miscellaneous Consultations		2	136	138
Student-of-concern/Threat Assessment/POSILA	SOC	45	21	66
Threatening or Violent Conduct	30	43	11	54
Psychological Harassment	34	34	11	45
Discrimination	35	28	12	40
Sexual Harassment	33	18	12	30
Communication of Discriminatory Matter	36	15	13	28
Sexual Violence and Sexual Assault	31	22	5	27
Obstruction or disruption of work or studies	43	6	3	9
Unlawful offense in the University context	51	4	4	8
Forging or altering University documents	45	6	0	6
Unauthorized entry into University property	42	3	0	3
Offences against property	37	1	0	1
False Information	38	1	0	1
Maliciously activating fire alarms	39	1	0	1
Theft or abuse of computing facilities or computer time	41	1	0	1
Unlawful use, sale, distribution, etc. of controlled substances	47	1	0	1
Total		**326**	**283**	**609**

When do members reach out to ORR?

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

CHART F: MONTHLY DISTRIBUTION OF NEW REQUESTS FOR ASSISTANCE (380)
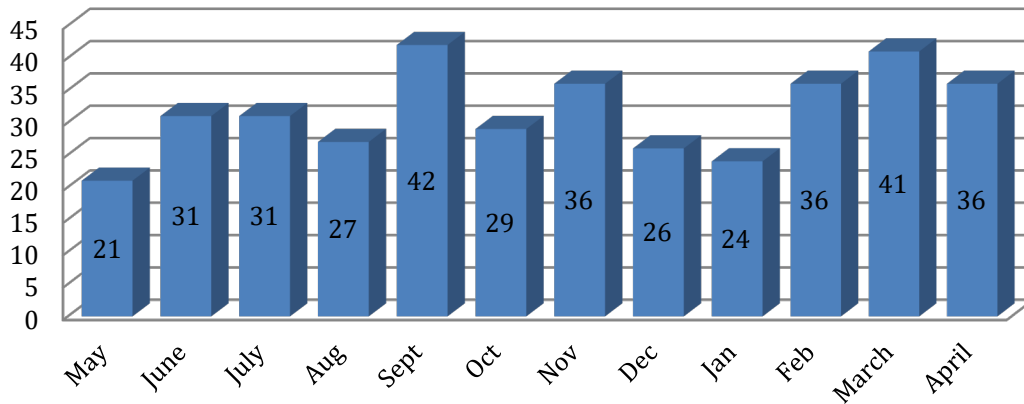
Note: Fifty ongoing requests for assistance were carried over from 2019-2020 and are not reflected in this graph.

CHART G: MONTHLY DISTRIBUTION OF NEW REQUESTS FOR ASSISTANCE - 3 YEAR COMPARISON:
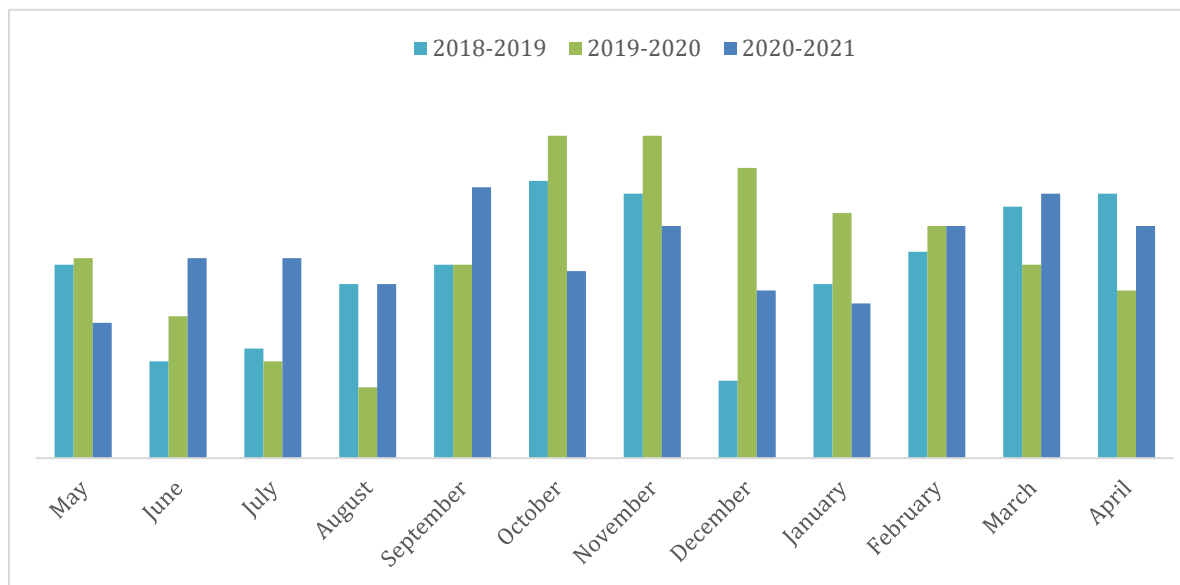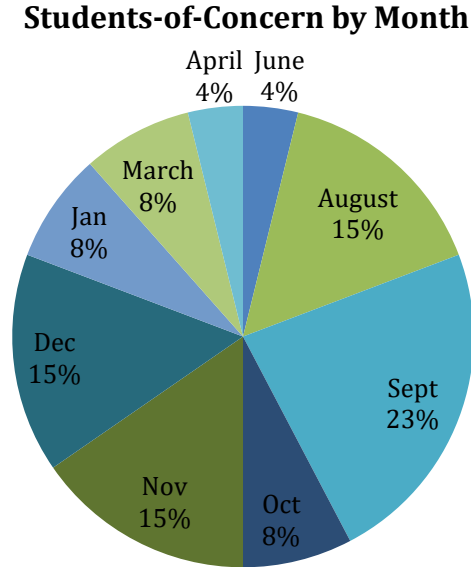
CHART H: STUDENT-OF-CONCERN DISTRIBUTION BY MONTH

Students-of-Concern by Month

Note: Seventeen ongoing SOC cases were carried over from 2019-2020 and are not reflected in this chart.

Of the 43 new SOC cases received in 2020-2021, none were reported during the months of February, May and July. No students were placed on involuntary leaves of absence in 2020-2021, although five students opted for voluntary leaves from their studies. As always, the SOC dossiers received by the Office required varying levels of intervention, coordination and/or implementation of restrictions, where appropriate.

We were pleased to welcome back three students who were placed on voluntary or involuntary leaves during the reporting year as well as previous years. The students were able to return to their studies with the assistance and support of ORR.

In analyzing the available data, not surprisingly, the Office observed that SOC reports typically decrease throughout the summer months. As with the 2019-2020 reference year, the fall term (September - December) was the period in which the most SOC reports were brought forward in 2020-2021, with a significant number of concerns being reported in the month of September. We will continue to monitor the data for any relevant patterns regarding SOC files brought forward to the Office.

Closing Remarks

As I have settled into my role as Director since May 2021, I have witnessed the remarkable energy and commitment of my ORR colleagues Sraddha Bista, Daniel Giglio and my predecessor Lisa White. Their work addressing and resolving behavioural concerns was all the more difficult given the larger context of social isolation, anxiety and uncertainty. It is thanks to the team's unwavering dedication and hard work throughout the 2020-2021 reporting year that the ORR was able to maintain the steady level of service reflected in the data above. The empathy and compassion with which they approach their work has certainly been instrumental in de-escalating conflicts.

In closing, I would like to extend my thanks to the Secretary-General, the ORR team and my Concordia colleagues for their invaluable support and guidance as I transitioned into the role of Director this past summer. I look forward to fulfilling my mandate and continuing the work of the ORR to ensure Concordia remains a collegial, safe and respectful environment.

Sincerely,

Aisha Topsakal
Director and Senior Advisor, Rights and Responsibilities

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

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