



Equity Office and Human Rights and Equity Services Discrimination and Harassment Report 2008

The Equity Office envisions a community in which human rights are respected and equity is embedded in all areas of academic, work and campus life. Through its leadership, vision and collaborative action, the Equity Office will further UBC's commitment to excellence, equity and mutual respect.

Human Rights & Equity Services (HES) works to ensure UBC Okanagan is a welcoming and respectful learning and work community for everyone; one that respects differences, champions fair treatment and embraces diversity.

OVERVIEW

The University of British Columbia's Policy on Discrimination and Harassment (Policy #3, hereinafter referred to in this report as the "Policy") was adopted and implemented in 1995 and revised to its current form in 2001. It is currently under review for possible further revision.

The Policy helps the University provide all members of its community – students, staff and faculty – with the best possible environment in which to study and work. Such an environment is one where all have equitable access to study and work opportunities, are treated with respect and dignity, and are free from discrimination and harassment. The Policy protects against discrimination and harassment on actual or perceived personal characteristics related to 13 human rights grounds. It also prohibits UBC community members from engaging in such discriminatory or harassing actions against other UBC students, staff and faculty. The 13 grounds of prohibited discrimination are based on those outlined in the *BC Human Rights Code*. Specifically, these are:

- Age (19 and older)
- Ancestry
- Colour
- Family status
- Marital status
- Physical or mental disability
- Place of origin
- Political belief (in the context of employment only)
- Race
- Religion
- Sex (which includes sexual harassment and gender identity/expression)
- Sexual orientation
- Unrelated criminal conviction (in the context of employment only)

The *BC Human Rights Code*, and likewise, UBC's Policy, provides protection from discrimination and harassment in the areas of housing, employment and service provision. At UBC, this provision of service includes academics, athletics and residential life. The obligation to adhere to the Policy and maintain a discrimination- and harassment-free work, study and campus environment falls upon all students, faculty, and staff, especially those in a position to supervise the work or conduct of others.

THE EQUITY OFFICE AND HUMAN RIGHTS AND EQUITY SERVICES

The mandates of the Equity Office (UBC V) and Human Rights and Equity Services (UBC O) are to ensure that the rights and responsibilities provided for by the Policy are fulfilled by the UBC community. We conduct a range of educational programs and events to heighten awareness of related rights and responsibilities under the Policy, and we offer fair complaint procedures to address discrimination and harassment when it does occur. Our complaint procedures offer a clear, equitable approach to problem resolution and they supplement other University and extra-University mechanisms, such as those of employee associations and unions, the courts, the BC Human Rights Tribunal and the Office of the BC Ombudsman.

In 2008, the Equity Office at UBC Vancouver was staffed by 3 Equity Advisors (3.0 FTE), 2 administrative staff (2.0 FTE), and one Associate Vice President, Equity. At UBC Okanagan, the Human Rights and Equity Services (HES) office was staffed by one full-time Equity Advisor. HES falls under the jurisdiction of the same Associate Vice President. Both campuses utilize the same Policy and both offer complaint management services and educational/preventative programming on a range of equity issues.

The purpose of this report is to share the data collected by the Equity Office and Human Rights and Equity Services on their handling of discrimination and harassment incidents in 2008. Each campus will report on their statistics separately.

DISCRIMINATION AND HARASSMENT DEFINED

According to the *BC Human Rights Code* and the UBC Policy, discrimination is defined as the denial of an opportunity to, or a biased decision against, an individual or a group because of some actual or perceived personal attribute, such as sexual orientation or religion (or any of the 13 grounds listed above). Discrimination also occurs when individuals are judged on the basis of their group membership, rather than their individual capabilities or merit. For example, to exclude a female applicant from a manually intensive job because "women are not strong" is an unfounded, unjustifiable denial of an opportunity. Similarly, it is discriminatory to deny employment to an otherwise qualified woman who appears to be pregnant because it is assumed that she will leave the position in short order. In some situations, however, different treatment can be justified, perhaps because of a reasonable occupational requirement. To reject a blind applicant for a job as a pilot, for example, is a justifiable reason for different treatment and denial of the position. A decision or conduct based on a bona fide occupational requirement does not violate the *BC Human Rights Code* or UBC Policy. However, the legal test that must be applied to determine whether differential treatment is based on a bona fide occupational requirement is difficult to meet. Most incidents of differential treatment based on any of the 13 grounds cannot be justified and thus are prohibited at UBC.

Harassment is a form of discrimination, which entails offensive or insulting treatment of individuals or groups, again, because of their actual or perceived personal characteristics relating to one or more of the 13 grounds of prohibited discrimination. The harassing behaviour is unwelcome to the recipient and the behaviour is assessed as harassment based on the impact of the behaviour on the recipient (subject to the reasonable person test), rather than the intent of the alleged harasser. Discrimination and harassment, whether intentional or unintentional, are unlawful and in violation of the UBC Policy.

UBC's Policy also includes provisions to protect against retaliation for persons who bring forward complaints of discrimination or harassment.

COMPLAINT MANAGEMENT

In 2008, the Equity Office (UBC V) and Human Rights and Equity Services (UBC O) provided consultation and case management assistance to students, faculty, and staff, including administrative heads of unit, executive members of employee associations and members of departmental equity committees. Complaints accepted by the Equity Office/HES were resolved by complainants themselves, by Equity Advisors, by administrative heads or by a collaborative process involving Equity Advisors, administrative heads, complainants and/or respondents.

As set out in the Policy, Administrative Heads of Units are responsible for addressing discrimination and harassment in their units. Administrative Heads are the top administrators in a given unit – institutes, faculties, departments and the like; and may include, for example, Directors, Academic Heads, Deans, Associate Vice Presidents, and Vice Presidents. Administrative Heads and Equity Advisors jointly share the responsibility for enforcing the Policy. Individuals who believe they have a human rights complaint may take their concerns to their Administrative Head or to an Equity Advisor in the Equity Office or HES; the option is theirs. In many cases, the Equity Advisors and Administrative Heads work in tandem to address complaints and concerns brought forth. Equity Advisors do not advocate for any one group on campus (faculty, staff or students) or individuals to a complaint (complainants or respondents), but rather serve as advocates for the Policy – to ensure a discrimination- and harassment-free campus. Concerns brought directly to an Administrative Head of Unit which did not involve the Equity Office or HES are not reflected in this annual report.

Concerns brought directly to the Equity Office at UBC V or the Human Rights and Equity Services (HES) office at UBC O are classified either as consultations or cases.

"Cases" involve the Equity Advisor in direct intervention in a mandate situation. In other words, they are cases that meet the burden of proof established by the Policy and upon which the Equity Advisor acts to remedy the concern.

"Consultations" usually take one of three forms: 1. concerns which are preventative in nature, 2. those which do not fall under the mandate of the Policy, or 3. concerns which would fall under the mandate of the Policy, but we do not have consent to proceed with the concern as a case. Some consultations are fairly straight forward and resolved through the provision of information or a referral, for example, while other consultations can involve significant amounts of work on the part of the Equity Advisor.

1. Preventative consultations are ones in which a breach of the Policy has not yet been made, but where a potential complainant or Administrative Head of Unit has good reason to believe that a breach of Policy may occur if prior intervention does not first take place. With concerns such as these, the Equity Advisor, in consultation with the department, acts to provide preventative education or programming, develop action plans and/or offers other intervention services to prevent discrimination or harassment before it occurs.

2. Consultations which involve concerns that do not fall under the mandate of the Policy include, for example, allegations which fall outside the one year time limit for reporting incidents, involve non-UBC parties or a non-UBC context, do not meet the burden of proof for a human-rights based complaint of discrimination or harassment, or fall under the mandate of another UBC policy or procedure. Concerns of personal harassment and interpersonal conflict which do not contain a human rights element are treated as consultations.

3. Lastly, consultations can involve concerns which would meet the burden of proof under the policy, but for which the Equity Advisor has not been given consent to proceed with the concern as a case. The procedures provided for in the Policy are complaint-driven. Unless the allegations of discrimination or harassment are very serious in nature – for example, ones with potential consequences that threaten the safety or lives of individuals, units or the University – the complainant has the right to withhold consent to proceed with an allegation through case management procedures. This provision is in place to allow members of the University community to consult with the Equity Office before they make an informed decision to proceed, or not, with a case under the Policy.

In consultations, some individuals want information and advice on how to address problems themselves. Others are too fearful of retaliation to confront respondents or to inform administrative heads, and therefore, insist the Office not intervene on their behalf. Since discrimination or harassment complaints cannot be pursued anonymously, as stated above, Advisors approach these incidents in a consultative manner unless the concern is of such an egregious nature (i.e. it seriously threatens the health and safety of UBC community members) that they warrant action even without the complainant's consent. The limits on confidentiality in the Equity Office and HES are such that it is only in very rare, exceptional circumstances that an Equity Advisor would choose to pursue a complaint without consent to pursue from the presenting party. Other consultations can involve the provision of assistance to people whose concerns do not fall under the mandate of the Policy (such as concerns of personal harassment or serious concerns of discrimination and harassment that involve a complainant or respondent who is outside UBC jurisdiction). Consultations may take the form of answering questions about the Policy, bridging communication gaps between parties, or referring

individuals to other UBC offices or external community services to find appropriate redress for their concerns. This report refers to both “cases” and “consultations” as “complaints.”

Many of the incidents brought to the Equity Office and HES fall under the rubric of personal harassment – situations in which parties are reportedly behaving badly towards each other, but not on the basis of any of the 13 prohibited grounds set out in the *BC Human Rights Code*. This broad category of personal harassment includes such behaviour as bullying (also referred to as psychological harassment), mean-spirited gossiping, interpersonal conflict and heated disagreements, to name a few. In 2008, UBC's Respectful Environment Statement for Faculty, Staff and Students was formally introduced. The Statement provides the guiding principles to support University members in building an environment in which respect, civility, diversity, opportunity and inclusion are valued. Administrative Heads of Unit and those in leadership and supervisory roles are responsible for addressing such non-human rights harassment or interpersonal conflicts. While the resolution of such interpersonal conflicts fall outside the mandate of the Equity Office/HES, Advisors may attempt to assist clients in finding the resources or assistance they need to remedy these situations. Clients may include individuals or departments.

INFORMAL AND FORMAL COMPLAINT MANAGEMENT PROCEDURES

The Equity Office and HES employ both informal and formal resolution methods in addressing human rights complaints. The vast majority of cases are handled under the informal process by Equity Advisors, often in conjunction with Administrative Heads, who work to sort out the issues and facts, and find workable solutions. Each mandate case is unique – with different issues, players, contexts, and severity – and, therefore the approach taken and resolutions brokered are tailored to the parties' needs. Sometimes complainants have a particular resolution in mind, (e.g., an apology, a change in policy, or the removal of offensive materials or conduct from a work station). Other times, appropriate resolutions materialize through dialogue among the parties.

In rare situations, mandate complaints are addressed through formal, rather than informal, proceedings. Complainants who experience severe infringement of their human rights may apply for a formal investigation by submitting a written request to the Equity Office or HES. Upon considering the complainant's request and initial fact-finding on the matter, the Associate Vice President Equity may grant the request and order an independent investigation and panel. Two cases were forwarded to formal investigation in 2008.

Following is a summary of complaints and consultations received and handled by the Equity Office at UBC's Vancouver campus and Human Rights & Equity Services at

Figure 1
Discrimination and Harassment Complaints: Cases and Consultations UBC V

CASES	2006	N=21 of 97 (22%)	2007	N=14 of 81 (17%)	2008	N=12 of 62 (19%)
Age	1	5%	0	0	0	0
Disability	1	5%	3	21%	4	33%
Ethnicity (ancestry, colour, race, place of origin)	7	33%	4	29%	5	42%
Family Status	1	5%	0	0	0	0
Marital Status	0	0	0	0	0	0
Political Belief	0	0	0	0	1	8%
Religion	0	0	0	0	0	0
Sex/Gender	14	67%	7	50%	5	42%
Sexual Orientation	1	5%	1	7%	1	8%
Unrelated Criminal Offense	0	0	0	0	0	0
Multiple Grounds of Discrimination	-4 (included above)	-19%	-1 (included above)	-7%	-4 (included above)	-33%
TOTAL CASES	21	101%	14	100%	12	100%

* In 2006, 3 cases had multiple grounds: 7 grounds over 3 cases so deduct 3 to reach N=21 total cases

* In 2007, 1 case had 2 grounds so deduct 1 to reach N=14 total cases

* In 2008, 4 cases had multiple grounds: 8 grounds over 4 cases so deduct 4 to reach N=12 total cases

CONSULTATIONS	2006 Total Consults	N=76 of 97 (78%)	2007 Total Consults	N=67 of 81 (83%)	2008 Mandate Con- sults	2008 Non-Mandate Consults	2008 Total Consults	N=50 of 62 (44%)
Proceeding in a different process	10	13%	14	21%	5	1	6	12%
Outside Time Limit	0	0	1	2%	0	1	1	2%
Respondent/complainant and/or context not under UBC jurisdiction	11	14%	n/a	n/a	n/a	n/a	n/a	0
Non-UBC complainant and/or respondent	n/a	n/a	6	9%	2	3	5	10%
Non UBC context	n/a	n/a	4	6%	0	0	0	0
No prohibited ground	43	57%	23	34%	0	20	20	40%
Allegation does not meet burden of proof	10	13%	11	16%	2	1	3	6%
Complainant does not wish to proceed	13	17%	8	12%	11	2	13	26%
Preventative	n/a	n/a	3	4%	12	1	13	26%
NEW – Other equity-related inquiry	n/a	n/a	n/a	n/a	6	6	12	24%
* Multiple Reasons Cited	-11 (included above)	-14%	-3 (included above)	-4%	-11 (included above)	-12 (included above)	-23 (included above)	-46%
TOTAL CONSULTATIONS	76	100%	67	100%	27	23	50	100%
TOTAL CASES AND CONSULTATIONS	97		81				62	

UBC's Okanagan campus in 2008. We are providing the complaint statistics for UBC Vancouver and UBC Okanagan separately. This data reflect only those situations in which the Equity Office or HES were specifically contacted, and does not include the many other incidents in which Administrative Heads of Units or others managed incidents independently.

UBC VANCOUVER – COMPLAINTS RECEIVED IN 2008

As shown in Figure 1 [Discrimination & Harassment Complaints: Cases and Consultations], the Equity Office at UBC V received 62 complaints from January-December 2008. Of these, 12 (19%) were mandate cases which employed the complaint resolution procedures provided for in the Policy and 50 (44%) were consultations. (Please see the “Complaint Management” section above for an explanation of what is meant by “case” and “consultation”.)

The top portion of Figure 1 shows the grounds of discrimination and harassment that were cited in the 12 cases handled by the Equity Office. Sixteen grounds were cited across 12 cases this year, with sex/gender and grounds related to ethnicity - ancestry, colour, race, place or origin - cited most often (in 5 cases each or 84%). Disability was cited in 4 cases (33%) and both sexual orientation and political belief were cited one time each. The top portion of this Figure also indicates 4 cases (33%) cited multiple grounds of discrimination which reflects the reality that there are often multiple or intersecting factors that influence how discrimination manifests. Over the course of the past three years, the proportion of cases citing multiple or intersecting grounds has fluctuated widely, from a low of 7% in 2007 to a high of 33% in 2008. Due to the low number of cases overall, discerning a meaningful pattern of intersectional inequalities that arise in cases is not possible. When multiple or intersecting grounds are cited, we count each ground separately and then subtract the number of multiple grounds cited across all cases to reach a total. This ensures we do not give more weight to one ground than another.

The lower part of Figure 1 offers reasons why additional complaints brought to the Equity Office did not proceed to cases, but rather were handled as consultations. In 2008, the Equity Office handled a total of 50 consultations: 27 fell within the purview of the Policy, 23 did not. As set out earlier in this report, consultations typically take one of three forms: 1. those that are preventative in nature, 2. those that do not fall under the mandate of the Policy, and 3. those that appear to fall under the Policy, but the complainant does not wish to proceed with Policy resolution options. Equity Advisors record a variety of reasons for not proceeding to a case so as to capture the unique circumstances involved in each situation. In 2008, a total of 73 reasons were recorded across the 50 consultations: 38 reasons were recorded for the 27 mandate consultations, and 35 reasons were recorded for the 23 non-mandate consultations.

Most of the 23 non-mandate consultations relate to conduct such as personal harassment, bullying, or interpersonal conflict. This type of conduct is not covered under Policy 3 and as such, the Equity Office has no mandate to resolve these matters utilizing Policy complaint resolution procedures. As stated earlier however, we do assist individuals who bring these concerns forward by providing guidance and assistance and making referrals to more appropriate resources that may help to remedy the situation. In other instances, non-mandate consultations can include those that involve non-UBC parties or are of a non-UBC context, or those that fall under the mandate of another UBC policy or procedure. The issues and behavioural descriptions raised in these 23 complaints are outlined in detail at Figure 7 of this report.

Thirty-five reasons were offered as to why these complaints did not fit under the mandate of the Policy (12 complaints cited 1 reason, 10 complaints cited 2 reasons and 1 complaint cited 3 reasons). The most prevalent reason recorded, in 20 out of 35 reasons recorded, was that the allegations raised by individuals did not involve a prohibited ground of discrimination. This is consistent with the most prevalent reason offered in 2007 (34%) and 2006 (57%). The second largest reason, recorded in 6 out of 35 reasons recorded, was that the individual seeking assistance was seeking information

only. This was followed by 3 instances where the complaint involved either a non-UBC complainant or respondent. The six remaining reasons offered were dispersed across remaining sub-categories.

As mentioned above, 27 complaints brought to our attention did fall under our mandate, but were handled as consultations as opposed to proceeding to a case. The 38 reasons offered as to why they were handled as consultations are provided in commentary that follows Figure 2 below. The issues and behavioural descriptions that arose in these complaints are detailed in Figure 6 of this report.

On the whole, the longitudinal case data in Figure 1 from 2006-2008 indicates a general decrease in annual complaints handled by the Equity Office, as well as variation within the various grounds of discrimination and harassment cited. For example, over the three year period of 2006-2008, one will notice a general decline in sex/gender based cases handled by the Equity Office whereas cases related to ethnicity and disability appear to be handled by the Equity Office more often. Although we cannot fully explain this year to year fluctuation, we believe that certain factors play a determining role: Firstly, as a dynamic organization, the environmental milieu at UBC is in constant flux. The UBC environment is subject to such factors as union bargaining, new construction, physical and human reorganization of units, changes in leadership and expansion of programs. These changes impact the one-to-one interactions of people that work, study and live at UBC and, at times, these changes manifest into equity related complaints.

Secondly, some fluctuation of our annual totals may be attributed to changes in our methods of record keeping. Brief consultations are no longer recorded in the computer database thus, since 2006 the lower numbers reflect complaints in which Equity Advisors played a more significant role (such as the participation in longer meetings where significant intake and exploration of options are undertaken, the provision of advice and assistance and/or the preparation and delivery of training or formulation of an action or safety plan outside of these procedures) than that of quick sounding board.

Thirdly, we remain confident that increasing societal awareness and various educational programming impacts the community and is effective in raising discrimination and harassment awareness, limiting inappropriate behaviour and promoting respectful interactions in the workplace, classroom and residences. Networking with other service organizations and effective training of Administrative Heads of Unit about their roles and responsibilities under the Policy to act on complaints of discrimination and harassment also helps to ensure that local solutions may be first sought without direct intervention from the Equity Office. Administrative Heads are often the first line of redress for discrimination and harassment in their units and many act quickly and astutely to manage these situations, solving the problem locally. As such, many situations that occur on campus never reach the Equity Office and are not reflected in our records.

Figure 2 [Grounds of Discrimination Cited in 2008 Complaints] tracks the number of cases and consultations in which one or more grounds of prohibited discrimination were cited. Of the 62 complaints brought to the Equity Office, 35 complaints cited one (or in 10 incidences, more than one) human rights ground of discrimination or harassment.

Fifteen complaints (43%) cited sex/gender, 14 (40%) cited grounds related to ethnicity (ancestry, colour, place of origin or race) and 9 (26%) cited physical or mental disability. In addition, sexual orientation was cited 4 times (11%), religion was cited 3 times (8%), and unrelated criminal conviction was cited once (3%). The grounds most commonly cited in all 2008 complaints – sex/gender, grounds related to ethnicity, and disability - are consistent with the most commonly cited grounds in 2008 cases (see Figure 1). There is also proportional consistency between the decline in sex/gender complaints brought to the attention of the Equity Office (from 61% in 2006 to 43% in 2008) and the increase in both ethnicity (from 31% in 2006 to 40% in 2008) and disability (from 11% in 2006 to 26% in 2008) related complaints brought to our attention when compared against the similar pattern noted in the case data in Figure 1.

Figure 2
Grounds of Discrimination Cited in 2006, 2007 & 2008 Complaints UBC V

CASES AND CONSULTATIONS	2006	N=36	2007	N=41	2008	N=35
Ethnicity	11	31%	15	37%	14	40%
Age	1	3%	0	0	0	0
Family Status	1	3%	3	7%	0	0
Marital Status	0	0	1	2%	0	0
Disability	4	11%	8	20%	9	26%
Political Belief	0	0	0	0	1	3%
Religion	1	3%	3	7%	3	8%
Sex/Gender	22	61%	21	51%	15	43%
Sexual Orientation	1	3%	1	2%	4	11%
Unrelated Criminal Convection	0	0	0	0	1	3%
Multiple Grounds of Discrimination	-5	-14%	-11	-27%	-12	-34%
TOTAL	36	100%	41	99%	35	100%

47 grounds cited over 62 complaints.
In 8 instances 2 grounds were cited (-8) and in 2 instances 3 grounds were cited (-4).
Subtract 12 from 47 to get 35 grounds cited between 12 cases and 23 mandate related consults

There were 10 instances in 2008 where more than one ground was cited in a complaint brought forward. Three grounds were cited 2 times and 2 grounds were cited 8 times. A total of twelve of the 35 complaints citing a prohibited ground of discrimination became cases including four where multiple or intersecting grounds were cited. The remaining 23 complaints citing a prohibited ground of discrimination were handled as mandate consultations. There were an additional 4 complaints that did not cite a prohibited ground of discrimination during the initial consultation stages, but were handled and recorded as mandate consultations. Thus there were a total of 27 mandate consultations.

Figure 3
Context of All Complaints UBC V

CONTEXT OF ALL COMPLAINTS	2006	N=97	2007	N=81	2008	N=62
Academic	46	47%	44	54%	28	45%
Employment	33	34%	27	33%	24	39%
Residence	6	6%	3	4%	3	5%
Clubs/Athletics/Recreation	2	2%	0	0	1	2%
UBC Service	7	7%	3	4%	3	5%
Non- UBC	3	3%	4	5%	3	5%
TOTAL	97	99%	81	100%	62	100%

Figure 4
Complaints by Campus Groups UBC V

CAMPUS GROUPS	2006	2007	2008
Students	62	38	34
Faculty and Faculty Association	8	17	6
Management and Professional	10	15	11
Support, Clerical, Library, Trades, Technical and Service Staff	14	6	6
Non UBC	3	1	5
Unknown	n/a	4	n/a
TOTAL	97	81	62

Figure 5
Gender of All Complainants and Respondents UBC V

COMPLAINANTS	2006	N=97	2007	N=81	2008	N=62
Female	72	74%	52	64%	42	68%
Male	24	25%	23	28%	18	29%
Transgender/Gender Variet	0	0	0	0	0	0
*Group	0	0	1	1%	1	2%
Department/University	0	0	0	0	0	0
Unknown	1	1%	5	6%	1	2%
TOTAL	97	100%	81	99%	62	100%

RESPONDENTS	2006	N=97	2007	N=81	2008	N=62
Female	17	18%	17	21%	10	16%
Male	40	41%	34	42%	17	27%
Transgender/Gender Variet	0	0	0	0	1	2%
*Group	1	1%	6	7%	0	0
Department/University	34	35%	18	22%	15	24%
Unknown	5	5%	6	7%	19	31%
TOTAL	97	100%	81	99%	62	100%

* "Group" is a sub category used to identify instances where there are multiple complainants of more than 1 gender. In previous years, this subcategory was called "Both"

Figure 6
Human Rights Based Behavioural Descriptions of Complaints UBC V

INTERPERSONAL COMPLAINTS	2006	N=46	2007	N=54	2008	N=37
Unwelcome verbal or non-verbal behaviour (insults, slurs, jokes, innuendo)	15	33%	16	30%	15	40%
Unwelcome written or visual behaviour (email, graffiti, video, letter, etc)	7	15%	8	15%	9	24%
Unwelcome physical attention (touching, staring, following – behaviour that is not stalking or assault)	7	15%	7	13%	4	11%
Stalking	4	9%	1	2%	1	3%
Threats	1	2%	0	0	5	14%
Assaults	2	4%	0	0	0	0
Retaliation	1	2%	3	6%	0	0
Biased Academic Decisions	7	15%	13	24%	4	11%
Biased Employment Decisions	2	4%	11	20%	7	19%
Exclusion or Denial of Access	7	15%	6	11%	7	19%
Information Only	n/a		n/a		3	8%
* Multiple behavioural descriptions cited	-7	-15%	-11	-20%	-18	-49%
TOTAL ALL BEHAVIOURAL DESCRIPTIONS	46	100%	54	100%	37	100%

* In 2006, 6 concerns cited multiple behaviours: 13 behaviours over 6 cases so subtract 7 from total to reach N=46

* In 2007, 11 concerns cited multiple behaviours: 22 behaviours over 11 cases so subtract 11 from total to reach N=54

* In 2008, 13 concerns cited multiple behaviours: 31 behaviours over 13 cases so subtract 18 from total to reach N=37

SYSTEMIC COMPLAINTS	2006	N=6	2007	N=n/a	2008	N=2
Policies and Practices	2	33%	n/a	n/a	1	50%
Curriculum	1	17%	n/a	n/a	0	0
Environment	3	50%	n/a	n/a	1	50%
Other	0	0	n/a	n/a	0	0
TOTAL	6	100%	n/a	n/a	2	100%

Thirty-eight reasons were offered as to why these 27 complaints were handled as consultations as opposed to proceeding to a case (16 complaints cited 1 reason and 11 complaints cited 2 reasons). The reason offered most often (in 12 of 38 reasons offered) was that the consultation was preventative in nature or that a breach of the Policy had yet to occur. This was followed by 11 instances where the complainant did not wish to proceed with resolution options available under the Policy, and in 6 instances the individual coming forward was seeking equity related information only. In five instances the concern was being addressed through another UBC process, in 2 instances the concern involved non-UBC parties, and in another 2 instances, the burden of proof required to engage case resolution options was not met.

Like the *BC Human Rights Code*, the Policy protects UBC students, staff and faculty from discrimination and harassment in service, accommodation and employment. Thus, this type of behaviour will not be tolerated in the various domains of the university – in academics, employment, residences, clubs/athletics/recreation and UBC services.

Figure 3 illustrates the breakdown of incidents in these various university settings. Employment and academic matters have consistently been the primary sources of equity-related complaints over the last three years. Of the 62 complaints handled by the Equity Office in 2008, 28 (45%) fell within the context of academics; whereas 24 (39%) stemmed from the employment context. To look at the demographics of the UBC community, one would expect that the majority of complaints raised with the Equity Office would originate from students – who represent the largest population of campus constituents – and that complaints from students would most likely arise in the academic context (although students can also be employed by the university and may engage with UBC services, clubs, athletics and recreation).

According to statistics from UBC's Office of Planning and Institutional Research (PAIR), there was a total of 45,310 undergraduate and graduate students at UBC V in the winter academic term of 2008 (data from November 1, 2008) and a total of 10,753 staff and faculty (data from May 31, 2008). Students comprise 81% of the UBC V community population, while staff and faculty represent 19% of the population. Based on these community demographics, the Equity Office receives a proportionally high number of employment-related complaints (39%). This is true, even when combining the academic-related complaints (45%) with complaints arising from residence life (5%), athletics/clubs (2%) and UBC services (5%).

As with previous years, students continue to be the campus group most likely to access the Equity Office. In 2008, students brought 55% of all complaints. This same group accessed the Equity Office most often in 2007 and 2006 bringing 47% and 64% of all complaints respectively.

Figure 7
Non-Human Rights Based Behavioural Description of Complaints UBC V

NON-HUMAN RIGHTS ISSUE	2006	N=45	2007	N=25	2008	N=23
Interpersonal Conflict	15	33%	8	32%	6	26%
Bullying/Personal Harassment	18	40%	13	52%	12	52%
Other	12	27%	4	16%	5	22%
TOTAL	45	100%	25	100%	23	100%

BEHAVIOURAL DESCRIPTIONS OF NON-HUMAN RIGHTS COMPLAINTS						
Unwelcome verbal or non-verbal behaviour	23	51%	12	48%	10	43%
Unwelcome written or visual behaviour (insults, slurs, jokes, innuendo, etc)	2	4%	4	16%	5	22%
Unwelcome physical attention (touching, staring, following – not stalking or assault)	1	2%	0	0	2	9%
Threats	1	2%	1	4%	0	0
Assault	1	2%	0	0%	1	4%
Retaliation	0	0	1	4%	1	4%
Biased Academic Decisions	11	24%	6	24%	3	13%
Biased Employment Decisions	6	13%	5	20%	7	30%
Exclusion or Denial of Access	6	13%	2	8%	1	4%
*Multiple behavioural descriptions cited	-6	-13%	-6	-24%	-7	-30%
TOTAL	45	100%	25	100%	23	100%

* In 2006, 6 concerns cited 2 types of behaviours so subtract 6 from total to reach N=45

* In 2007, 6 concerns cited 2 types of behaviours so subtract 6 from total to reach N=25

* In 2008, 7 concerns cited 2 types of behaviours so subtract 7 from total to reach N=23

Staff brought 17 (28%) of the 62 complaints in 2008, which is consistent with the 26% and 24% brought by staff in 2007 and 2006. Management and Professional staff brought 11 (18%) of staff complaints this year which is consistent with the 19% they brought last year. All other staff - support, clerical, library, trades, technical and service staff - accounted for the remaining 6 (10%) staff complaints. Again, this is consistent with the percentage of complaints brought by this group last year.

Faculty complaints dropped significantly from 21% in 2007 to 10% in 2008. Surprisingly, a total of 5 or 8% of complaints in 2008 stemmed from non-UBC members. There were no 'unknown' complainants, which as a sub-category, captures those who consult with the Equity Office but choose to remain anonymous, consultations from a third party, such as an Administrative Head of Unit, where the identity and affiliation of the complainant is not shared, or those who choose not to disclose their affiliation for other reasons.

Overall, the breakdown of complaints by campus constituents appears to fluctuate from year to year. Students continue to bring the largest number of complaints which reflects the fact that they comprise roughly 81% of the population on the UBC Vancouver campus. As mentioned above however, although students bring the highest overall number of complaints, proportionally staff and faculty (who comprise roughly 19% of the population) bring a greater proportion of complaints.

Figure 5 illustrates the gender of individuals who have been involved in complaints brought to the Equity Office over the last three years. Consistently throughout this time period, women have been more likely to bring matters to the Equity Office than have men. In 2008, out of 62 complaints, 42 (68%) women sought assistance from the Equity Office as complainants to a concern, as compared to 18 (29%) men who approached the Equity Office in the same capacity.

The data in 2008 recorded 1 complaint (2%) stemming from an unknown source and 1 complaint (2%) as a group complaint. As a sub-category, "unknown" is used to record data where the identity and therefore gender of the complainant are actually unknown (i.e. consultations with administrators looking for advice on managing cases on their own where the identities of the parties have not been divulged). "Group" is used to record instances where there are multiple complainants of more than one gender.

Our data collection methods were recently revised to include a transgender/gender variant sub-category. This revision now allows the Equity Office to accurately record gender identities of individuals who do not identify as either male or female. Prior to this revision, individuals who did not identify as either male or female were included in the "unknown" category. As a result, data recorded in the "unknown" category in 2006 and 2007 is not directly comparable to 2008 data.

In 2008, the pattern in terms of who was most often named as a respondent to a complaint has shifted. Respondents recorded as "unknown" or not identified during a consultation, accounted for 31% of all complaints whereas in 2006 and 2007, this same category accounted for 5% and 7% of all complaints respectively. Males were identified as respondents in 27% of 2008 complaints whereas they were identified as respondents in 41% and 42% of 2006 and 2007 complaints respectively. A department or the University was identified as the respondent in 24% of 2008 complaints, and females were identified in 16% of complaints. A transgender or gender variant respondent was identified in 2% of 2008 complaints.

In 2008, there were a total of 39 complaints (12 cases and 27 consultations) that fell under the direct mandate of the Policy. Figure 6 illustrates the range of interpersonal behavioural descriptions and systemic components that individuals raise when they seek assistance from the Equity Office. Thirty-seven complaints raised a total of

55 interpersonal behavioural descriptions associated with their complaint and two complaints raised systemic issues. Of the 37 complaints raising interpersonal concerns, 24 complaints cited one behavioural type and 13 complaints cited more than one behavioural type. When more than one type of behaviour is raised in complaints, we count each type separately and then subtract the number of multiple behaviours across all cases to reach a total. This ensures we do not give more weight to one type of behaviour over another.

The behavioural type raised most often in 2008 involved allegations of unwelcome verbal or non-verbal behaviour such as insults, slurs, jokes and innuendos. This type of allegation has been raised most often in complaints over the past three year period: 40% in 2008, 30% in 2007, and 33% in 2006. Unwelcome written or visual behaviours such as email, graffiti, video or letters were raised the second greatest number of times in 2008 (in nine instances or 24%) and biased employment decisions and exclusion or denial of access were each raised in seven instances or in 19% of all complaints.

Figure 6 also illustrates that two complaints raised concerns of a systemic nature in 2008. One complaint raised allegations in relation to policies and procedures, and the other raised allegations relating to environmental factors such as accessibility-related concerns. 2007 data did not record distinctions between interpersonal and systemic complaints, but we do note that systemic issues were raised in complaints less often in 2008 than in 2006. No further pattern is discernible.

Figure 7 shows behavioural descriptions for the 23 complaints which were not directly related to our mandate. This group of complaints involves allegations of Interpersonal Conflict (6 complaints or 26%), Bullying and Personal Harassment (12 complaints or 52%) and Other Non-Human Rights Based Complaints (5 complaints or 22%), such as academic misconduct, contract or services issues, inappropriate remarks, academic disputes and unfair dismissal. The total number of non-mandate complaints brought this year (23) is very close in number to those brought in 2007 (25). Bullying and personal harassment allegations continue to represent the largest number of non-mandate complaints across all three years (40% in 2006, 52% in 2007, and 52% in 2008).

In 2008, the behavioural type raised most often involved allegations of unwelcome verbal or non-verbal behaviours (10 complaints or 43%). This is consistent with the type of behaviour complained about most often in previous years and with the behavioural type raised most often in mandate-related complaints. Biased employment decisions were raised as allegations the second greatest number of times and unwelcome written or visual behaviours, such as insults, slurs, jokes and innuendoes were raised the third greatest number of times.

UBC OKANAGAN – COMPLAINTS RECEIVED IN 2008

Human Rights & Equity Services (HES) at UBC Okanagan received 40 complaints during 2008¹. With such a small sample of complaints, there is a danger that providing too much specific information might disclose personal or confidential information. The information reported below covers complaints brought forward which includes consultations and cases. Grouping data in this way allows the office to provide more details about the types of complaints, contexts, gender, and alleged behavioural descriptions brought to the HES office in 2008.

Figure 8 [UBC Okanagan Complaints Covered vs. Not Covered Under UBC's Policy on Discrimination & Harassment] illustrates the total number of concerns (cases and consultations) brought to the HES office. Overall the number of complaints covered under UBC's Policy increased by 17 complaints from 13 in 2007. Of the seventeen

Figure 8
Complaints Covered vs. Not Covered Under UBC's Policy on Discrimination and Harassment UBC O

COVERED UNDER UBC'S POLICY	2006	N=20 of 30 total complaints (67%)	2007	N=13 of 27 total complaints (48%)	2008	N=30 of 40 total complaints (75%)
Age	0	0	1	8%	0	0
Ancestry	0	0	0	0	2	7%
Colour	0	0	0	0	1	3%
Race	9	45%	5	38%	6	20%
Sexual Orientation	5	25%	5	38%	2	7%
Disability	3	15%	0	0	10	33%
Family Status	0	0	0	0	2	7%
Marital Status	0	0	0	0	1	3%
Sex	3	15%	5	38%	8	27%
Place of Origin	0	0	0	0	2	7%
Religion	0	0	0	0	2	7%
* Multiple Grounds of Discrimination * In 2008, 6 cases had multiple grounds (therefore deduct 6 from total to reach N = 24 total cases)	n/a	n/a	-3 (included above)	-23%	-6	-20%
TOTAL	20	100%	13	99%	30	101%

NOT COVERED UNDER UBC'S POLICY	2006	N=10 of 30 total complaints (67%)	2007	N=14 of 27 total complaints (52%)	2008	N=10 Of 40 total complaints (25%)
Interpersonal Conflict	5	50%	1	7%	0	0
Behaviour covered under other UBC policy or procedures	3	30%	5	36%	2	20%
Personal Harassment	1	10%	1	7%	3	30%
Respondent and/or context not under UBCO jurisdiction	1	10%	7	50%	5	50%
TOTAL	10	100%	14	100%	10	100%

Figure 9
Context of All Complaints UBC O

CONTEXT OF ALL COMPLAINTS	2007	N=27	2008	N=40
Academic	11	41%	18	45%
Employment	6	22%	9	22.5%
Residence	5	19%	0	0
Clubs/Athletics/Recreation	0	0	4	10%
UBC Service	3	11%	4	10%
Non- UBC	2	7%	5	12.5%
TOTAL	27	100%	40	100%

Figure 10
Gender of All Complainants and Respondents UBC O

COMPLAINANTS	2007	N=27	2008	N=40
Female	21	78%	29	72.5%
Male	6	22%	9	22.5%
Unknown	0	0	2	5%
Both	0	0	0	0
TOTAL	27	100%	40	100%

RESPONDENTS	2007	N=27	2008	N=40
Female	1	4%	3	7.5%
Male	14	52%	11	27.5%
Unknown	4	15%	11	27.5%
Both	0	0	0	0
Group	0	0	3	7.5%
Department/University	8	29%	12	30%
TOTAL	27	100%	40	100%

Figure 11
Complaints by Campus Groups UBC O

CAMPUS GROUPS	2007	2008
Students	15	47.5%
Faculty and Faculty Association	5	15.0%
Management and Professional	5	15.0%
Support, Clerical, Library, Trades, Technical and Service Staff	2	7.5%
Admin	0	0
Non UBC	0	0
Unknown	0	0
TOTAL	27	100%

complaints that fell within the jurisdiction of the Discrimination & Harassment Policy, the prohibited grounds in these cases were: Ancestry (2), Colour (1), Race (6), Sexual Orientation (2), Disability (10), Family Status (2), Marital Status (1), Sex (8), Place of Origin (2), and Religion (2). Six complaints involved multiple grounds.

Complaints not covered under the UBC Policy decreased from 14 in 2007 to 10 in 2008. Of these 10 non-mandate consultations, 2 were covered under another UBC policy or procedure, 3 related to personal harassment and 5 involved a respondent or context not under UBC jurisdiction.

The UBC Policy on Discrimination and Harassment protects UBC students, staff, and faculty from discrimination and harassment in service, accommodation and employment at both campuses – Vancouver and Okanagan. Behaviours alleged to be discriminatory are not tolerated in any programs and services offered at the institution.

Figure 9 [Context of All Complaints UBC O] illustrates the breakdown of complaints in the various university settings and accounts for situations that may be outside of UBC services. 2007 was the first year of reporting the context of all complaints at UBC Okanagan and we are able to draw comparisons with this year's data.

Of the 40 complaints handled by the HES Office in 2008, 18 (45%) fell within the academic context, 9 (22.5%) within the employment context, 4 (10%) within the clubs/athletics/recreation context, and 4 (10%) within general UBC Services. The remaining 5 (12.5%) complaints were of a non-UBC context. There is little change in the context of complaints between 2007 and 2008 except for categories of residence and clubs/athletics/recreation. In 2007, 5 (19%) complaints were in a residence context where in 2008 there were zero and there were no reported complaints in the clubs/athletics/recreation context in 2007. In 2008 there were 4 (10%).

Figure 10 [Gender of All Complainants and Respondents UBC O] illustrates the gender of parties involved in complaints over 2008. This is the second year that data is being reported. This category includes both concerns where the identity and therefore gender of the complainant are actually unknown (i.e. consultations with administrators looking for advice on managing cases on their own where the identities of the parties have not been divulged). The forms for 2008's annual report have included a transgender/gender-variant category to correct for this error of previous years when concerns were brought forward from individuals whose gender identity did not correspond with either the female or male binary gender categories.

In 2008 out of 40 cases and consultations, 29 (72.5%) females sought assistance from the HES Office while 9 (22.5%) males approached the HES Office, and 2 (5%) were unknown. In 2008, department/university was cited as the respondent in 12 (30%) complaints, males were named as respondents in 11 (27.5%) complaints, unknown respondents accounted for 11 (27.5%) complaints, groups were named as the respondent in 3 (7.5%) complaints, and female respondents were cited in 3 (7.5%) complaints.

As mentioned above, 2007 methods of recording the gender of parties to a complaint only allow for categories of male, female, groups comprised of people of more than one gender (categorized as "both"), department/University and unknown gender. This binary conceptualization of gender did not allow for the accurate recording of gender

Figure 12
Non-Human Rights Based Behavioural Description of Complaints UBC O

NON-HUMAN RIGHTS ISSUE	2005	N=11	2006	N=10	2007	N=14	2008	N=10
Interpersonal Conflict	0	0	5	50%	1	7%	0	0
Behaviour covered under other UBC policy or procedures	8	73%	3	30%	5	36%	2	20%
Personal Harassment	1	9%	1	10%	1	7%	3	30%
Respondent and/or context not under UBCO jurisdiction	2	18%	1	10%	7	50%	5	50%
TOTAL	11	100%	10	100%	14	100%	10	100%

BEHAVIOURAL DESCRIPTIONS OF NON-HUMAN RIGHTS COMPLAINTS	2005	N=11	2006	N=10	2007	N=14	2008	N=10
Unwelcome verbal or non-verbal behaviour	n/a		n/a		5	36%	2	20%
Unwelcome written or visual behaviour (insults, slurs, jokes, innuendo, etc)	n/a		n/a		2	14%	3	30%
Unwelcome physical attention (touching, staring, following--not stalking or assault)	n/a		n/a		0	0	1	10%
Threats	n/a		n/a		1	7%	1	10%
Assault	n/a		n/a		1	7%	0	0
Retaliation	n/a		n/a		0	0	0	0
Biased Academic Decisions	n/a		n/a		2	14%	0	0
Biased Employment Decisions	n/a		n/a		4	28%	2	20%
Exclusion or Denial of Access	n/a		n/a		1	7%	4	40%
* Multiple behavioural descriptions cited					-2	-14%	-3	-30%
TOTAL	n/a		n/a		14	99%	10	100%

* In 2008, 3 concerns cited 2 types of behaviours so subtract 3 from total to reach N=10

identities of individuals who do not identify as either male or female. For example, this group may include some people who identify as transgender, transsexual, genderqueer or gender variant. In these instances, we record the gender of self-selection if one of the male or female labels fit, but we do not have an accurate way to record gender expressions and identities outside of this binary conception of a two-gender system. Similarly, the term “both” reinforces this notion of a binary gender system. In 2008 we modified our forms to better reflect a wider range of possible gender identities and expressions in the future.

As previously explained, the Human Rights and Equity Services (HES) Office and the UBC Policy on Discrimination and Harassment serve the students, faculty and staff of UBC Okanagan. In 2008, students brought forward the most number of complaints at 19 (47.5%) of the 40 complaints to the HES Office. Faculty complaints and Support, Clerical, Library, Trades, Technical and Service Staff complaints each comprised 5 (15%) of the 40 complaints. Administration were the next campus group with 4 (10%) complaints and 3 (7.5%) complaints were brought to the office by non-UBC members. Lastly, one (2.5) complaint was brought forward by both Management and Professional group and Unknown parties.

For the first time in 2007, the HES Office reported UBC O data for behavioural descriptions of conduct in complaints that allege a human-rights based contravention of the Policy. In 2008, 12 (40%) of the 30 human-rights based complaints described instances of unwelcome verbal or non-verbal behaviour. The second most identified behaviour cited 9 (30%) times was exclusion or denial of access. Systemic policies and practices were cited in 5 (17%) instances. Unwelcome written or visual behaviour, unwelcome physical attention, biased academic decisions, and fear of future behaviour were behaviours cited 3 times (10% each) in complaints. Lastly, assault and biased employment decisions were both cited once (3% each). Similar to 2007, there were multiple behavioural descriptions given by complainants and in 2008 10 (33%) concerns cited 2 types of behaviour in the 30 human rights based complaints brought to the HES office.

Figure 13
Human Rights Based Behavioural Description of Complaints UBC O

BEHAVIOURAL DESCRIPTIONS OF HUMAN RIGHTS COMPLAINTS	2007	N=13	2008	N=30
Unwelcome verbal or non-verbal behaviour	8	62%	12	40%
Unwelcome written or visual behaviour (insults, slurs, jokes, innuendo, etc)	5	38%	3	10%
Unwelcome physical attention (touching, staring, following--not stalking or assault)	3	23%	3	10%
Threats	3	23%	0	0
Assault	0	0	1	3%
Retaliation	0	0	0	0
Biased Academic Decisions	0	0	3	10%
Biased Employment Decisions	0	0	1	3%
Exclusion or Denial of Access	0	0	9	30%
Fear of Future Behaviour	0	0	3	10%
Systemic Policies & Practices	0	0	5	17%
*Multiple behavioural descriptions cited	-6	-46%	-10	-33%
TOTAL	13	100%	30	100%

* In 2008, 10 concerns cited 2 types of behaviours so subtract 10 from total to reach N=30

Figure 13 [Non-Human Rights Based Behavioural Description of Complaints UBC O] shows behavioural descriptions for the 10 complaints which did not have a human-rights based element in 2008. Non-human rights issues brought forward as complaints included 2 (20%) of complaints covered under other UBC policy or procedures while Personal Harassment accounted for 3 (30%) of complaints. The remaining 5 (50%) complaints are when a respondent and/or context was not covered under UBC O jurisdiction. This could include where a party or context was external to the UBC community, such as allegations of service issues, inappropriate remarks, unfair dismissal, or labour matters.

Of the Non-Human Rights Based complaints brought to the HES Office, behavioural descriptions most often cited in 2008 were exclusion or denial of access (4 complaints or 40%). In 3 (30%) complaints, unwelcome written or visual behaviour were identified. Unwelcome verbal or non-verbal behaviours and biased employment decisions were each cited in 2 complaints (20% each). Lastly, 1 (10%) complaint each of threats and assault were behavioural descriptions cited. In 3 of the non-human rights based complaints brought forward, 3 (30%) concerns cited 2 types of behaviour.

¹ Please note that the way in which data is interpreted and reported at UBC O and UBC V differs. The emphasis of the data reported from UBC O is on whether or not concerns met the jurisdictional and definitional requirements for allegations of discrimination or harassment in the Policy, not on whether they were handled under the procedures of the Policy. UBC V reports on concerns which proceeded through the procedures in the Policy (cases) and those that did not (consultations), instead of whether or not concerns met the mandate and fell within the jurisdiction of the Policy. In UBC V's report, all cases also involve mandate concerns and consultations involve concerns that could either be mandate or not. Thus the data reported in this Annual Report may not be directly comparable between the two campuses.

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