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**TO:** Senate  
**FROM:** Anthony C. Masi, Provost  
**SUBJECT:** Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law –  
Annual Report  
**DATE:** 15 November 2008  
**DOCUMENT #:** D08-24  
**ACTION REQUIRED:**  INFORMATION  DISCUSSION  APPROVAL / DECISION

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**ISSUE:** 2007-2008 Annual Report on *Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law*

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**BACKGROUND & RATIONALE:** The *Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law*, calls for the Provost to report annually to Senate and the Executive Committee of the Board of Governors on the operation of the Policy.

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**MOTION OR RESOLUTION FOR APPROVAL:** N/A

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**PRIOR CONSULTATION:** N/A

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**NEXT STEPS:** Report to Executive Committee of the Board of Governors

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**APPENDICES:** 2007-2008 Annual Report: *Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law*

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**APPENDIX A**

**2007-2008 ANNUAL REPORT:  
POLICY ON HARASSMENT, SEXUAL HARASSMENT AND  
DISCRIMINATION PROHIBITED BY LAW**

**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 2007-2008, the second full year for which the Policy has been in operation.

**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 its investigation;
- 3) informal resolution of complaint following an investigation; and
- 4) as a last resort, formal resolution of complaints.

It should be noted that for the purposes of Tables 4A and 4B (below) concerning the disposition of complaints, the second and third steps noted above have been combined given they both result in the "informal resolution" of a complaint.

The tables provide statistical information for both the years the Policy has been in operation.

**The Big Picture: 2007-08 & 2006-07**

As is evident from Table 1 the total number of enquiries and complaints made pursuant to the Policy went down by approximately one third in the second full year of operation of the Policy. This appears to be encouraging news.

**Table 1: Total Enquiries/Complaint**

Ground	Year		Increase/ (Decrease)	
	07-08	06-07	#	%
Discrimination	6	1	5	500%
Harassment	18	39	(21)	(54%)
Sexual Harassment	12	18	(6)	(33%)
Mixed*	8	7	1	14%
<b>Total</b>	44	65	(21)	(32%)

## Grounds of Complaint

As is evident from Table 2, of the total of 44 potential complaints in 2007-08 most, 18 (41%) again involved “harassment” – however, as compared to 2006-07, there has been a reduction in the number of these potential complaints. As in 2006-07 the next most frequent ground of potential complaint was “sexual harassment” of which there were 12 (27%) – and the frequency of these potential complaints also decreased (though not their proportion). However, whereas there was one potential discrimination complaint in the previous period, there were six in 2007-08. 2007-08 also saw a marginal increase in the number of “mixed” potential complaints (based on two or more grounds of complaint).

**Table 2: Grounds of Enquiry/Complaint**

Ground	07-08	06-07
Discrimination	6 (14%)	1 (2%)
Harassment	18 (41%)	39 (60%)
Sexual Harassment	12 (27%)	18 (28%)
Mixed	8 (18%)	7 (11%)
<b>Total</b>	<b>44</b> (100%)	<b>65</b> (100%)

## The “Parties”

The parties involved as potential complainants and respondents came from various sectors of the University community as shown by Table 3A below.

As compared to 2006-07, recourse to the Policy by undergraduate students and academic staff both fell by some 8%; whereas that by graduate students rose from 5% to 23% of all enquiries/complainants. Potential respondents, with few exceptions, are drawn equally from undergraduate students and academic and administrative staff.

**Table 3A: Enquiry/Complaint by “Sector”**

Status of Party	Complainant		Respondent	
	07-08	06-07	07-08	06-07
Undergraduate student	12 (27%)	23 (35%)	13 (30%)	22 (34%)
Graduate student	10 (23%)	3 (5%)	4 (9%)	-
Academic staff	9 (21%)	19 (29%)	13 (30%)	19 (29%)
Administrative staff	12 (27%)	16 (25%)	13 (30%)	20 (31%)
Other	1 (2%)	4 (6%)	1 (2%)	4 (6%)
<b>Total</b>	<b>44</b> (100%)	<b>65</b> (100%)	<b>44</b> (100%)	<b>65</b> (100%)

The next two tables provide a more detailed picture:

- first, as to those who were involved in enquiries/complaints as complainants and respondents (see Table 3B); and
- second, as to the grounds alleged by sector of complainant (see Table 3C).

**Table 3B: The “Parties” by Sector of the Community**

Complainant	Respondent	07-08	06-07
Undergrad Student	Undergrad student	7	14
	Grad student	1	-
	Academic staff	1	5
	Admin staff	3	4
Grad student	Undergrad student	-	-
	Grad student	2	-
	Academic staff	7	3
	Admin staff	1	-
Academic staff	Undergrad student	6	8
	Grad student	1	-
	Academic staff	2	11
	Admin staff	-	-
Admin staff	Undergrad student	-	-
	Grad student	-	-
	Academic staff	3	-
	Admin staff	9	16
Other	Other	1	4

**Table 3C: Grounds of Complaint by Sector of the Community**

Ground	Status of Complainant									
	Undergrad Student		Grad Student		Academic staff		Admin Staff		Other	
	07-08	06-07	07-08	06-07	07-08	06-07	07-08	06-07	07-08	06-07
Discrimination	3	1	1	-	-	-	2	-	-	-
Harassment	6	10	1	2	3	12	8	15	-	-
Sexual Harass	3	9	3	1	6	7	-	1	-	-
Mixed*	-	3	5	-	-	-	2	-	1	4
<b>Total</b>	12	23	10	3	9	18	12	16	1	4

### Disposition of Complaints

As is illustrated in Table 4A, while a total of 44 enquiries were made of assessors, 27 (61%) did not proceed beyond the “enquiry” stage – this reflected the previous year’s experience where 60% of potential complaints also did not proceed beyond the initial enquiry stage. It is also very encouraging to note that of the 17 (39%) cases in which formal complaints were filed, eight (18%) were informally resolved through the good offices of an assessor, four (9%) were withdrawn, and only five (12%) resulted in a full investigation concluding in a formal report to, and decision by, the Provost. However,

in the previous year, even though there were a larger number of potential complaints, only three (5%) resulted in the need for formal resolution.

Of the five cases requiring formal resolution by an assessor in 2007-08, two involved harassment, one involved sexual harassment, and two were based on “mixed grounds”. In 2006-07, three cases required formal resolution, of which one involved harassment and two sexual harassment.

**Table 4A: Disposition of Complaints by “Ground”**

Grounds	Total		Enquiry Only		Informal Resolution		Formal Resolution		Withdrawn	
	07-08	06-07	07-08	06-07	07-08	06-07	07-08	06-07	07-08	06-07
Discrim.	6 (100%)	1 (100%)	5 (83%)	-	1 (17%)	1 (100%)	-	-	-	-
Harass	18 (100%)	39 (100%)	12 (70%)	23 (60%)	2 (12%)	13 (33%)	2 (11%)	1 (3%)	2 (12%)	2 (5%)
Sexual Harass	12 (100%)	18 (100%)	6 (50%)	12 (67%)	3 (25%)	4 (22%)	1 (8%)	2 (11%)	2 (17%)	-
Mixed	8 (100%)	7 (100%)	4 (45%)	3 (43%)	2 (22%)	4 (57%)	2 (25%)	-	-	-
<b>Totals</b>	44 (100%)	65 (100%)	27 (61%)	38 (60%)	8 (18%)	22 (34%)	5 (12%)	3 (5%)	4 (9%)	2 (2%)

As is seen in Table 4B, below, the cases requiring formal resolution by an assessor in 2007-08 were initiated by graduate students (three cases), undergraduate students (one case) and “other” (one case).

**Table 4B: Disposition by “Complainant”**

Complainant	Total		Enquiry Only		Informal Resolution		Formal Resolution		Withdrawn	
	07-08	06-07	07-08	06-07	07-08	06-07	07-08	06-07	07-08	06-07
Undergrad student	12 (100%)	23 (100%)	8 (67%)	14 (61%)	2 (17%)	8 (35%)	1 (8%)	1 (4%)	1 (8%)	-
Grad student	10 (100%)	3 (100%)	3 (30%)	3 (100%)	4 (40%)	-	3 (30%)	-	-	-
Acad. Staff	9 (100%)	19 (100%)	7 (78%)	15 (79%)	1 (11%)	2 (11%)	-	2 (11%)	1 (11%)	-
Admin. staff	12 (100%)	16 (100%)	8 (66%)	4 (25%)	2 (17%)	10 (63%)	-	-	2 (17%)	2 (13%)
Other	1 (100%)	4 (100%)	-	2 (50%)	-	2 (50%)	1 (100%)	-	-	-
<b>Totals</b>	44 (100%)	65 (100%)	26 (60%)	38 (60%)	9 (20%)	22 (34%)	5 (11%)	3 (5%)	4 (9%)	2 (2%)

### Formal Resolution

Table 5 provides basic information with respect to those cases which were subject to “formal resolution”. It provides the assessors’ conclusion and, where appropriate, the actions taken by the Provost. As is evident, few written complaints have reached this stage under the Policy in both years of its operation (five in 2007-08, three in 2006-07). The Provost has in general accepted the assessor’s findings in all cases that have been formally resolved – and, generally, their recommendations concerning the appropriate disposition of the cases. However, where appropriate, the Provost has

recommended measures (disciplinary or other) that went beyond those recommended by an assessor. Indeed, in one case in which the complaint fell outside the grounds recognized in the Policy, disciplinary measures were imposed as the conduct deviated sufficiently from the norms governing the particular relationship that such a response was appropriate.

**Table 5: “Formal Resolution”**

Assessor Finding	Total Formally Resolved		Discipline		Other Measures	
	07-08	06-07	07-08	06-07	07-08	06-07
Complaint Founded	2	2	1*	1**	2	2
Complaint Not Founded	3	1	1***	-	2	-
<p>* Discipline not imposed in one case because of the psychological condition of the Respondent – however, other measures were recommended and implemented.</p> <p>** Discipline not imposed in one case as it would have served no purpose, and other measures were substituted therefore.</p> <p>*** Although no violation of the Policy was present, Respondent’s conduct was so egregious in the circumstances that it nevertheless warranted disciplinary action.</p>						

**The Issue of “Gender”**

Over the first two years of operation of the Policy assessors have not been asked to record and report on the gender of the parties involved in enquiries or complaints. They will be asked to do so for future reports. What is provided in Table 6 is the information available to the Provost from assessors’ formal resolution reports. These reports contained no suggestion that any of the parties, if asked, would have placed themselves in other than one of the two traditional categories for reporting “gender” – thus the absence of any data for the third category listed in the table.

**Table 6: “Gender” of Parties in Cases Formally Resolved**

Gender	2007-08		2006-07	
	Comp.	Resp.	Comp.	Resp.
Female	4	2	2	-
Male	1	3	1	3
Other	-	-	-	-

**Policy Review**

It must also be noted that the review of the Policy that is called for by section 10 is under way. It is hoped that the report of the review group will be presented to Senate in the spring of 2009.

**Conclusion**

The Administration 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 community is most appreciative of the dedication the assessors exhibit to this very important role, the integrity with which they fulfill their mission, 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 as large and diverse as ours.