



Memorandum

Provost Office

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TO: Senate

FROM: Anthony C. Masi, Provost

SUBJECT: Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law – 2009-2010 Annual Report

DATE: January 19, 2011

DOCUMENT #: D10-36

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE: 2009-2010 Annual Report on Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law

BACKGROUND & RATIONALE: Section 6.1 of the Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law calls for the Provost to report annually to Senate on the operation of the Policy.

MOTION OR RESOLUTION FOR APPROVAL: N/A

PRIOR CONSULTATION: N/A

NEXT STEPS: N/A

APPENDICES: Appendix A: 2009-2010 Annual Report: Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law

**2009-2010 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') came into force on 19 April 2006. It calls for the Provost to report annually to Senate on the application of the Policy. The 2009-2010 report covers the fourth year for which the Policy has been in effect.

Background

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

- 1) informal enquiry/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 a complaint following an investigation; and
- 4) formal resolution of a complaint.

For the purposes of the tables below, the second and third steps have been combined, since they both result in an informal resolution of a complaint.

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

Grounds of Enquiry/Complaint

In 2009-2010, there were 39 enquiries/complaints. Table 1 shows that, as in previous years, most enquiries and complaints involved harassment. This year shows an increase in proportion of enquiries/complaints relating to discrimination over previous years, and a corresponding drop in sexual harassment enquiries/complaints.

Table 1: Grounds of Enquiry/Complaint

Ground	Year			
	09/10	08/9	07/8	06/7
Discrimination	6 (17%)	1 (4%)	6 (14%)	1 (2%)
Harassment	24 (61%)	15 (58%)	18 (41%)	39 (60%)
Sexual Harassment	7 (19.5%)	10 (38%)	12 (27%)	18 (28%)
Mixed	2 (5.5%)	-	8 (18%)	7 (11%)
Total	39 (100%)	26 (100%)	44 (100%)	65 (100%)

The 'Parties'

The parties involved as potential complainants and respondents are shown in Tables 2 to 4, broken down by sector (Table 2), party (Table 3) and gender (Table 4). It can be seen that administrative staff form the majority (one-third) of complainants, and that complaints from undergraduate students have dropped in comparison to previous years. Academic staff form the majority of respondents (41%). This year, the majority of complainants and respondents are female. Table 5 (see page 4) gives a breakdown of the grounds of complaint by sector.

Table 2: Enquiry/Complaint by Sector

Status of Party	Complainant				Respondent			
	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7
Undergraduate student	5 (13%)	10 (38%)	12 (27%)	23 (35%)	3 (8%)	5 (19%)	13 (30%)	22 (34%)
Graduate student	8 (21%)	3 (11%)	10 (23%)	3 (5%)	4 (10%)	2 (8%)	4 (9%)	-
Academic staff	4 (10%)	2 (8%)	9 (21%)	19 (29%)	16 (41%)	12 (46%)	13 (30%)	19 (29%)
Administrative staff	13 (33%)	9 (35%)	12 (27%)	16 (25%)	11 (28%)	6 (23%)	13 (30%)	20 (31%)
Other	9 (23%)	2 (8%)	1 (2%)	4 (6%)	5 (13%)	1 (4%)	1 (2%)	4 (6%)
Total	39 (100%)	26 (100%)	44 (100%)	65 (100%)	39 (100%)	26 (100%)	44 (100%)	65 (100%)

Table 3: Party by Sector

Complainant	Respondent	09/10	08/9	07/8	06/7
Undergrad Student	Undergrad student	3	5	7	14
	Grad student		-	1	-
	Academic staff	2	5	1	5
	Admin staff		-	3	4
	Other		-	-	-
Grad student	Undergrad student		-	-	-
	Grad student	2	2	2	-
	Academic staff	6	1	7	3
	Admin staff		-	1	-
	Other	1	-	-	-
Academic staff	Undergrad student		-	6	8
	Grad student		-	1	-
	Academic staff	3	2	2	11
	Admin staff		-	-	-
	Other		-	-	-
Admin staff	Undergrad student		-	-	-
	Grad student	2		-	-
	Academic staff	1	3	3	-
	Admin staff	10	6	9	16
	Other		-	-	-
Other	Undergrad student		-	1	4
	Grad student	1	-	-	-
	Academic staff	3	1	-	-
	Admin staff	1	-	-	-
	Other	4	1	-	-
Total		39	26	44	65

Table 4: Gender of Complainants and Respondents

Gender	09/10		08/09	
	Complainant	Respondent	Complainant	Respondent
Female	30	24	21	5
Male	9	11	5	22
Unknown	-	4	-	-
Total	39	39	26	27

Disposition of Complaints

Disposition of complaints is shown in Tables 6 and 7 (see page 4). Of the total enquiries made, 20 (51%) did not proceed beyond the enquiry stage – this is slightly lower than in previous years, in which approximately 60% of potential complaints did not proceed beyond the initial enquiry stage. 10 (26%) were resolved informally, 5 (13%) went to formal resolution. In 4 (10%) cases the complaint was withdrawn.

Formal Resolution

Table 7 provides basic information with respect to those cases which were subject to formal resolution, including the assessors' conclusions and the actions taken by the Provost. In all cases that have been formally resolved, the assessors' findings have been accepted – as have, generally, their recommendations concerning the appropriate disposition of the cases. However, in certain cases, the Provost has recommended measures (disciplinary or other) that went beyond those recommended by an assessor.

Table 7: Formal Resolution

Assessor Finding	Total Formally Resolved				Discipline				Other Measures ^a			
	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7	09/10	07/08	07/8	06/7
Complaint Founded	2	2	2	2	2	2	1 ^b	1 ^c	2	2	2	2
Complaint Not Founded	3	5	3	1	-	-	1 ^d	-	-	3	2	-

^a Discipline is often combined with other measures, so the totals may come to more than total number of complaints founded.
^b Discipline not imposed in one case because of the psychological condition of the Respondent – however, other measures were recommended and implemented.
^c Discipline not imposed in one case as it would have served no purpose, and other measures were substituted therefore.
^d Although no violation of the Policy was present, Respondent's conduct was so egregious in the circumstances that it nevertheless warranted disciplinary action.

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.

Table 5: Grounds of Complaint by Sector

	Status of Complainant															
	Undergraduate Student			Graduate Student			Academic staff			Administrative Staff			Other			
	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7
Discrim	-	1	3	1	-	1	-	-	-	-	-	-	3	-	2	-
Harass	4	2	6	10	3	3	1	2	4	2	3	12	9	6	8	15
Sexual Har	1	7	3	9	4	-	3	1	-	-	6	7	-	3	-	1
Mixed	-	-	-	3	1	-	5	-	-	-	-	-	1	-	2	-
Totals	5	10	12	23	8	3	10	3	4	2	9	18	13	9	12	16

Table 6: Disposition by Ground

	Enquiry Only				Informal Resolution				Formal Resolution				Withdrawn			
	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7
Discrim	3	1	5	-	3	-	1	1	-	-	-	-	2	-	-	-
Harass	14	9	12	23	5	-	2	13	3	5	2	2	2	1	2	2
Sexual Har	3	5	6	12	-	-	3	4	2	2	1	2	-	-	3	2
Mixed	-	-	4	3	2	-	2	4	-	-	2	2	-	-	-	-
Totals	20 (51%)	15 (58%)	27 (61%)	38 (60%)	10 (26%)	-	8 (18%)	22 (34%)	5 (13%)	7 (27%)	5 (12%)	3 (5%)	4 (10%)	4 (15%)	4 (9%)	2 (2%)

Table 7: Disposition by Complainant

	Enquiry Only				Informal Resolution				Formal Resolution				Withdrawn			
	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7	09/10	08/9	07/8	06/7
Undergrad	4	5	8	14	-	-	2	8	1	2	1	1	-	3	1	-
Grad	2	1	3	3	2	-	4	-	2	2	3	-	2	-	-	-
Acad staff	2	2	7	15	2	-	1	2	-	-	-	-	2	-	1	-
Admin staff	9	7	8	4	3	-	2	10	1	1	-	-	-	1	2	2
Other	3	-	-	2	3	-	-	2	1	2	1	-	2	-	-	-
Totals	20	15	26	38	10	-	9	22	5	7	5	3	4	4	4	2