



McGill

Memorandum

Office of the Provost
5th floor, James Administration Building

TO:	Senate
FROM:	Anthony C. Masi, Provost
SUBJECT:	Report to Senate on Application of the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law
DATE:	April 6, 2008
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FOR: **DECISION** **DISCUSSION** **INFORMATION**

ISSUE:	Annual Report to Senate on Application of the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law for 2006-2007
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BACKGROUND:	N/A
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MOTION OR	N/A
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RESOLUTION

FOR APPROVAL:

RATIONALE:	N/A
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PRIOR CONSULTATION:	N/A
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NEXT STEPS:	None
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APPENDICES:	Appendix A: Report on the Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law For 2006-2007 Appendix B: Assessor Data 2006-07
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APPENDIX A

REPORT ON THE POLICY ON HARASSMENT, SEXUAL HARASSMENT AND DISCRIMINATION PROHIBITED BY LAW FOR 2006-2007

Introduction

The *Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law* ("the Policy") approved by Senate and the Executive Committee of the Board of Governors (see Senate minutes (December 7, 2005-Minute 5) and Board of Governors minutes (December 12, 2005-Minute 7)), came into force on April 19, 2006. The Policy calls for the Provost to report annually to Senate on the application of the Policy. This report is presented to Senate in discharge of this obligation for the year 2006-2007.

The data on which this first annual report on the operation of the Policy is based is provided in **Appendix B: Assessor Data 2006-07**.

Background

The Policy provides for a confidential and expeditious process of investigation of complaints based on any one or a combination of three grounds, namely: harassment, sexual harassment and discrimination prohibited by law. The Policy encourages the informal resolution of complaints; however, this is not always possible. Consequently, there are four possible steps in the handling of complaints:

- 1) informal consultation with an Assessor by a potential complainant prior to the initiating a complaint;
- 2) informal resolution of a complaint once initiated but prior to the investigation of the complaint;
- 3) informal resolution of complaint following an investigation; and
- 4) as a last resort, formal resolution of complaints.

It should be noted that to proceed beyond the first possible step, informal consultation with an assessor, a formal written complaint must be filed by the complainant.

Grounds of Enquiry/Complaint

As is evident from Table 1, of the total of 65 potential complaints most, 39 (60%) involved "harassment". The next most frequent ground of potential complaints was "sexual harassment" of which there were 18 (27.7%). Only one (1.5%) potential complaint was based solely on prohibited discrimination, and seven (10.8 %) were based on both harassment and prohibited discrimination.

Table 1: Grounds of Enquiry/Complaint

Ground	#	%
Discrimination	1	1.5
Harassment	39	60.0
Sexual Harassment	18	27.7
Mixed	7	10.8
Total	65	100%

The “Parties”

The parties involved as potential complainants and respondents came from various sectors of the University community as shown by Table 2 below. Undergraduate students (23 - 35.4%), followed by members of the academic staff (19 – 29.2 %) and administrative staff (16 – 24.6%) were the populations who felt the greatest need to resort to the Policy. It should come as no surprise that undergraduates top the list as they form by far the largest sector of the community; however, as is seen in Table 4, below, most actual written complaints were filed by members of the administrative staff.

Table 2: Status of “Parties”

Status of Party	Complainant		Respondent	
	#	%	#	%
Undergrad student	23	35.4	22	33.8
Grad student	3	4.6	0	0
Academic staff	19	29.2	19	29.2
Administrative staff	16	24.6	20	30.8
Other	4	6.2	4	6.2
Total	65	100%	65	100%

Disposition of Complaints

It should be noted that for the purposes of Tables 3 and 4 (below) concerning the disposition of complaints, the second and third steps noted in the “Background” above (i.e. informal resolution of a complaint prior to an investigation and informal resolution of complaint following an investigation) have been combined given they both result in the “informal resolution” of a complaint.

Table 3: Disposition of Complaints by “Ground”

Ground	Total per Ground		Enquiry Only		Informal Resolution		Formal Resolution		Withdrawn	
	#	%	#	%	#	%	#	%	#	%
Discrimination	1	100	-	-	1	100	-	-	-	-
Harassment	39	100	23	58.9	13	33.3	1	2.6	2	5.1
Sexual Harass.	18	100	12	66.6	4	22.2	2	11.1	-	-
Mixed	7	100	3	42.8	4	57.1	-	-	-	-
Totals	65	100	38	60	22	33.8	3	4.6	2	1.6

As is illustrated in Table 3, while a total of 65 enquiries were made of assessors, 38 (60%) did not proceed beyond the “enquiry” stage. (No information is available as to why these enquiries were not pursued further.) It is also very encouraging to note that of the 27 (41.5 %) cases in which actual written complaints were filed, 22 (33.8 %) were resolved informally through the good offices of an assessor - only three (4.6 %) resulted in a full investigation concluding in a formal report to, and decision by, the Provost. Of formal complaints filed, two (3.1%) were subsequently withdrawn by the complainant.

It should be noted that of the three complaints that culminated in a formal report to, and decision by, the Provost, the assessors found the complaint to have been well founded in one of these cases.

As is seen in Table 4, below, while most enquiries under the Policy were made by undergraduate students (23 – 35.4% of all enquiries), most actual written complaints (10 – 37%) were filed by members of the administrative staff followed by undergraduate students (9 – 33%); however, two of the written complaints filed by the administrative staff were withdrawn.

Table 4: Disposition by “Complainant”

Complainant	Total		Enquiry Only		Informal Resolution		Formal Resolution		Withdrawn	
	#	%	#	%	#	%	#	%	#	%
Undergrad student	23	100	14	60.9	8	34.8	1	4.3	-	-
Grad student	3	100	3	100	-	-	-	-	-	-
Academic staff	19	100	15	78.9	2	10.5	2	10.5	-	-
Administrative staff	16	100	4	25.0	10	62.5	-	-	2	12.5
Other	4	100	2	50	2	50	-	-	-	-
Totals	65	100	38	60	22	33.8	3	4.6	2	1.6

Conclusion

I would like to take this opportunity, on behalf of all members of the University, to publicly thank all those who have served, and are serving, as assessors pursuant to the Policy. The University is most appreciative of the dedication they exhibit to this very important role and the time and energy they devote to ensuring the well being of all members of the University community and the harmonious resolution of the disputes that will inevitably arise in a community with the diversity and size of ours.

The review of the Policy that is called for by section 10 will commence in the fall of this year. Steps have already been initiated to constitute the working group that will undertake this task.