

Memorandum

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TO: Board of Governors

FROM: Angela Campbell, Associate Provost (Equity & Academic Policies)

SUBJECT: Annual Report of the Policy on Harassment and Discrimination 2020-21

DATE: April 21, 2022

DOCUMENT #: GD21-68

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE & EXPECTED OUTCOME	The 2020-21 Annual Report on the <i>Policy on Harassment and Discrimination</i> (“Policy”) is presented to the Board of Governors for its information.
BACKGROUND & RATIONALE	<p>The Policy calls for the Provost to report annually to Senate and the Board on the Policy’s implementation and application.</p> <p>This report addresses activities, cases, and developments under or in connection with the Policy in 2020-21.</p>
ALIGNMENT WITH MISSION AND STRATEGIC PRIORITIES	McGill is committed to establishing and maintaining a respectful and inclusive work and learning environment via measures focused on education, prevention, and response to reports.
COMPLIANCE WITH UNIVERSITY POLICY	The Report was presented to Senate on January 19, 2021.
COMPLIANCE WITH LEGISLATION/ EXTERNAL REGULATIONS	This Policy fulfills the interests and needs of the McGill community and aligns with the University’s overarching commitments to equity and inclusiveness.
RISK FACTORS	N/A
SUSTAINABILITY CONSIDERATIONS	Strong policies relating to social climate, and accountability in relation to their application, contribute to social sustainability on our campuses.
IMPACT OF DECISION AND NEXT STEPS	The next annual report will be presented to Senate and the Board in the Spring 2023.
MOTION OR RESOLUTION FOR APPROVAL	N/A

APPENDICES

Appendix A: 2020-21 Annual Report: Policy on Harassment & Discrimination

2020-2021 ANNUAL REPORT POLICY ON HARASSMENT & DISCRIMINATION

1. INTRODUCTION

McGill's Policy on Harassment and Discrimination ("Policy"), adopted in 2006, applies to all members of the University community. The Policy sets out McGill's commitment to establishing and maintaining a respectful and inclusive work and learning environment via measures focused on education, prevention, and response to reports.

This annual report applies to the reference period 1 September 2020 to 31 December 2021.

Going forward, the reference periods for annual reports submitted pursuant to the Policy will overlap with the calendar year. Thus, the next annual report will cover the period 1 January to 31 December 2022.

2. DEVELOPMENTS IN THE REFERENCE YEAR

The Policy was revised in 2020-2021 through an extensive consultation process involving stakeholders from across the McGill community. The revised Policy was adopted by Senate and the Board in spring 2021.

The revisions to the Policy resulted in the following important outcomes:



1. Creation of a new office – the **Office for Mediation and Reporting (OMR)** – responsible for receiving and responding to inquires about and formal reports of discrimination, harassment, and sexual violence involving members of the University community. The OMR serves all members of the University community (students, staff, and faculty). It offers confidential consultations, information on reporting processes, and referrals to relevant University resources and support services. The OMR also designs and delivers workshops and training campus-wide. **Sinead Hunt** is the Associate Director of the OMR and leads its activities.
2. Professionalization of the investigative process through the appointment of a full-time Harassment and Discrimination Officer for the McGill community. Overflow and complex cases are referred to an external firm on contract with the University. Volunteer assessors are no longer relied on to carry out investigations under the Policy.
3. Extended scope of the Policy to include confidential and/or third-party reports.
4. Extension of time delay from 12 to 24 month for filing a report.
5. Permission for a graduated student to file a report.

During the reference period, the OMR led multiple workshops, which complemented those led by the balance of the Equity Team. These workshops seek to build an inclusive and respectful campus climate for all. Ongoing collaboration with multiple units, such as Human Resources and Graduate and Postdoctoral Studies (GPS), is further bolstering capacity across the McGill community to identify and understand harassment and discrimination, and how to address these forms of misconduct effectively and as early as possible.

Information about **workshops** that the Equity Team, including the OMR, lead is available on the Equity Team's website.

3. DEFINITIONS

Senators, and all members of the University community, are encouraged to familiarize themselves with the meaning and scope of the Policy and with forms of misconduct that the Policy addresses:

1.4 “Discrimination” means discrimination prohibited by law and includes any action, behaviour, or decision based on race, colour, sex, gender identity or expression, pregnancy, family status, sexual orientation, civil status, age (except as provided by law), religion, political conviction, language, ethnic or national origin, social condition, a disability or the use of any means to palliate a disability, which results in the exclusion or preference of an individual or group within the University community. This includes both the actions of individual members of the University and systemic institutional practices and policies of the University.

1.5 “Harassment” means any vexatious behaviour by one Member of the University Community towards another Member of the University Community, in the form of repeated hostile or unwanted conduct, verbal comments, actions or gestures, that affect the dignity or psychological or physical integrity of a Member of the University Community and that result in a harmful environment for such an individual. Within the employment relationship, a single serious incidence of such behaviour that has a lasting harmful effect on such an individual may also constitute Harassment.

4. RESPONDING TO INQUIRIES AND REPORTS

Reports made pursuant to the Policy are filed with the OMR. The person who files (the reporter) may choose one of two processes for addressing the Report: mediation or investigation. A mediation can only proceed with the consent of the named respondent(s). If a mediation cannot occur, a reporter may request an investigation of their report by an assessor.

4.1 Inquiries/Reports

Looking at the tables below, it will be important to keep in mind that this annual report covers a 16-month reference period, in contrast to the usual 12-month reporting period in all prior years.

Table 1 sets out data on inquiries for the reference period and contrasts these with the decade prior. The reader will note a significant increase in the number of general inquiries made with the OMR, which suggests growing awareness of the OMR and the Policy. As in all past years, harassment was the principal form of misconduct subject to an inquiry under the Policy.

Table 2 shows that, as is usually the case, most inquiries (91%) do not lead to the filing of a formal report. The fact that 184/349 – more than half – of inquiries made with the OMR do not pertain to specific incidents also renders it unsurprising that only a small proportion of these will lead to a report that triggers a mediation or an investigation. One reason for increasing inquiries is growing demand for custom workshops and members of McGill seeking advice on ways to improve work and learning environments; such inquiries cannot go on to formal reports but highlight growing awareness in our community around the importance of prevention initiatives.

Table 3 provides information about the types of reports filed. In total, 29 reports (8%) were filed over the reference period, which is a considerable jump from prior reference years. This is a notable increase even considering the longer reference period covered by this annual report. While too early to detect trends, it will be important to watch these data in the years to come. Increased reporting does not necessarily mean a rise in incidents of harassment and discrimination; rather, as we have seen with our *Policy against Sexual*

Violence, stronger reporting and investigative resources increases trust in and reliance on these from within the campus community. At the same time, movement in this direction will have an impact on the resources required to ensure that reports are equitably and diligently treated, in accordance with the Policy.

Table 1: Grounds of Inquiry/Report

Ground(s)	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Discrimination	35 (10%)	30 (18%)	20 (12%)	12 (15.5%)	3 (7%)	6 (15%)	3 (13%)	2 (8%)	1 (3%)	5 (21%)	5 (12%)
Harassment	101 (29%)	65 (38%)	73 (45%)	26 (33%)	33 (79%)	19 (49%)	16 (70%)	17 (71%)	27 (73%)	15 (62.5%)	20 (46.5%)
Sexual Harassment*	N/A	N/A	19 (12%)	11 (14%)	4 (10%)	8 (21%)	2 (9%)	2 (8%)	5 (13%)	1 (4%)	4 (9%)
Mixed	29 (8%)	41 (24%)	31 (19%)	12 (15.5%)	2 (4%)	6 (15%)	2 (9%)	1 (4%)	4 (11%)	3 (12.5%)	14 (32.5%)
Other (usually: general info or outside scope)	184 (53%)	34 (20%)	18 (11%)	17 (22%)	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Total	349	170	161	78	42	39	23	24	37	24	43

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

Table 2: Inquiry Only

Ground(s)	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Discrimination	29	28	19	11	2	4	2	2	1	4	5
Harassment	85	59	59	16	22	16	11	12	16	10	15
Sexual Harassment*	N/A	N/A	19	12	2	4	2	2	4	1	3
Mixed	22	36	29	6	-	4	1	-	1	2	7
Other (gen. information)	184	34	18	13	n/a						
Total	320 (92%)	157 (92%)	144 (89%)	58 (74.5%)	26 (62%)	28 (72%)	16 (70%)	16 (67%)	22 (60%)	17 (71%)	30 (70%)

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

Table 3: Reports Filed

Ground(s)	20/21	19/20	18/19
Discrimination	6	2	1
Harassment	16	6	14
Mixed (Harassment & Discrimination)	7	5	2
Total	29 (8%)	13 (8%)	17 (11%)

4.2 The Parties

Tables 4 and 5 provide information about the parties identified as reporters (previously “complainants”) and respondents. Parties are designated as a reporter or as a respondent only once a report is filed. Data for these tables are available only for this reference period and the last two, given that in 2018 a decision was made to report status data on the parties only once a report is filed rather than at the inquiry stage.

Table 4: Status of Parties to Reports

Reporter (previously “Complainant”)	Respondent	20/21	19/20	18/19
UG student	Undergrad student	0	1	0
	Grad student	0	1	0
	Academic staff	2	2	1
	Admin/Support	1	0	0
	Other	0	0	0
Grad student	Undergrad student	0	0	0
	Grad student	0	2	2
	Academic staff	7	2	2
	Admin/Support	1	1	0
	Other	0	0	0
Academic staff*	Undergrad student	0	0	0
	Grad student	0	0	0
	Academic staff	8	1	5
	Admin/Support	0	0	0
	Other	1	0	0
Admin/Support Staff	Undergrad student	0	0	0
	Grad student	0	0	0
	Academic staff	0	1	0
	Admin/Support	7	2	6
	Other	0	0	0
Former Student	Academic staff	2		
Non-McGill**	Academic staff	1		
Total		30 NB: total >29 as there one case included two Respondents	13	16 NB: Total < 17 due to one joint complaint, i.e., 2 complainants jointly named 1 respondent.

*In this report “academic staff” includes tenure-track and tenured academic staff, contract academic staff, librarian staff and course lecturers.

** The Policy (s.1.1) allows someone from outside of McGill to file a report if they are “an employee or [hold] an appointment with an institution where students of the University are trained and which is, directly or indirectly, a party to an affiliation agreement with the University.”

Table 5: Gender of Parties to Reports

	20/21		19/20		18/19	
	C	R	C	R	C	R
Women	13	14	6	5	11	10
Men	16	16	5	8	6	8
Non-binary/ Unknown	0	0	2	0	0	0
Total	29	30 NB: Total > 29 because multiple respondents may be named in a case.	13	13	17	18 NB: Total > 17 because multiple respondents may be named in a case.

4.3 Report Outcomes

A report may yield any of the following outcomes:

- The report might be withdrawn
- The report might result in mediation between the parties
- The report can result in an investigation by and assessor, which produces an assessor’s report submitted to the Provost for a final decision on the matter

Outcomes of reports are shown in Tables 6a, 6b, and 6c. Notably:

- 2 reports were withdrawn
- 6 reports proceeded to mediation
- 21 cases proceeded to an investigation

Table 6: Report Outcomes

(Total = 28 files, see Table 3)

6a. Withdrawn											
Ground	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Discrimination	1	1	0	1		1	1	-	-	1	-
Harassment	1	1	2	-	2	-	-	-	3	-	3
Sexual Harassment*	N/A	N/A	-	-	-	-	-	-	-	-	1
Mixed	0	0	1	-	1	1	-	1	2	-	3
Total	2	2	3	1	3	2	1	1	5	1	7

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

6b. Mediation											
Ground	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Discrimination	1	0	0	1	-	-	-	-	-	-	-
Harassment	4	1	1	8	-	2	2	1	3	2	-
Sexual Harassment*	N/A	N/A	-	-	-	3	-	-	-	-	-
Mixed	1	2	1	1	-	-	-	-	-	-	1
Total	6	3 (plus 1 in progress)**	2	10	0	5	2	1	3	2	1

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

** During the reference period, this mediation was completed. It did not result in an informal resolution/mediated agreement between the parties.

6c. Investigation											
Grounds	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Discrimination	4	-	1	1	1	1	-	-	-	-	-
Harassment	11	3	10	2	9	1	3	-	7	3	2
Sexual Harassment*	N/A	N/A	-	2	2	1	-	-	1	-	-
Mixed	6	3	1	4	1	1	1	6	1	1	3
Total	21	6 (plus 1 in progress)**	12	9	13	4	4	6	9	4	5

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

** During the reference period, this investigation was completed. It did not lead to a finding of harassment or discrimination.

4.4 Results of Investigations

Following an investigation, the assessor will determine whether the evidence is sufficient to establish on a balance of probabilities that harassment and/or discrimination occurred. The Assessor prepares a report setting out the process followed, the evidence considered, and the findings of fact and conclusion drawn. The Assessor submits this report to the Provost who makes a final decision on the matter. Where harassment and/or discrimination are found, the Provost refers the case to the relevant disciplinary officer to determine whether and what disciplinary and/or administrative measures are warranted, in accordance with the appropriate employment regulations or collective agreement, or, in the case of a student respondent, the Code of Student Conduct and Disciplinary Procedures.

Table 7a provides information about the results of investigations over the reference period. It demonstrates that in four of 18 completed investigations, the report was founded. All four founded reports pertained to incidents of harassment. Three investigations remain ongoing at the time of this annual report's filing.

Table 7b indicates whether discipline was imposed in cases where a report was deemed founded. In the reference period, discipline was imposed following all four founded reports.

Table 7c indicates whether administrative measures were imposed regardless of whether a report was founded. It demonstrates that, in the reference period, the Provost imposed such measures following six investigations. Administrative measures may include professional development and training, oversight or

suspension of graduate supervision privileges, referral of parties to mediation, and investigation of/support for effective management duties and practices.

Table 7. Results of Formal Resolutions (Investigations)

7a. Total Investigations											
Assessor's Finding	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Founded	4	2	0	2	4	1	1	1	2	1	2
Not Founded	14	4	12	7	9	3	3	5	4	3	3
Ongoing	3	-	-	-	-	-	-	-	-	-	-

7b. Discipline Following Founded Report											
	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Yes	4	1	N/A	1	3	1	1	-	1	-	2
No	0	1	N/A	1	-	-	-	-	-	-	-

7c. Administrative Measures											
Assessor's Finding	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11
Founded	4	2	N/A	2	4	1	-	1	1	1	-
Not Founded	2	2	6	6	4	3	3	3	-	1	-

5. ASSESSORS

As indicated above, the Policy was revised during the reference period such that investigations will now be carried out by an internal, full-time Harassment & Discrimination Officer appointed to the OMR. Overflow or especially complex or sensitive reports will be referred to an independent, external law firm. Prior to this change, investigations under the Policy were carried out by assessors who were members of McGill academic or administrative/support staff. These assessors devoted extensive time and energy to work under the Policy, which was in addition to their regular roles at McGill. This annual report is an opportunity to recognize the Assessors who carried out this important work during the reference year, until the Policy's revision in Spring 2021. Accordingly, thanks are owed to: **Niladri Basu** (FAES), **Dianne Fagan** (UA), **Sara Laimon** (Music), **Alex Liepens** (TLS), **Cindy Mancuso** (Coordinating Assessor), **Erica Moodie** (Medicine & Health Sciences), **Ilana Nixon** (Athletics & Recreation), **Chidinma Offoh-Robert** (Engineering), **Jason Opal** (Arts), **Petra Rohrbach** (FAES), and **Tracy Webb** (Science).

6. CONCLUSION

The present annual report reflects work led pursuant to the Policy, which aligns with the University's overarching commitments to equity and inclusiveness. In recent years, the Policy and associated resources have been strengthened, reflecting the importance of this issue. The year ahead will focus on continuing to build the OMR's capacity to field and address inquiries and reports and to raise awareness through education efforts regarding harassment and discrimination prevention and response.

As a final word, sincere thanks are owed to the superb team in the OMR: **Sinead Hunt** (Associate Director), **Maria Aurora Nuñez** (Harassment & Discrimination Officer), and **Li Zhou** (Administrative Officer).