



Memorandum

Provost Office

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TO: Senate

FROM: Anthony C. Masi, Provost

SUBJECT: Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law
– 2010-2011 Annual Report

DATE: September 22, 2011

DOCUMENT #: D11-03

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE: 2010-2011 Annual Report on Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law

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.

MOTION OR RESOLUTION FOR APPROVAL: N/A

PRIOR CONSULTATION: N/A

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

APPENDICES: Appendix A: 2010-2011 Annual Report: Policy on Harassment, Sexual Harassment & Discrimination Prohibited by Law

**2010-2011 ANNUAL REPORT:
POLICY ON HARASSMENT, SEXUAL HARASSMENT AND
DISCRIMINATION PROHIBITED BY LAW**

Introduction

The *Policy on Harassment, Sexual Harassment and Discrimination Prohibited by Law* (henceforth, ‘the Policy’) came into force in April 2006. It calls for the Provost to report annually to Senate on the application of the Policy. The 2010-2011 report covers the fifth year in which the Policy has been in effect.

Background

The Policy provides for a confidential and expeditious process of investigation of complaints based on the following grounds (singly or in combination): harassment, sexual harassment and discrimination prohibited by law. There are four possible steps in the handling of complaints; informal resolution is encouraged.

- 1) informal enquiry/consultation with an Assessor by a potential complainant prior to initiating a complaint;
- 2) informal resolution once a complaint has been initiated but prior to its investigation;
- 3) informal resolution of a complaint following an investigation;
- 4) formal resolution of a complaint.

The tables provide statistical information for the five years since the Policy has been in operation.¹

Grounds of Enquiry/Complaint

In 2010-2011, there were 43 enquiries/complaints. Table 1 shows that, as in previous years, the largest number of enquiries and complaints concerned harassment. This year shows an increase in proportion of ‘mixed’ enquiries/complaints over previous years, and a drop in sexual harassment enquiries/complaints.

Table 1: Grounds of Enquiry/Complaint

Grounds	10/11	09/10	08/09	07/08	06/07
Discrimination	5 (12%)	6 (17%)	1 (4%)	6 (14%)	1 (2%)
Harassment	20 (46.5%)	24 (61%)	15 (58%)	18 (41%)	39 (60%)
Sexual Harassment	4 (9%)	7 (19.5%)	10 (38%)	12 (27%)	18 (28%)
Mixed	14 (32.5%)	2 (5.5%)	-	8 (18%)	7 (11%)
Total	43 (100%)	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 status (Table 2), party (Table 3) and gender (Table 4). It can be seen that administrative staff form the majority (one-half) of complainants, and that complaints from academic staff continue to be low.

¹ For the purposes of Tables 5 and 6, the second and third steps have been combined, since they both result in an informal resolution of a complaint.

Administrative staff also form the majority of respondents (37%). The majority of complainants are female, while the majority of respondents are male.

Table 2: Status of the Parties

Status of Party	Complainant					Respondent				
	10/11	09/10	08/09	07/08	06/07	10/11	09/10	08/09	07/08	06/07
Undergraduate Student	8 (18.5%)	5 (11%)	10 (38%)	12 (27%)	23 (35%)	4 (10%)	2 (5%)	5 (19%)	13 (30%)	22 (34%)
Graduate Student	9 (21%)	8 (22%)	3 (11%)	10 (23%)	3 (5%)	3 (7%)	4 (11%)	2 (8%)	4 (9%)	-
Academic Staff	3 (7%)	4 (10%)	2 (8%)	9 (21%)	19 (29%)	13 (30%)	15 (42%)	12 (46%)	13 (30%)	19 (29%)
Admin/Support Staff	21 (49%)	13 (33%)	9 (35%)	12 (27%)	16 (25%)	16 (37%)	10 (28%)	6 (23%)	13 (30%)	20 (31%)
Other	2 (4.5%)	9 (25%)	2 (8%)	1 (2%)	4 (6%)	7 (16%)	5 (14%)	1 (4%)	1 (2%)	4 (6%)
Total	43 (100%)	39 (100%)	26 (100%)	44 (100%)	65 (100%)	43 (100%)	36 (100%)	26 (100%)	44 (100%)	65 (100%)

Table 3: Party by Party

Complainant	Respondent	10/11	09/10	08/09	07/08	06/07
UG student	Undergrad student	3	3	5	7	14
	Grad student	1	-	-	1	-
	Academic staff	1	2	5	1	5
	Admin/Support	1	-	-	3	4
	Other	2	-	-	-	-
Grad student	Undergrad student	1	-	-	-	-
	Grad student	2	2	2	2	-
	Academic staff	5	6	1	7	3
	Admin/Support	-	-	-	1	-
	Other	1	1	-	-	-
Academic staff	Undergrad student	-	-	-	6	8
	Grad student	-	-	-	1	-
	Academic staff	-	3	2	2	11
	Admin/Support	-	-	-	-	-
	Other	3	-	-	-	-
Admin/Support Staff	Undergrad student	-	-	-	-	-
	Grad student	-	2	-	-	-
	Academic staff	6	1	3	3	-
	Admin/Support	15	10	6	9	16
	Other	-	-	-	-	-
Other	Undergrad student	-	-	-	1	4
	Grad student	-	1	-	-	-
	Academic staff	1	3	1	-	-
	Admin/Support	-	1	-	-	-
	Other	1	4	1	-	-
Total		43	39	26	44	65

Table 4: Gender of Complainants and Respondents

Gender	10/11		09/10	
	Complainant	Respondent	Complainant	Respondent
Female	30	9	30	24
Male	13	28	9	11
Unknown	-	6	-	4
Total	43	43	39	39

Disposition of Complaints

Disposition of complaints is shown in Tables 5 and 6 (see page 4). Of the total enquiries made, 30 (70%) did not proceed beyond the enquiry stage – this is slightly higher than in previous years. One case (2%) was resolved informally, 5 (12%) went to formal resolution, and 7 cases (16%) were withdrawn.

Formal Resolution

Table 7 provides basic information with respect to those cases which were subject to formal resolution. In all cases that have been formally resolved, the assessors’ findings have been accepted by the Provost – 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

	Total Formally Resolved					Discipline ^a					Other Measures ^a				
	10/11	9/10	8/9	7/8	6/7	10/11	9/10	8/9	7/8	6/7	10/11	9/10	8/9	7/8	6/7
Complaint Founded	2	2	2	2	2	2	2	2	1 ^b	1 ^c	-	2	2	2	2
Complaint Not Founded	3	3	5	3	1	-	-	-	1 ^d	-	-	-	3	2	-

^a Discipline may be combined with other measures, so sometimes Discipline and Other Measures add up to more than the 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, and other measures were substituted.

^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

In 2010-2011, the Assessors met several times, for general discussion and for the purposes of additional training. The Assessors have identified a number of issues with the current version of the Policy, as have other groups. Section 8 of the Policy provides for review by a working group after 3 years from December 2009, should Senate so determine. This means that it may be appropriate to undertake a review of the Policy in the 2012-2013 academic year.

The Administration would like to take this opportunity, on behalf of all members of the University, to publicly thank all those who have served or are continuing to serve as Assessors pursuant to the Policy. We would particularly like to thank the outgoing Assessors, Heidi Emami, Karl Jarosiewicz and Patricia Tuck (this year’s coordinator), who have all served for more than one term. The University community is most appreciative of the dedication that the Assessors bring 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 disputes.

Table 5: Disposition by Ground

	Enquiry Only					Informal Resolution					Formal Resolution					Withdrawn				
	10/11	9/10	8/9	7/8	6/7	10/11	9/10	8/9	7/8	6/7	10/11	9/10	8/9	7/8	6/7	10/11	9/10	8/9	7/8	6/7
Discrim	5	3	1	5	-	-	3	-	1	1	-	-	-	-	-	-	2	-	-	-
Harass	15	14	9	12	23	-	5	-	2	13	2	3	5	2	1	3	2	1	2	2
Sexual har	3	3	5	6	12	-	-	-	3	4	-	2	2	1	2	1	-	3	2	-
Mixed	7	-	-	4	3	1	2	-	2	4	3	-	-	2	-	3	-	-	-	-
Totals	30 (70%)	20 (51%)	15 (58%)	27 (61%)	38 (60%)	1 (2%)	10 (28%)	-	8 (18%)	22 (34%)	5 (12%)	5 (14%)	7 (27%)	5 (12%)	3 (5%)	7 (16%)	4 (11%)	4 (15%)	4 (9%)	2 (2%)

Table 6: Disposition by Complainant

	Enquiry Only					Informal Resolution					Formal Resolution					Withdrawn				
	10/11	9/10	8/9	7/8	6/7	10/11	9/10	8/9	7/8	6/7	10/11	9/10	8/9	7/8	6/7	10/11	9/10	8/9	7/8	6/7
UG	8	4	5	8	14	-	-	-	2	8	-	1	2	1	1	-	-	3	1	-
Grad	7	2	1	4	3	-	2	-	3	-	-	2	2	3	-	2	2	-	-	-
Acad	-	2	2	7	15	-	2	-	1	2	2	-	-	-	2	1	-	-	1	-
Admin	15	9	7	8	4	1	3	-	2	10	2	1	1	-	-	1	-	1	2	2
Other	-	3	-	-	2	-	3	-	-	2	1	1	2	1	-	3	2	-	-	-
Totals	30	20	15	27	38	1	10	-	8	22	5	5	7	5	3	7	4	4	4	2