



Memorandum

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TO: Senate

FROM: Angela Campbell, Co-Acting Provost & Vice-Principal (Academic) and Associate Provost (Equity & Academic Policies)

SUBJECT: Annual Report on the Policy on Harassment and Discrimination (2021-2022)

DATE: March 22, 2023

DOCUMENT #: D22-52

ACTION REQUIRED: INFORMATION APPROVAL/DECISION

ISSUE Annual Report on the Policy on Harassment and Discrimination (2021-2022).

BACKGROUND & RATIONALE The Policy on Harassment and Discrimination (“the Policy”) calls for the Provost to report annually on its operation. This report addresses activities, cases, and developments under or in connection with the Policy in 2021-2022.

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 This Annual Report will be presented to the Executive Committee of the Board of Governors on March 23, 2023.

MOTION OR RESOLUTION FOR APPROVAL N/A

APPENDICES Appendix A: Annual Report on the Policy on Harassment and Discrimination (2021-2022)

2022 ANNUAL REPORT

POLICY ON HARASSMENT & DISCRIMINATION

1. INTRODUCTION

McGill's Policy on Harassment and Discrimination ("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 January 2022 to 31 December 2022.

2. DEFINITIONS

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:

1.4 "Discrimination" means discrimination prohibited by law and includes any action, behaviour, or decision based on race, colour, sex, gender identity or expression, pregnancy, family status, 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.

1.5 "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.

3. RESPONDING TO INQUIRIES AND COMPLAINTS

Reports made pursuant to the Policy are filed with the Office for Mediation and Reporting (OMR), which is staffed by people with specialized training in law and policy related to human rights, mediation, trauma-informed approaches to harm response, and procedural fairness.

A person who files (the reporter) may choose one of two processes for addressing the Report: mediation or investigation. A mediation can only proceed with the consent of the named respondent(s). If a mediation cannot occur, a reporter may request an investigation of their report by an assessor.

3.1 Inquiries and Reports

Looking at the tables below, it will be important to keep in mind that the present annual report covers a 12-month reference period, in contrast to last year's atypical 16-month reporting period. Reporting periods prior to last year also covered 12 months.

Table 1 sets out data on inquiries for the reference period and contrasts these with the decade prior. The reader will note a significant increase in the number of general inquiries pertaining to the Policy over time. This suggests growing awareness of the OMR and the Policy. It also reflects increased demand for custom workshops and advice from members of the McGill community on ways to improve work and learning environments. Such inquiries cannot go on to formal reports but highlight increased attention within our community to the importance of prevention initiatives.

Table 2 shows that, as is usually the case, most inquiries (89%) do not lead to the filing of a formal report.

Table 3 provides information about the types of reports filed. In total, 24 reports (11%) were filed over the reference period, which is a considerable jump from prior reference years; a trend in increased outreach about the Policy is discernable. This is a notable increase even considering the longer reference period covered by the prior reference period. While too early to detect trends, it will be important to watch these data in the years to come. Increased reporting does not necessarily mean a rise in incidents of harassment and discrimination; rather, as we have seen with our *Policy against Sexual Violence*, stronger reporting and investigative resources increases trust in and reliance on these from within the campus community. At the same time, movement in this direction will have an impact on the resources required to ensure that reports are equitably and diligently treated, in accordance with the Policy.

Table 1: Grounds of Inquiry/Report

Ground(s)	2022	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Discrimination	25 (12%)	34 (10%)	30 (18%)	20 (12%)	12 (15%)	3 (7%)	6 (15%)	3 (13%)	2 (8%)	1 (3%)	5 (21%)
Harassment	88 (41%)	101 (29%)	65 (38%)	73 (45%)	26 (33%)	33 (79%)	19 (49%)	16 (70%)	17 (71%)	27 (73%)	15 (63%)
Sexual Harassment*	N/A	N/A	N/A	19 (12%)	11 (14%)	4 (10%)	8 (21%)	2 (9%)	2 (8%)	5 (13%)	1 (4%)
Mixed	49 (23%)	26 (8%)	41 (24%)	31 (19%)	12 (15%)	2 (4%)	6 (15%)	2 (9%)	1 (4%)	4 (11%)	3 (13%)
Other (e.g. general info)	50 (24%)	183 (53%)	34 (20%)	18 (11%)	17 (22%)	n/a	n/a	n/a	n/a	n/a	n/a
Total	212	344	170	161	78	42	39	23	24	37	24

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

Table 2: Inquiry Only

Ground(s)	2022	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Discrimination	23	28	28	19	11	2	4	2	2	1	4
Harassment	72	85	59	59	16	22	16	11	12	16	10
Sexual harassment*	N/A	N/A	N/A	19	12	2	4	2	2	4	1
Mixed	43	20	36	29	6	-	4	1	-	1	2
Other (gen. information)	50	183	34	18	13	n/a	n/a	n/a	n/a	n/a	n/a
Total	188 (89%)	316 (91%)	157 (92%)	144 (89%)	58 (74.5%)	26 (62%)	28 (72%)	16 (70%)	16 (67%)	22 (60%)	17 (71%)

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

Table 3: Reports Filed

Ground(s)	2022	20/21	19/20	18/19
Discrimination	2	6	2	1
Harassment	16	16	6	14
Mixed (Harassment & Discrimination)	6	6	5	2
Total	24 (11%)	28 (8%)	13 (8%)	17 (11%)

12 of the Reports filed during the reference period fell outside the scope of the Policy or were resolved through a channel outside of the Policy after a more effective resolution process was identified, in accordance with the Procedures that accompany the Policy. In some cases where the OMR believes that there is a chance to deal with an issue more effectively and appropriately outside of the Policy, it can make the recommendation of an alternate pathway to the reporter. If the latter agrees, alternate channels for dispute- or conflict-resolution outside of a formal report are explored, facilitated by the staff within the OMR. This approach can be very successful and lead to outcomes satisfactory to the parties.

The 12 Reports filed, which lead to investigations, during the reference year that did fall within the Policy's scope will be further addressed below.

3.2 The Parties

Tables 4 and 5 provide information about the reporters (previously “complainants”) and respondents. Parties are designated as a reporter or as a respondent only once a report is formally filed with the OMR. Data for these tables are available only for this reference year and the last three, given that it was only in 2018 that McGill decided to record party status data once a report is filed rather than at the inquiry stage.

Table 4: Status of Parties to Reports

Reporter	Respondent	2022	20/21	19/20	18/19
UG student	Undergrad student	0	0	1	0
	Grad student	0	0	1	0
	Academic staff	2	2	2	1
	Admin/Support	0	1	0	0
	Other	0	0	0	0
Grad student	Undergrad student	0	0	0	0
	Grad student	0	0	2	2
	Academic staff	2	7	2	2
	Admin/Support	2	1	1	0
	Other	0	0	0	0
Academic staff*	Undergrad student	0	0	0	0
	Grad student	1	0	0	0
	Academic staff	4	8	1	5
	Admin/Support	0	0	0	0
	Other	0	1	0	0
Admin/Support Staff	Undergrad student	0	0	0	0
	Grad student	0	0	0	0
	Academic staff	1	0	1	0
	Admin/Support	0	7	2	6
	Other	0	0	0	0
Former Student	Academic staff	0	2	N/A	N/A
Non-McGill**	Academic staff	1	1	N/A	N/A
Total		13 NB: total >12 as 1 case included 2 Respondents	30 NB: total >28 as 1 case included 2 Respondents	13	16 NB: Total < 17 as one joint complaint vs 1 respondent.

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

*** The Policy (s. 1.1) now allows someone from outside of McGill to file a report if they are “an employee or [hold] an appointment with an institution where students of the University are trained and which is, directly or indirectly, a party to an affiliation agreement with the University.”*

Table 5: Gender of Parties to Complaints

	2022		20/21		19/20		18/19	
	Reporter	Respondent	Reporter	Respondent	Reporter	Respondent	Reporter	Respondent
Women	8	7	12	13	6	5	11	10
Men	4	6	16	15	5	8	6	8
Non-binary/ Unknown	0	0	0	0	2	0	0	0
Total	12	13 NB: total >12 as 1 case included 2 Respondents	28	28	13	13	17	18

3.3 Report Outcomes

A Report that falls within the Policy’s scope may yield the following outcomes:

A report may yield any of the following outcomes:

- The report might be withdrawn
- The report might result in mediation between the parties
- The report can result in an investigation by an assessor, which produces an assessor’s report submitted to the Provost for a final decision on the matter

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

- 0 reports were withdrawn
- 1 report proceeded to mediation before investigation
- 12 cases ultimately proceeded to an investigation

Table 6: Report Outcomes
(Total = 12 files, see Table 3)

6a. Withdrawn											
Ground	2022	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Discrimination	0	1	1	0	1		1	1	-	-	1
Harassment	0	1	1	2	-	2	-	-	-	3	-
Sexual harassment*	N/A	N/A	N/A	-	-	-	-	-	-	-	-
Mixed	0	0	0	1	-	1	1	-	1	2	-
Total	0	2	2	3	1	3	2	1	1	5	1

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

6b. Mediation											
Ground	2022	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Discrimination	1	1	0	0	1	-	-	-	-	-	-
Harassment	0	3	1	1	8	-	2	2	1	3	2
Sexual harassment*	N/A	N/A	N/A	-	-	-	3	-	-	-	-
Mixed	0	1	2	1	1	-	-	-	-	-	-
Total	1**	6	3	2	10	0	5	1	1	3	2

* As of 2019, sexual harassment is covered by the Policy against Sexual Violence.

** A mediation agreement was not reached, and this report proceeded to an investigation.

6c. Investigation											
Grounds	2022	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Discrimination	1	4	-	1	1	1	1	-	-	-	-
Harassment	8	12	3	10	2	9	1	3	-	7	3
Sexual harassment	N/A	N/A	N/A	-	2	2	1	-	-	1	-
Mixed	3	5	3	1	4	1	1	1	6	1	1
Total	12	21	6	12	9	13	4	4	6	9	4

3.4 Results of Investigations

Following an investigation, the Assessor will determine whether the evidence is sufficient to establish on a balance of probabilities that harassment and/or discrimination occurred. The Assessor prepares a report setting out the process followed, the evidence considered, and the findings of fact and conclusion drawn. The Assessor submits this report to the Provost who makes a final decision on the matter. Where harassment and/or discrimination are found, the Provost refers the case to the relevant disciplinary officer to determine whether and what disciplinary and/or administrative measures are warranted, in accordance with the appropriate employment regulations or collective agreement, or, in the case of a student respondent, the *Code of Student Conduct and Disciplinary Procedures*.

Table 7a provides information about the results of investigations over the reference period. It demonstrates that 4 of the 11 investigations completed at the time of filing this annual report led to findings of harassment and/or discrimination. In these four cases, one pertained to discrimination, two pertained to harassment and one pertained both to harassment and discrimination. One investigation remains ongoing at the time of this annual report's filing.

Table 7b indicates whether discipline was imposed in cases where a report was deemed founded. By the time of filing this annual report, four reports were deemed to be founded pursuant to an investigation. Of these, discipline was imposed in one case and in the remaining three cases, the files are with the appropriate disciplinary authority, pending a decision.

Table 7c indicates whether administrative measures were imposed regardless of whether a report was founded. It demonstrates that, by the time of filing this annual report, such measures were imposed following three investigations. Three other cases remain with disciplinary authorities at the time of filing this annual report. Administrative measures may include, for example, 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. Investigations										
Assessor's Finding	2022	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Founded	4	4	2	0	2	4	1	1	1	2	1
Not Founded	7	14	4	12	7	9	3	3	5	4	3
Ongoing	1	3	-	-	-	-	-	-	-	-	-

7b. Discipline Following Founded Report											
	2022	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Yes	4	4	1	N/A	1	3	1	1	-	1	-
No	0	0	1	N/A	1	-	-	-	-	-	-

7c. Administrative Measures											
Assessor's Finding	2022	20/21	19/20	18/19	17/18	16/17	15/16	14/15	13/14	12/13	11/12
Founded	1	4	2	N/A	2	4	1	-	1	1	1
Not Founded	2	2	2	6	6	4	3	3	3	-	1

6. CONCLUSION

The present annual report reflects work led pursuant to the Policy, which aligns with the University's overarching commitments to equity and inclusiveness. In recent years, the Policy and associated resources have been strengthened, reflecting the importance of this issue. The year ahead will focus on continuing to build the OMR's capacity to field and address inquiries and reports and to raise awareness through education efforts regarding harassment and discrimination prevention and response.

Thanks are owed to **Li Zhou** who provided administrative support to the OMR during the reference year and to McGill's Harassment and Discrimination Officers: **Andréa Baptiste**, **Maria Nuñez** (on leave during the reference year), and **Courtney Wile**. The OMR's strength as a unit dedicated to upholding rights and responsibilities across McGill is to be credited principally to **Sinead Hunt**, Associate Director of the OMR.