



Memorandum

Office of the Provost and VP (Academic)
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TO: Senate

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

SUBJECT: Annual Report on the *Policy on Harassment and Discrimination Prohibited by Law* (2019-2020)

DATE: September 22, 2020

DOCUMENT #: D20-04

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE	The 2019-2020 Annual Report on the <i>Policy on Harassment and Discrimination Prohibited by Law</i> is presented to Senate for information.
BACKGROUND & RATIONALE	The <i>Policy on Harassment & Discrimination Prohibited by Law</i> (“the Policy”) calls for the Provost to report annually to Senate on its operation. This report addresses activities, cases, and developments under or in connection with the Policy in 2019-2020.
PRIOR CONSULTATION	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	N/A
MOTION OR RESOLUTION FOR APPROVAL	N/A
APPENDICES	Appendix A: 2019-2020 Annual Report: <i>Policy on Harassment & Discrimination Prohibited by Law</i>

2019-2020 ANNUAL REPORT

POLICY ON HARASSMENT & DISCRIMINATION PROHIBITED BY LAW

1. INTRODUCTION

McGill's Policy on Harassment and Discrimination Prohibited by Law ("The 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 and complaints.

This annual report applies to the reference year 1 September 2019 to 31 August 2020.

2. DEVELOPMENTS IN THE REFERENCE YEAR

Over the reference year, several important developments have shaped the Policy and its application:

1. The Policy operated with an exclusive focus on Harassment and Discrimination, matters of sexual harassment having been removed from the Policy's ambit and governed as of April 2019 by the Policy against Sexual Violence.
2. The reference year saw the continued expansion of social awareness of matters tied to harassment and discrimination, with a focus on systemic and structural harassment and discrimination.
3. A working group was convened in Spring 2020 to conduct the regular triennial review the Policy. The review process remains underway at the time of filing this Annual Report. It will be completed in Fall 2020 with the revised Policy coming to Senate for information and approval in AY20-21.
4. McGill's Strategic EDI Plan (2020-2025) endorsed by Senate and the Board in April 2020 commits the University to a series of measures that will advance equity at McGill in concrete ways. The Plan includes measures specifically tied to harassment and discrimination prevention and response. (https://mcgill.ca/equity/files/equity/mcgill_strategic_edi_plan_2020-20251.pdf).
5. A new website for McGill's Equity Team has been created, with a section devoted to "Initiatives and Education" (see: <https://mcgill.ca/equity/initiatives-education>). This site is devoted to equity awareness-raising and lists related educational efforts spanning our campuses. Our equity education advisors provide regular training throughout the University on topics such as: fostering equitable and inclusive learning and work environments, employment equity, and preventing and responding to harassment and discrimination. These efforts further the Policy's educational objectives.
6. McGill's new Equity Blog (<https://mcgill.ca/equity/further-reading/equity-blog>) provides a space for community members to share insights, opinions, and information about equity initiatives on campus.
7. Infographics that enhance awareness about respect and inclusion on campus and about dispute-resolution services have been developed and disseminated throughout campus. This will continue in the coming years. Two examples are included in the Appendix to this Report.

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:

2.6 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.

2.5 Discrimination Prohibited by Law means any action, behaviour, or decision based on race, colour, sex (including gender identity), pregnancy, 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.

4. RESPONDING TO INQUIRIES AND COMPLAINTS

Complaints under the Policy typically follow an initial inquiry made with the SEIA. Once an individual decides that they wish to move beyond an inquiry to a complaint, that person will file a report with the SEIA, at which point they will determine whether they wish to attempt an informal resolution (mediation) or proceed via a formal resolution (investigation). In the latter case, investigations are conducted by one of McGill's Assessors, all of whom are appointed by Senate (see list of Assessors in Section 5 below).

4.1 inquiries/Complaints

In 2019-2020, there were 170 inquiries/complaints made to the SEIA ([Table 1](#)). This suggests only a small increase since the year prior (161 inquiries/complaints in 18/19). Yet there has in fact been notable growth given that the figure for 18/19 included sexual harassment matters (n=19). In contrast, this year's total (170) includes just harassment and discrimination complaints. This figure is therefore more accurately compared to the number of cases from 18/19 excluding sexual harassment (thus: 161-19=142).

[Table 1](#) shows the grounds of inquiries/complaints. As in previous years, the largest number of inquiries and complaints concerned harassment (65 cases or 38%).

[Table 2](#) shows the number of inquiries that did not progress to complaints, i.e., no complaint was filed. Of the total 170 inquiries, 157 cases (92%) did not proceed beyond the inquiry stage. These inquiries include those raised by third parties who cannot file a complaint under the Policy and inquiries that were for the sole purpose of obtaining factual information or that were beyond the scope of the Policy.

[Table 3](#) provides information about the types of complaints that were filed. In total, 13 complaints (8%) were filed in 2019-2020. Filing a complaint is necessary to proceed with either mediation or a formal investigation under the Policy.

Table 1: Grounds of Inquiry/Complaint

Ground(s)	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10
Discrimination	30 (18%)	20 (12%)	12 (15.5%)	3 (7%)	6 (15%)	3 (13%)	2 (8%)	1 (3%)	5 (21%)	5 (12%)	6 (17%)
Harassment	65 (38%)	73 (45%)	26 (33%)	33 (79%)	19 (49%)	16 (70%)	17 (71%)	27 (73%)	15 (62.5%)	20 (46.5%)	24 (61%)
Sexual Harassment	N/A	19 (12%)	11 (14%)	4 (10%)	8 (21%)	2 (9%)	2 (8%)	5 (13%)	1 (4%)	4 (9%)	7 (19.5%)
Mixed	41 (24%)	31 (19%)	12 (15.5%)	2 (4%)	6 (15%)	2 (9%)	1 (4%)	4 (11%)	3 (12.5%)	14 (32.5%)	2 (5.5%)
Other (usually: general info or outside scope)	34 (20%)	18 (11%)	17 (22%)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Total	170	161	78	42	39	23	24	37	24	43	39

Table 2: Inquiry Only

Ground(s)	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10
Discrimination	28	19	11	2	4	2	2	1	4	5	3
Harassment	59	59	16	22	16	11	12	16	10	15	14
Sexual harassment	N/A	19	12	2	4	2	2	4	1	3	3
Mixed	36	29	6	-	4	1	-	1	2	7	-
Other (gen. information)	34	18	13	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Total	157 (92%)	144 (89%)	58 (74.5%)	26 (62%)	28 (72%)	16 (70%)	16 (67%)	22 (60%)	17 (71%)	30 (70%)	20 (51%)

Table 3: Complaints Filed

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

4.2 The Parties

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

Table 4: Status of Parties to Complaints

Complainant	Respondent	19/20	18/19
Undergraduate student	Undergrad student	1	0
	Grad student	1	0
	Academic staff	2	1
	Admin/Support	0	0
	Other	0	0
Graduate student*	Undergrad student	0	0
	Grad student	2	2
	Academic staff	2	2
	Admin/Support	1	0
	Other	0	0
Academic staff*	Undergrad student	0	0
	Grad student	0	0
	Academic staff	1	5
	Admin/Support	0	0
	Other	0	0
Admin/Support Staff	Undergrad student	0	0
	Grad student	0	0
	Academic staff	1	0
	Admin/Support	2	6
	Other	0	0
Total		13	16 NB: Total < 17 due to one joint complaint, i.e., 2 complainants jointly named 1 respondent.

* In this report, "Graduate student" includes postdoctoral fellows.

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

Table 5: Gender of Parties to Complaints

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

4.3 Outcomes

An inquiry or a complaint may yield the following outcomes:

- i. complainant makes inquiry and decides to take no further action under the Policy;
- ii. informal resolution/mediation between the parties;
- iii. formal resolution following an investigation;
- iv. withdrawal of a complaint.

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

- 2 cases were withdrawn (one prior to mediation and another prior to an investigation).
- 4 cases proceeded to an informal resolution process of which 2 resulted in a mediated agreement, 1 was resolved outside of the Policy, and 1 mediation is in progress.
- 7 cases proceeded to an investigation and formal resolution (1 investigation is in progress).

Table 6: Outcomes of Complaints Filed

(Total = 13 files, see Table 3)

6a. Withdrawn											
Ground	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10
Discrimination	1	0	1		1	1	-	-	1	-	2
Harassment	1	2	-	2	-	-	-	3	-	3	2
Sexual harassment	N/A	-	-	-	-	-	-	-	-	1	-
Mixed	0	1	-	1	1	-	1	2	-	3	-
Total	2	3	1	3	2	1	1	5	1	7	4

6b. Informal Resolution (Including Mediated Agreements)											
Ground	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10
Discrimination	0	0	1	-	-	-	-	-	-	-	3
Harassment	1	1	8	-	2	2	1	3	2	-	5
Sexual harassment	N/A	-	-	-	3	-	-	-	-	-	-
Mixed	2	1	1	-	-	-	-	-	-	1	2
Total	3 (plus 1 in progress)	2	10	0	5	2	1	3	2	1	10

6c. Formal Resolution Following Investigation											
Grounds	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10
Discrimination	-	1	1	1	1	-	-	-	-	-	-
Harassment	3	10	2	9	1	3	-	7	3	2	3
Sexual harassment	N/A	-	2	2	1	-	-	1	-	-	2
Mixed	3	1	4	1	1	1	6	1	1	3	-
Total	6 (plus 1 in progress)	12	9	13	4	4	6	9	4	5	5

4.4 Results of Formal Resolutions (Investigations)

Table 7a provides information about the results of formal resolutions completed at the time of filing this Annual Report. It demonstrates that two of six investigations yielded a finding that the complaint was founded. In both of these cases, the misconduct in question was harassment.

Table 7b provides information about whether discipline was imposed in the cases where a complaint was deemed founded. Discipline was imposed in one of two founded cases. A variety of reasons may cause a disciplinary officer not to impose a disciplinary measure despite a finding of harassment (e.g., administrative measure imposed, respondent withdraws/resigns from the University).

Table 7c indicates whether administrative measures were imposed regardless of whether a complaint was founded (note: disciplinary measures can only be imposed when a complaint is deemed founded). It demonstrates that the Provost imposed such measures following four of the six investigations in the reference year. 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 Formally Resolved											
Assessor's Finding	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10
Founded	2	0	2	4	1	1	1	2	1	2	2
Not Founded	4	12	7	9	3	3	5	4	3	3	3

	7b. Discipline in cases where Complaint Founded										
	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10
Yes	1	N/A	1	3	1	1	-	1	-	2	2
No	1	N/A	1	-	-	-	-	-	-	-	-

7c. Administrative Measures											
Assessor's Finding	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12	10/11	09/10
Founded	2	N/A	2	4	1	-	1	1	1	-	2
Not Founded	2	6	6	4	3	3	3	-	1	-	-

5. ASSESSOR TRAINING AND SUPPORT

McGill's current Assessor team includes the following members:

- Niladri Basu (FAES)
- Dianne Fagan (UA)
- Maxime Gagnon (CPDO)
- Sara Laimon (Music)
- Alex Liepens (TLS)
- Cindy Mancuso (Coordinating Assessor)
- Erica Moodie (Medicine)
- Ilana Nixon (Athletics & Recreation)
- Chidinma Offoh-Robert (Engineering)
- Jason Opal (Arts)
- Petra Rohrbach (FAES)
- Tracy Webb (Science)

As provided by Section 5.1.6 of the Policy, Assessors attend multiple training sessions throughout the year. In 2019-2020, sessions addressed, *inter alia*, the following topics:

- assessing credibility
- what constitutes harassment and discrimination prohibited by law
- writing reports following an investigation
- psychological impact of harassment
- identifying and avoiding conflicts of interest
- preserving confidentiality
- conducting effective investigations
- active listening skills
- interviewing parties and witnesses

6. CONCLUSION

As issues of equity, inclusion, and healthy work and learning environments attract increased attention across university campuses, it is not surprising that our own community's awareness of and reliance upon the Policy, and its associated resources, have grown. In the present reference year (1 Sept 2020 to 31 August 2021), a review of the Policy will be completed by a working group struck to ensure that our Policy meets the changing goals, needs, and commitments of the University community as these connect to issues of harassment and discrimination prohibited by law.

In closing, I acknowledge the fine work and commitment of our Senior Equity and Inclusion Advisor, Sinead Hunt, and our team of Assessors.

Equity at McGill

CREATING INCLUSIVE LEARNING & WORKING ENVIRONMENTS

McGill is committed to creating learning and working environments where all individuals feel that they belong and are capable of success.

Building a community that is premised on equity, inclusiveness and respect requires continuous work and effort. This calls for ongoing self-reflection about our own understandings of cultural and social difference. It also requires us to consider the fact that university life can be experienced in a multitude of ways, and may be shaped by our respective experiences or identities as members of one or more cultural and social groups.

More specifically, we know that McGill community members who are racialized, Indigenous, LGBTQ2I+, disabled, women, and/or religious or cultural minority groups members will face systemic barriers and discrimination that adversely impact their lived experiences on campus. These barriers can present in a plurality of ways; for example, they may be social, procedural/practical, and/or physical.

We have a shared responsibility to work toward identifying and reducing these barriers and to support students, faculty and staff who encounter them. This responsibility is heightened for members of the McGill community who hold positions of leadership or authority, such as Deans, Chairs, Directors, managers, instructors, coaches, advisors, and supervisors.

The following strategies, which seek to promote equitable and inclusive learning and work environments, can be adopted by each of us in our work at McGill:



Identify our own **unconscious bias** and work to reduce it (Harvard's [Project Implicit](#) is a good starting point).



Commit explicitly to **creating learning, campus life, and work environments** premised on equity, inclusion, and respect (e.g., in our webpages, course syllabi, meetings). In particular, embed equity as a stated commitment to the learning, work, or campus life environment that you lead.



Be aware that some communities at McGill are **very underrepresented**; this is especially true of Black and Indigenous communities and the community of persons with disabilities. Be mindful that members of these communities can sometimes experience university life as isolating or alienating.



Understand that comments and humour about sexuality or stereotypes based on factors such as gender, ethnicity, and race are not acceptable and **can be hurtful or alienating**. Where they occur, they should not go unaddressed.



Set **clear boundaries and expectations** with your students and/or employees. This is a professional and learning environment. Students and staff deserve to be treated equitably and with respect. At the same time, our engagements with them generally should not veer into the personal or intimate realms. Where this occurs, the matter becomes a potential conflict of interest that the person in authority must raise with their own supervisor.



How we speak and act is just as important as what we say. Hostile expressions such as: shouting, swearing, insults, ridiculing, door-slamming, throwing objects, shunning or ignoring others are **all forms of deeply unprofessional, problematic behaviour** that could be cause for discipline.



Be a good listener: whether in meetings, classroom discussions, or one-on-one interactions, be sure to have an open mind even when disagreeing with the information or viewpoints shared. Avoid behaviour like sighing, eye-rolling, and interrupting.



Remember that the **impact of our words and actions** matter much more than our intent. Be open to constructive feedback about your words and actions.



Take care when invoking **terms related to experiences and/or identity of marginalized social groups**; words can cause harm if used colloquially/casually rather than precisely (e.g., “slaves”, “whores”, “savage”, “primitive”, “ghetto”).

The point is not to police speech, but rather to consider how we can avoid harm.



Identify and manage conflict as early as possible (reach out to [Senior Equity and Inclusion Advisor](#) for support).



Be mindful of extending and accessing **equitable learning and work experiences and opportunities**.

So, as instructors, managers, or supervisors making decisions, ask: will this translate into an unintended exclusionary outcome for some members of my team/class?



As a manager or unit head (e.g., department chair), **create opportunities** for staff to share concerns or questions about workplace climate through safe and confidential channels.



Be aware of relevant University **policies and resources** and share these with your students and/or employees.



Become familiar with **McGill’s Equity, Diversity, and Inclusion (EDI) Strategic Plan** and discuss with your colleagues 2-3 goals to which your unit can contribute



Remember that creating a more equitable and inclusive environment is **a collective and long-term process**. Connect with your colleagues, engage in continued learning, and reach out for support as needed.

WHO TO CONTACT?

- For queries about Student Rights and Responsibilities: [Dean of Students](#)
- For student queries that are confidential, which seek impartial and informal resolution: [Office of the Ombudsperson for Students](#)
- For questions about reporting, mediation, or investigation of matters of Harassment, Discrimination or Sexual Violence: [Senior Equity and Inclusion Advisor](#)
- For support related to matters of sexual violence from any member of the McGill community (students, faculty, staff): [Office for Sexual Violence, Response, Support & Education](#)
- For equity education workshops and opportunity for professional development: [See McGill Equity Team’s Workshops for McGill Faculty and Staff](#)

CONFLICT RESOLUTION OPTIONS FOR STUDENTS

OFFICE OF THE DEAN OF STUDENTS

The mission of the Office of the Dean of Students is to enhance, improve and promote the academic and personal success of McGill students. The Office upholds student rights and responsibilities, including [the Code of Student Conduct and Disciplinary Procedures](#) and the [Charter of Students' Rights](#).

The Dean of Students, Associate Dean of Students, or a Student Affairs Case Manager can advise on next steps for potential violations of a McGill policy or a violation of rights in the Charter of Students' Rights; provide direct referrals to other campus offices (e.g., Financial Aid, Academic Advising, International Student Services, etc.); and facilitate solutions for academic or non-academic issues.

Contact the Office of the Dean of Students if you:

- have a question or concern about **student rights and responsibilities**
- need help to facilitate a solution for an **academic or non-academic issue**
- Need a **referral to support services** or wish to **express concern** for a student

Contact information

The Office of the Dean of Students
514-398-4990
deanofstudents@mcgill.ca
mcgill.ca/deanofstudents/

Student Affairs Case Manager
514-398-1881
casemanager@mcgill.ca

GRADUATE AND POSTDOCTORAL STUDIES

The Dean of Graduate and Postdoctoral Studies oversees graduate programs and postdoctoral experiences at McGill, while the Associate Deans of Graduate and Postdoctoral Studies are responsible for handling graduate student and postdoctoral affairs. The Associate Deans are also responsible for helping graduate students, postdocs, and their supervisors resolve problematic situations.

In addition, every department has an academic staff member, a Graduate Program Director (GPD), who is responsible for services to its graduate programs, students, and postdocs. Every department also has an administrative staff member, usually a Graduate Program Coordinator (GPC), who assists the GPD.

Contact Graduate and Postdoctoral Studies if you:

- need help to facilitate a solution for an **issue with your supervisor and/or department**
- have a question or concern regarding **graduate or postdoctoral education** at McGill

Contact information

Josephine Nalbantoglu
Dean of Graduate and Postdoctoral Studies
514-398-1224
mcgill.ca/gps/contact/gps#Dean

Associate Deans of Graduate and Postdoctoral Studies
associatedeans.gps@mcgill.ca
mcgill.ca/gps/contact/gps#Dean

For thesis and graduation inquiries: thesis.gps@mcgill.ca
For funding inquiries: graduatefunding.gps@mcgill.ca
For admissions and registration inquiries: [Service Point](#)
For program-specific inquiries: mcgill.ca/gps/contact/graduate-program

OFFICE OF THE OMBUDSPERSON

The Office of the Ombudsperson for Students offers independent, confidential, informal, and impartial dispute resolution services to all McGill students. The Ombudsperson is an advocate for a fair process and not an advocate for the individual or for the administration.

The Ombudsperson can provide information on University regulations, policies and procedures; identify and evaluate options; refer students to appropriate persons in order to resolve problems; and act as a facilitator between students and other members of the University community.

Contact the Ombudsperson if you:

- are unsure about which **policies or procedures** apply to your situation
- need help to **clarify a situation or circumstance** affecting you
- need help to facilitate **communication between you and a member of the University**

Contact information

Prof. Patricia Hewlin
Ombudsperson for Students
514-398-7059 ombudsperson@mcgill.ca / mcgill.ca/ombudsperson

SENIOR EQUITY & INCLUSION ADVISOR

The Senior Equity and Inclusion Advisor (SEIA) provides information and education on McGill's [Policy on Harassment and Discrimination](#) and McGill's [Policy against Sexual Violence](#).

Individuals can contact the SEIA to speak confidentially about whether these policies are applicable, what options are available, how to report, and where to go for support services. The SEIA also provides mediation services.

Contact the SEIA if you:

- want to speak confidentially about a **situation you are experiencing or questions you have as a third party**
- want to **report psychological harassment, discrimination, and/or sexual violence**
- need **information on support services** or other resources available

Contact information

Sinead Hunt, Senior Equity and Inclusion Advisor
514-398-6419 / sinead.hunt@mcgill.ca / mcgill.ca/how-to-report