

# Annual Report 2009-2010

## Office of Rights and Responsibilities

Prepared by:  
Peter Côté

## **Mandate and Services Offered**

The Office of Rights and Responsibilities (the Office) is charged with administering the Code of Rights and Responsibilities (the Code), which sets standards of conduct for all members of the University community. The Advisor, Rights and Responsibilities, has four main functions:

1. To help the University develop and maintain a positive environment for working and learning through adherence to the Code of Rights and Responsibilities;
2. To advise and assist University members who have a problem related to someone's behaviour;
3. To receive and expedite formal complaints; and
4. To co-ordinate the University's response to any situation when someone's behaviour may pose a danger to others.

The Advisor is strictly impartial and independent; he does not judge complaints nor act as a client's advocate. He does, however, assist, support, and advise individual community members who are victims of harassment, discriminatory behaviour, violence and threatening conduct, etc.

In practical terms, the Advisor works directly with students, staff, faculty, and members of the administration to resolve behavioural matters such as, but not limited to, harassment, sexual harassment, discrimination, and accommodation issues arising from rights protected by law; disruptive behaviour in classroom settings; as well as incidents of violent and threatening behaviour.

In addition to these major areas of concern, the Code also allows the University, as well as individual members of the University community, to respond to a variety of other conduct-related issues such as offences against property (e.g., theft or vandalism); abuse of University computing facilities, equipment, networks, etc.; alcohol and drug related issues; forgery; and altering of University documents.

## **Analysis of Requests for Assistance**

The Office of Rights and Responsibilities receives requests for assistance from all sectors of the University community, as well as individuals from outside of the University. The vast majority of requests received during the past year came from individuals directly experiencing some difficulty covered by the Code (68%). The remaining requests for assistance fell into one of three categories: (a) requests from a University official (e.g., Senior Administrator, Dean, Associate Dean, Chair, Faculty Member, Department Director, Unit Supervisor) regarding a complaint or issue in their area (24%); (b) requests for information or advice about a problem that was being experienced by a friend or co-worker (4%); and (c) requests for general information about the University's policies on harassment and discrimination issues (4%).

Requests for assistance received in the Office are categorized as either *cases* or *consultations*. The number of cases and consultations handled by the Office during the year was on par with recent years. The distinction made by the Office with respect to these is that a case is recorded when a particular situation merits a file being opened and some action being taken by the Advisor; a consultation is recorded when an individual contacts the Office by phone, e-mail, or in person and

requires some advice or immediate assistance on a particular issue without any follow-up or further action required by the Advisor. Consultations are, thus, rather brief encounters. The time that cases occupy can vary from a few encounters spread out over a couple of hours to major cases that occupy the Advisor’s time for the equivalent of days or weeks worth of work, spread out over months, possibly extending beyond a year. A total of 193 cases and consultations were received, and responded to, during the year. (There were 121 cases and 72 consultations.)

In terms of the general identity of groups seeking assistance from the Office, the largest is undergraduate students (38%). Along with graduate students (10%), student usage totals 48%. Most of these involve students experiencing behavioural difficulty with other students. The next largest group is that of students experiencing a problem with a professor. In the case of graduate students this person is often their thesis supervisor. Staff requests (10%) are primarily with respect to difficulties with co-workers or alleged harassment from a supervisor, but also represent instances of staff reporting abusive behaviour from students. Faculty requests for assistance (20%) fall primarily into three categories: (a) issues of disruptive behaviour in the classroom, (b) allegations of harassment from a student generally having to do with grades, and (c) difficulties with fellow faculty members. The Administration



category represents requests for assistance (20%) received from Senior Administrators, Deans, Associate Deans, Chairs and Directors with respect to difficulties being experienced in their areas involving any combination of students, staff, and faculty. This category also includes formal complaints filed by the University against students for offences under the Code, of which there were six during 2009-2010. This year, external requests for assistance (2%) represent issues raised by two former students and one former casual employee.

**Table 1: Requests for Assistance Received (by Client Group)**

Client group	Quantity	Percentage
Undergraduate Student	74	38%
Graduate Student	19	10%
Staff	19	10%
Faculty	39	20%
Administration (includes University complaints)	39	20%
External	3	2%
Total	193	100%

## Analysis of Code Offences (Alleged) in all Requests for Assistance

As shown in Table 2, below, the largest number of issues raised in all cases and consultations involved the major behavioural code offences of discrimination or discriminatory harassment, the various forms of harassment (including sexual harassment), threatening or violent conduct, as well as disruptive behaviour. It is important to note here that a complaint of discrimination or of a form of harassment, or of any other offence under the Code, does not necessarily mean that either of these has occurred. Every such complaint, or issue raised, is given careful consideration by the Advisor and the response depends on the circumstances and the individuals involved. The vast majority of cases are resolved through a combination of advice given to the complainant and the use of various forms of alternative dispute resolution strategies employed by the Advisor. By employing such informal resolution methods no formal blame or guilt is assigned. In fact, of the 121 case files opened by the Advisor during 2009-2010 only 18 proceeded to the formal complaint stage, and of these only 9 resulted in formal investigations or hearings. Formal complaints against employees of the University are investigated employing the procedure specified in the individual's collective or employee agreement, or the procedure specified in the Code if the individual is not a member of a union or recognized association. Formal complaints against students are brought before a Student Hearing Panel as provided for in the Code.

**Table 2: Code Offences (Alleged) in all Requests for Assistance**

Code offense (alleged)	Quantity	Percentage
Discrimination and/or Discriminatory Harassment (art. 18.1)	7	3%
Harassment, including Psychological Harassment (art. 18.3)	70	34%
Sexual Harassment (art. 18.4)	12	6%
Threatening or Violent Conduct (art. 18.5)	33	16%
Property Offences (art. 18.6)	2	1%
Disruptive Behaviour (art. 18.12)	32	15%
Residence related Issues	6	3%
Urgent Cases	3	1%
Other University Issues	36	17%
Other non-University Issues	8	4%
Total	209 <sup>†</sup>	100

<sup>†</sup>Note: As some requests for assistance allege more than one Code offence the number of alleged offences (209) is greater than the number of cases and consultations (193).

## Analysis of Formal Complaints and their Outcomes

Of the 121 case files dealt with during 2009-2010 a total of 18 were either received at the outset as formal complaints or became formal complaints as the response to the case evolved. This is a fairly usual number of formal complaints relative to the total number of cases handled during the year.

**Table 3: Code Offences (Alleged) in Formal Complaints:**

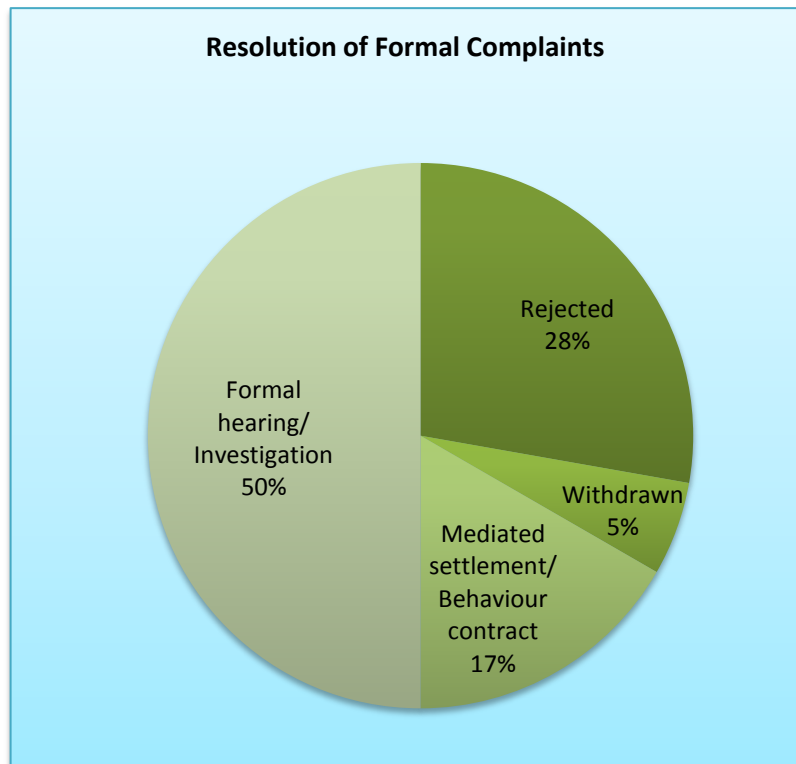
Code offence (alleged)	Quantity
Discrimination and/or Discriminatory Harassment (art. 18.1)	2
Harassment, including Psychological Harassment (art. 18.3)	7
Sexual Harassment (art. 18.4)	1
Threatening or violent conduct (art. 18.5)	4
Theft or abuse of computing facilities or computer time (art. 18.10)	2
Forging or altering University documents (art. 18.14)	1
Unlawful use, possession, etc. of a controlled substance (art. 18.16)	1
Unauthorized use of the University's name, trademarks, etc. (art. 18.19)	1
Total	19 <sup>‡</sup>

<sup>‡</sup>Note: As some complaints allege more than one Code offence the total number of offences (19) listed above is greater than the total number of formal complaints (18).

Of the 18 formal complaints received during the year only nine ultimately proceeded to either a hearing (in the case of a complaint brought against a student), or an investigation (in the case of a complaint brought against an employee).

Of the nine that did not proceed to either a hearing or investigation: five were rejected by the Advisor as either lacking sufficient merit to proceed, or they were deemed frivolous and brought forward in bad faith; one did not proceed as the respondent, a student, withdrew from the University; and three complaints brought by the University against students were settled through mediated behaviour contracts.

Of the nine formal complaints that did proceed seven were complaints against employees brought either by students (2) or other employees (5). Five of these were investigated and upheld, with appropriate corrective and/or disciplinary measures taken. One was investigated and the specific allegation was not upheld, although it was determined that the respondent had behaved unprofessionally and appropriate corrective action was taken. Finally, the result of one investigation remains pending at the time of this writing.



Only two formal complaints against students proceeded to Student Hearing Panels. This is an unusually small number. Both were brought by the University. (That no complaints by students against other students proceeded to a formal hearing is also unusual.)

One of the two was a complaint against an undergraduate student for forging University documents. The complaint was upheld and the sanction imposed was that of a letter-of-warning and a specific number of hours of community service within the University. The second of these two was a complaint against a graduate student for unauthorized use of the University's name, trademarks and logo. This complaint was also upheld and the sanction imposed was that of a letter-of-warning.

### **Other Activities: Policy Development, Education and Outreach**

The Code of Rights and Responsibilities is scheduled for a thorough review approximately every five years. The last such review occurred in 2004. Subsequently, the 2009-2010 period saw a University-wide committee struck to accomplish this task. An additional mandate given to this committee was to incorporate the *Policy on Psychological Harassment* into the Code. The Advisor has been the Facilitator for this separate policy till now. These responsibilities will now be incorporated directly into the Code, and into the Advisor's responsibilities. The Advisor participated in this process along with representatives from the administrative, faculty, union and student sectors of the University. The new Code was approved at the May 2010 meeting of the Board of Governors, and is scheduled to come into effect on August 1st, 2010.

Education and outreach programming is an ongoing process that is designed to promote a positive environment for all members of the University community, inform students, staff and faculty about the services available through the Office of Rights and Responsibilities and to provide them with information about the Code in general and, specifically, with regard to the key issues of harassment, sexual harassment and discrimination.

This is done through participation in workshops and orientation sessions for student groups, new faculty, TAs and department chairs, as well as various departments. The Advisor also distributes, throughout the University, a general pamphlet on the services available through the Office of Rights and Responsibilities, and to academic departments a separate pamphlet on the issue of managing disruptive behaviour in the classroom.

Finally, the Advisor joined the Employee Assistance Program Advisory Committee during the past year as a resource person.