

# Equity Office Discrimination and Harassment Report 2004

## OVERVIEW

The University of British Columbia adopted and implemented the Policy on Discrimination and Harassment (hereinafter referred to in this report as the “Policy”) in 1995, and revised it to its current form in 1996. According to the Policy, members of the UBC community — students, faculty and staff — are prohibited from discriminating or harassing other UBC community members on the basis of actual or perceived personal characteristics, such as race or sex. More specifically, the Policy delineates 13 prohibited grounds of discrimination and harassment, characteristics based on the BC Human Rights Code; these are:

- Race
- Colour
- Ancestry
- Place of origin
- Age (applies to those older than 19 and less than 65)
- Sex (includes sexual harassment)
- Physical or mental disability
- Sexual orientation
- Unrelated criminal conviction (in the context of employment only)
- Political belief (in the context of employment only)

The Policy assigns both rights and responsibilities to the UBC community. Students, faculty and staff are promised, by virtue of the Policy, a discrimination and harassment-free environment in which to study, work and reside. Similarly, all students, faculty and staff are held responsible for adhering to the Policy and upholding its principles. The Policy provides protection for UBC community members in the context of employment, academics, residence and athletics. The mandate of the Equity Office is to ensure that these rights and responsibilities are fulfilled by the UBC community — by offering mechanisms to address complaints of discrimination and harassment; and by offering educational programming to heighten awareness of human rights. The purpose of this report is to share the data collected by the Equity Office on its handling of discrimination and harassment incidents in 2004.

## DISCRIMINATION & 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 personal attribute, such as sexual orientation or religion (one 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 determine that a female applicant is unfit for a manually intensive job because “women are not strong,” is an unfounded, unjustifiable denial of an opportunity. In some situations, different treatment might be justified, perhaps because of a reasonable occupational requirement. To reject a blind applicant for a job as a pilot, is for example, a justifiable reason for different treatment.

*Harassment* is a form of discrimination, which entails offensive or insulting treatment, of individuals or groups, again, because of one’s personal characteristic. Another important element of harassment is that it is *unwelcome*; this is particularly important to distinguish in situations of sexual harassment. Discrimination and harassment, whether intentional or unintentional, are unlawful and in violation of the

UBC Policy. As such, the law in BC and in Canada measures impact on the aggrieved person rather than the intent of the perpetrator, when assessing allegations of human rights violations.

## COMPLAINT MANAGEMENT

According to the Policy, *Administrative Heads* are responsible for addressing discrimination and harassment in their units. Administrative Heads are the lead administrators in a given unit — institutes, faculties, departments, and so forth; and may include, for example, Directors, academic Heads, Deans, Associate Vice Presidents, and Vice Presidents. Thus, Administrative Heads and the Equity Office 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 designated Equity person or committee) or the Equity Office; the option is theirs. In most cases, the Equity Office 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, but rather serve as advocates for the Policy — to ensure a discrimination and harassment free campus.

Students, faculty and staff bring their various concerns to the Equity Office; some of these concerns trigger the Policy, and translate into bona fide discrimination or harassment mandate *cases*. Many others, however, do not activate the Policy — because, for example, they fall outside the one year time limit for reporting incidents, or involve non-UBC parties, or fall under the mandate of another UBC policy or procedure. The Equity Office refers to these non-mandate situations as *consultations*, and, as such, the Equity Office Advisors and staff endeavor to provide counsel to individuals and departments in finding appropriate redress for their concerns.

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. At times, Equity Advisors coach clients through challenging situations, by assisting them with letter writing or role-playing difficult conversations. Sometimes people come to the Equity Office with stories of harassment or discrimination, but are too fearful of retaliation to pursue a complaint. Since discrimination or harassment cases cannot be pursued anonymously, Advisors approach these incidents in a consultative manner.

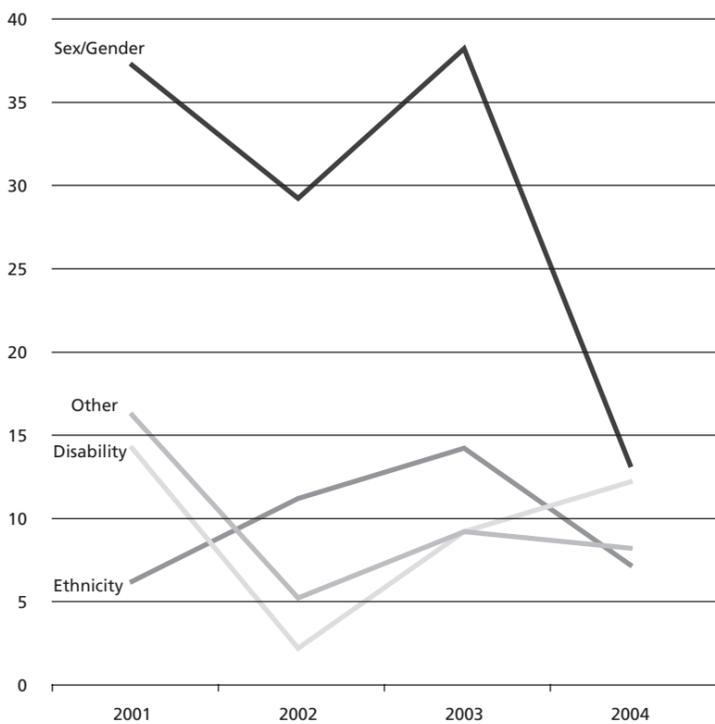
More and more of the incidents brought to the Equity Office fall under the rubric of *personal harassment* — situations in which parties are reportedly behaving badly towards each other, but not on the basis of one of the 13 prohibited grounds set out in the BC Human Rights Code. This broad category of personal harassment includes such behaviour as bullying (also referred to as *psychological harassment*), mean-spirited gossiping, and heated disagreements, to name a few. Currently, UBC does not have a policy to address such non-human rights conflicts or harassment. Although such interpersonal conflicts fall outside the Discrimination and Harassment Policy, the Equity Office, nonetheless, plays a consultative role in addressing them.

For reporting purposes, mandated discrimination and harassment cases are divided into four broad categories — all of which include a requisite human rights element: biased conduct or behaviour, retaliation (for bringing forth a complaint), physical assault or threats, and poisoned or hostile environment. The first three apply generally to

**Figure 1 Discrimination & Harassment Complaints and Consultations Covered v. Not Covered Under UBC's Policy**

|  | 2002   |             | 2003   |             | 2004   |             |
|--|--|-------------|--|-------------|--|-------------|
|  | Out of 103 total complaints, 47 covered under Policy (46%)     |             | Out of 156 total complaints, 70 covered under Policy (45%)     |             | Out of 122 total complaints, 41 covered under Policy (34%)     |             |
| <b>Covered under UBC's Policy</b>                      |  |             |  |             |  |             |
| Age  | 0  | 0           | 2  | 3%          | 1  | 2%          |
| Disability   | 2  | 4%          | 9  | 13%         | 12   | 29%         |
| Ethnicity (ancestry/colour/race)                       | 11   | 23%         | 14   | 20%         | 7  | 17%         |
| Family Status  | 0  | 0           | 0  | 0           | 0  | 0           |
| Marital Status   | 0  | 0           | 0  | 0           | 0  | 0           |
| Political Belief                                       | 0  | 0           | 1  | 1%          | 0  | 0           |
| Religion   | 3  | 6%          | 2  | 3%          | 4  | 10%         |
| Sex/Gender   | 29   | 62%         | 38   | 54%         | 13   | 32%         |
| Sexual Orientation                                     | 2  | 4%          | 4  | 6%          | 4  | 10%         |
| Unrelated Criminal Offense                             | 0  | 0           | 0  | 0           | 0  | 0           |
| Not Specified  | 0  | 0           | 0  | 0           | 0  | 0           |
| <b>TOTAL</b>   | <b>47</b>  | <b>99%</b>  | <b>70</b>  | <b>100%</b> | <b>41</b>  | <b>100%</b> |
|  | 2002   |             | 2003   |             | 2004   |             |
|  | Out of 103 total complaints, 58 not covered under Policy (54%) |             | Out of 156 total complaints, 86 not covered under Policy (55%) |             | Out of 122 total complaints, 81 not covered under Policy (66%) |             |
| <b>Not Covered under UBC's Policy</b>                  |  |             |  |             |  |             |
| Behaviour covered under other UBC policy or procedures | 35   | 63%         | 37   | 43%         | 46   | 57%         |
| Event outside one-year limit                           | 1  | 2%          | 3  | 3%          | 0  | 0           |
| Respondent and/or context not under UBC jurisdiction   | 5  | 9%          | 23   | 27%         | 6  | 7%          |
| Personal Harassment                                    | 15   | 27%         | 23   | 27%         | 29   | 36%         |
| <b>TOTAL</b>   | <b>56</b>  | <b>101%</b> | <b>86</b>  | <b>100%</b> | <b>81</b>  | <b>100%</b> |

**Figure 2 Number of Complaints Under the Policy by Reason**



individual complainants, whereas the last category — the poisoned environment — refers to behaviours that are not necessarily directed at an individual, but manifest themselves in a chilly or toxic climate, impacting a group of individuals.

The Equity Office employs both informal and formal resolution methods in addressing mandate complaints. The vast majority of cases are handled informally by Equity Advisors, in conjunction with Administrative Heads, who serve as neutrals to sort out the issues, 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, the removal of *offensive* pictures 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. Upon considering the complainants' request and initial fact-finding on the matter, the Associate Vice-President, Equity, may grant the request and order an independent investigation and panel. From 1998 to date, only one case has been addressed through formal proceedings. This case, in 2002, involved a complaint of sexual harassment by a student against a sessional lecturer. The three-person independent panel determined that the lecturer had sexually harassed the student, and ordered an official warning letter be placed in the lecturer's faculty file. No case was forwarded to formal investigation in 2004.

Following is a summary of complaints (cases and consultations) received and handled by the Equity Office in 2004. These data reflect only those situations in which the Equity Office was specifically contacted, and does not include the many other incidents in which Administrative Heads or units managed incidents independently.

### COMPLAINTS RECEIVED IN 2004

The Equity Office handled 23 mandate cases and offered 99 consultations from January through December 2004. Of the 99 consultations, 18 (18% of all consultations) would have been addressed as mandate complaints, but for various reasons the parties chose not to pursue the complaint. Thus, of the total 122 complaints for 2004, 41 incidents fell within the purview of the Policy, representing 34% of all complaints (cases and consultations) in the calendar year. Figure 1 tracks mandated case activity in the Equity Office from 2002 through 2004, inclusive.

By examining this longitudinal data, one can note the rise and fall of Policy-mandated case handling by the Equity Office from 2002–2004. Although we cannot fully explain this year to year fluctuation, we believe that certain factors play a determining role: 1) Very brief consultations with parties or Administrative Heads (or their designates) may not be recorded, or are recorded with varying diligence, in the computer database from which these numbers are generated. 2) The educational programs offered by the Equity Office staff may be effective in raising discrimination and harassment awareness, limiting inappropriate behaviour and promoting respectful interactions in the workplace, classroom and residences. Participation in the many workshops offered by the Equity Office Advisors, likewise, varies from year to year. 3) Administrative Heads, whom have been trained by the Equity Office in complaint handling, are becoming more and more adept at resolving human rights issues locally and early. Many situations, therefore, never reach the Equity Office and are not recorded in our records. However, with changes in unit leadership, the effectiveness with which Policy related incidents are dealt with in the unit, is similarly subject to change.

Of the 41 mandate cases and consultations addressed by the Equity Office in 2004, 13 were based on sex/gender discrimination (32% of all mandate complaints), 12 (29%) on disability, 7 (17%) on ancestry/colour/race, 4 (10%) on sexual orientation, 4 (10%) on religion, and 1 (2%) on age. According to data from 2002–2004, discrimination and harassment based on sex/gender has been the most frequently reported kind of human rights violation brought to the attention of the Equity Office over these recent years. However, there has been a dramatic drop in the percentage of sex/gender cases, proportional to a dramatic rise in the percentage of cases alleging discrimination and harassment based on disability. See Figure 1 and Figure 2, which illustrate the trends of complaints by reason or kind of discrimination.

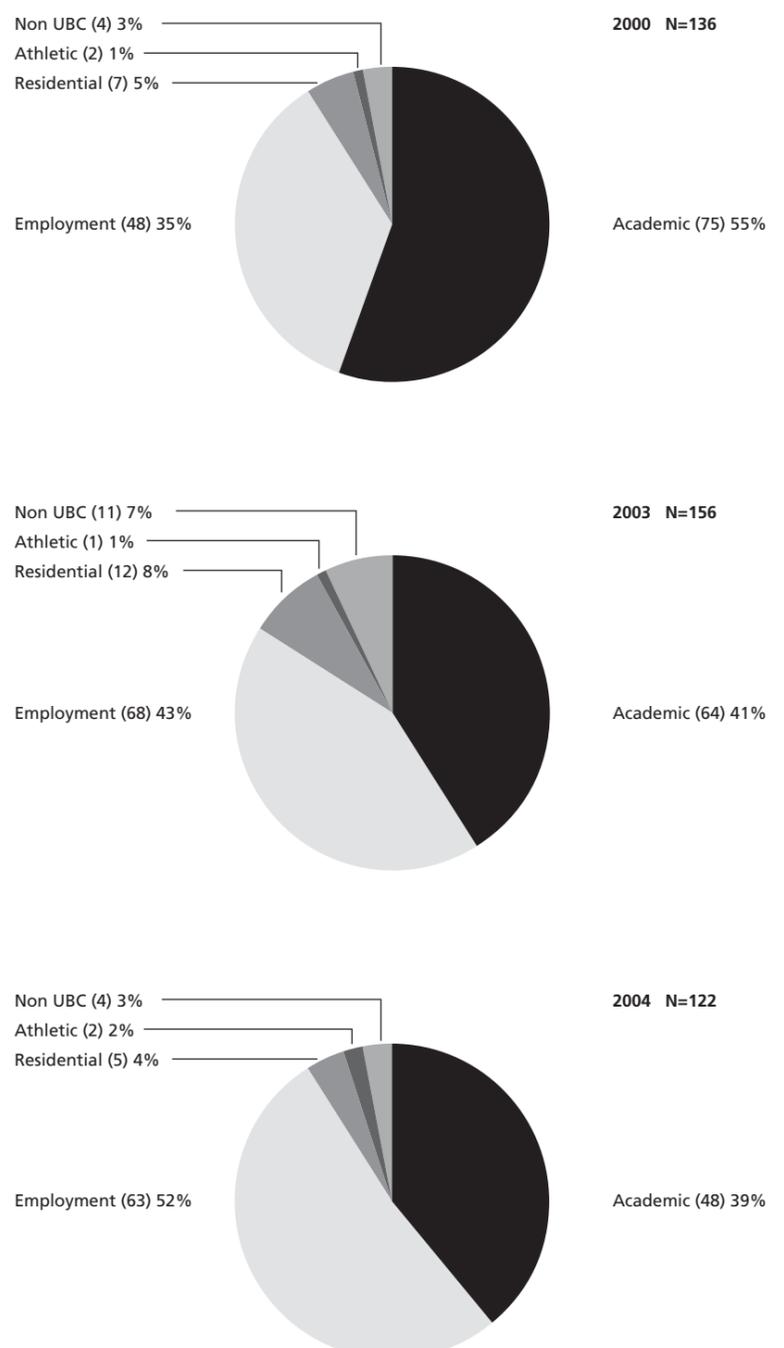
Figure 1 tracks incidents brought to the Equity Office from 2002–2004 that fell outside the Policy because of jurisdiction or time limitations. In 2004, 81 out of 122 cases fell outside the reach of the Policy. As explained above, such situations are addressed as *consultations* by Equity Office staff. Of these 81 consultations, more than half — specifically 46 (57%) — fell outside the Policy because other UBC policies and procedures were more appropriate avenues of redress. For instance, students who bring forth complaints over grades are often referred to the academic appeals procedures (unless poor marks can be clearly linked to retaliation for bringing a human rights complaint.) Complaints involving personal harassment totaled 29 (36%) in 2004; while 6 (7%) cases involved parties or contexts external to UBC, and therefore did not invoke the Policy. Due to the increasing numbers of personal harassment incidents, the Equity Office, in concert with other UBC offices, is currently exploring ways to best address personal harassment on campus.

The Policy promises that discrimination and harassment will not be tolerated in the various domains of the university — the classroom, the workplace, residences, athletic teams and clubs. Figure 3 illustrates the breakdown of incidents in these various university settings. Employment and academic matters have consistently been the primary sources of Equity cases over the last five years. Of the 122 complaints handled by the Equity Office in 2004, 63 (52%) fell within the context of employment. This data represents an increase over the last few years in the number of employment related incidents brought to the Equity Office. In 2000, 35% of all complaints and consultations fell within the employment context, while in 2003 43% alleged a biased workplace. However, the raw number of employment-based incidents in 2003 and 2004 are nearly equal, these being 63 and 68 respectively.

Following closely behind the employment category, 48 (39%) complaints in 2004 alleged discrimination and harassment in the classroom. This 2004 data reflecting the academic context closely match those from 2003: Academic-based incidents comprised 41% of all 2003 complaints. Over the course of these last few years, then, one can discern a trend of decreased academic-based complaints and increased employment-based complaints. Few complaints of discrimination and harassment were brought forth from residence and athletics in 2004 — a mere 5 (4%) involving resident living and 2 (2%) from the athletics context. In comparing 2004 and 2003 data, there has been a slight decline in residence based complaints in the last year. This decline may be the result of awareness-raising educational programs conducted in residence halls, skilled Residence Advisors handling complaints locally, or matters simply not being brought forward to the Equity Office. Four cases fell outside the jurisdictional context of UBC; these include, for example, incidents that occurred wholly in the city of Vancouver or involved respondents unaffiliated with UBC.

Figure 4 illustrates the gender of parties involved in discrimination and harassment complaints over the last three years. Consistently throughout this time period, women have been more likely to bring matters to the Equity Office than men. In 2004, out of 122 complaints, 77 (66%) women sought assistance from the Equity Office, as

**Figure 3 Context of Discrimination & Harassment Cases**



**Figure 4 Gender of Complainants and Respondents**

|                                  | 2002       |             | 2003       |             | 2004       |             |
|----------------------------------|------------|-------------|------------|-------------|------------|-------------|
| Female complainant               | 17         | 16%         | 24         | 15%         | 30         | 24%         |
| Female respondent                |            |             |            |             |            |             |
| Female complainant               | 40         | 39%         | 58         | 37%         | 33         | 27%         |
| Male respondent                  |            |             |            |             |            |             |
| Female complainant               | 1          | 1%          | 1          | 1%          | 2          | 2%          |
| Male and female respondent       |            |             |            |             |            |             |
| Female complainant               | 12         | 12%         | 19         | 12%         | 9          | 7%          |
| Department/University respondent |            |             |            |             |            |             |
| Female complainant               | 3          | 3%          | 10         | 6%          | 3          | 2%          |
| Unknown respondent               |            |             |            |             |            |             |
| Male complainant                 | 11         | 11%         | 11         | 7%          | 16         | 13%         |
| Male respondent                  |            |             |            |             |            |             |
| Male complainant                 | 8          | 8%          | 11         | 7%          | 7          | 6%          |
| Female respondent                |            |             |            |             |            |             |
| Male complainant                 | 0          | 0           | 3          | 2%          | 2          | 2%          |
| Male and female respondent       |            |             |            |             |            |             |
| Male complainant                 | 8          | 8%          | 9          | 6%          | 12         | 10%         |
| Department/University respondent |            |             |            |             |            |             |
| Male complainant                 | 1          | 1%          | 2          | 1%          | 3          | 2%          |
| Unknown respondent               |            |             |            |             |            |             |
| Male and female complainant      | 1          | 1%          | 3          | 2%          | 0          | 0           |
| Female respondent                |            |             |            |             |            |             |
| Male and female complainant      | 0          | 0           | 1          | 1%          | 0          | 0           |
| Male and female respondent       |            |             |            |             |            |             |
| Male and female complainant      | 0          | 0           | 3          | 2%          | 0          | 0           |
| Male respondent                  |            |             |            |             |            |             |
| Male and female complainant      | 0          | 0           | 0          | 0           | 1          | 1%          |
| Department/University respondent |            |             |            |             |            |             |
| Male and female complainant      | 0          | 0           | 0          | 0           | 2          | 2%          |
| Unknown respondent               |            |             |            |             |            |             |
| Unknown complainant              | 0          | 0           | 1          | 1%          | 0          | 0           |
| Male respondent                  |            |             |            |             |            |             |
| Unknown complainant              | 1          | 1%          | 0          | 0           | 0          | 0           |
| Department/University respondent |            |             |            |             |            |             |
| Unknown complainant              | 0          | 0           | 0          | 0           | 2          | 2%          |
| Unknown respondent               |            |             |            |             |            |             |
| <b>TOTAL</b>                     | <b>103</b> | <b>101%</b> | <b>156</b> | <b>100%</b> | <b>122</b> | <b>100%</b> |

compared to 40 (34%) men; five matters could not be classified on pure gender lines because these complaints were brought by groups of people of both genders, by a department, or in one instance, a complaint was registered by a person in gender transition. Of the 77 complaints brought by women, 43% were against men, 39% were against other women, while 12% were against a department or the University. Of the 40 complaints brought to the Equity Office by men, 40% were against other men, 17.5% were against women, and 30% were against a department or the University.

Just as women are more likely to initiate complaints with the Equity Office, men are more likely to be named as the responding party. In 2004, men were named as respondents in 40% of complaints, whereas women were named as respondents in 30%. The remaining 30% of respondents were either groups of individuals from both genders, departments or the University, and those classified as “unknown.” Sometimes people seek assistance from the Equity Office without knowing or revealing the gender of the other party or parties in question. The gender of respondents is recorded as “unknown” when, for example, the harassing party is anonymously calling, or writing notes. At other times, administrators or other interested third parties may contact the Equity Office for counsel without naming the individual(s) about whom they are concerned. In 2004, 10 (8%) cases and/or consultations involved an unknown respondent.

**Figure 5 Complaints by Campus Groups**

|                              | 2002       |             | 2003       |             | 2004       |             |
|------------------------------|------------|-------------|------------|-------------|------------|-------------|
| Undergraduate Student        | 35         | 34%         | 48         | 31%         | 36         | 29%         |
| Graduate Student             | 20         | 19%         | 26         | 17%         | 15         | 12%         |
| Support Staff                | 20         | 19%         | 28         | 18%         | 23         | 19%         |
| Faculty                      | 13         | 13%         | 20         | 13%         | 18         | 15%         |
| Management & Professional    | 8          | 8%          | 15         | 10%         | 17         | 13%         |
| Administrative Head of Unit  | 3          | 3%          | 5          | 3%          | 5          | 4%          |
| Student/Employee Association | 0          | 0           | 0          | 0           | 1          | 1%          |
| Non-UBC                      | 4          | 4%          | 14         | 9%          | 6          | 5%          |
| Department/University        |            |             |            |             | 1          | 2%          |
| <b>TOTAL</b>                 | <b>103</b> | <b>100%</b> | <b>156</b> | <b>100%</b> | <b>122</b> | <b>100%</b> |

**Figure 6 Position of Complainants in Relation to Respondents**

|                                      | 2002      |             | 2003      |             | 2004      |             |
|--------------------------------------|-----------|-------------|-----------|-------------|-----------|-------------|
| <b>Undergraduate Student</b>         | N=35      |             | N=48      |             | N=36      |             |
| Undergraduate Student                | 10        | 28%         | 17        | 35%         | 5         | 14%         |
| Graduate Student                     | 3         | 8%          | 0         | 0           | 2         | 6%          |
| Support Staff                        | 1         | 3%          | 2         | 4%          | 0         | 0           |
| Administrative Head of Unit          | 2         | 6%          | 0         | 0           | 0         | 0           |
| Management & Professional            | 0         | 0           | 2         | 4%          | 0         | 0           |
| Faculty                              | 8         | 23%         | 9         | 19%         | 14        | 39%         |
| Student/Employee Association         | 1         | 3%          | 0         | 0           | 0         | 0           |
| Non-UBC                              | 6         | 17%         | 8         | 17%         | 3         | 8%          |
| Department/University                | 3         | 9%          | 6         | 13%         | 7         | 19%         |
| Unknown                              | 1         | 3%          | 4         | 8%          | 5         | 14%         |
| <b>TOTAL</b>                         | <b>35</b> | <b>100%</b> | <b>48</b> | <b>100%</b> | <b>36</b> | <b>100%</b> |
| <b>Graduate Student</b>              | N=20      |             | N=26      |             | N=15      |             |
| Undergraduate                        | 3         | 15%         | 1         | 4%          | 1         | 7%          |
| Graduate Student                     | 1         | 5%          | 5         | 19%         | 0         | 0           |
| Support Staff                        | 0         | 0           | 2         | 8%          | 0         | 0           |
| Administrative Head of Unit          | 0         | 0           | 2         | 8%          | 3         | 20%         |
| Management & Professional            | 2         | 10%         | 0         | 0           | 1         | 7%          |
| Faculty                              | 6         | 30%         | 9         | 35%         | 4         | 27%         |
| Student/Employee Association         | 0         | 0           | 0         | 0           | 0         | 0           |
| Non-UBC                              | 1         | 5%          | 3         | 12%         | 2         | 13%         |
| Department/University                | 6         | 30%         | 4         | 15%         | 2         | 13%         |
| Unknown                              | 1         | 5%          | 0         | 0           | 2         | 13%         |
| <b>TOTAL</b>                         | <b>20</b> | <b>100%</b> | <b>26</b> | <b>101%</b> | <b>15</b> | <b>100%</b> |
| <b>Support Staff</b>                 | N=20      |             | N=28      |             | N=23      |             |
| Undergraduate Student                | 0         | 0           | 1         | 4%          | 4         | 17%         |
| Support Staff                        | 6         | 30%         | 9         | 32%         | 3         | 13%         |
| Administrative Head of Unit          | 1         | 5%          | 4         | 14%         | 1         | 4%          |
| Management & Professional            | 7         | 35%         | 3         | 11%         | 9         | 39%         |
| Faculty                              | 2         | 10%         | 4         | 14%         | 4         | 17%         |
| Student Employee Association         | 0         | 0           | 0         | 0           | 0         | 0           |
| Non-UBC                              | 1         | 5%          | 0         | 0           | 0         | 0           |
| Department/University                | 2         | 10%         | 4         | 14%         | 1         | 4%          |
| Unknown                              | 1         | 5%          | 3         | 11%         | 1         | 4%          |
| <b>TOTAL</b>                         | <b>20</b> | <b>100%</b> | <b>28</b> | <b>100%</b> | <b>23</b> | <b>98%</b>  |
| <b>Faculty</b>                       | N=13      |             | N=20      |             | N=18      |             |
| Undergraduate Student                | 2         | 15%         | 2         | 10%         | 2         | 11%         |
| Graduate Student                     | 2         | 15%         | 1         | 5%          | 2         | 11%         |
| Support Staff                        | 1         | 1%          | 0         | 0           | 1         | 5%          |
| Administrative Head of Unit          | 1         | 8%          | 5         | 25%         | 3         | 17%         |
| Faculty                              | 4         | 31%         | 5         | 25%         | 4         | 22%         |
| Non-UBC                              | 1         | 8%          | 0         | 0           | 1         | 5%          |
| Department/University                | 2         | 15%         | 5         | 25%         | 5         | 28%         |
| Unknown                              | 0         | 0           | 2         | 10%         | 0         | 0           |
| <b>TOTAL</b>                         | <b>13</b> | <b>100%</b> | <b>20</b> | <b>100%</b> | <b>18</b> | <b>100%</b> |
| <b>Management &amp; Professional</b> | N=8       |             | N=15      |             | N=17      |             |
| Undergraduate Student                | 0         | 0           | 0         | 0           | 0         | 0           |
| Graduate Student                     | 0         | 0           | 0         | 0           | 0         | 0           |
| Support Staff                        | 1         | 12%         | 0         | 0           | 0         | 0           |
| Administrative Head of Unit          | 1         | 12%         | 4         | 27%         | 2         | 12%         |
| Management & Professional            | 3         | 38%         | 4         | 27%         | 12        | 70%         |
| Faculty                              | 1         | 13%         | 1         | 7%          | 2         | 12%         |
| Department/University                | 2         | 25%         | 3         | 20%         | 1         | 6%          |
| Non-UBC                              | 0         | 0           | 2         | 13%         | 0         | 0           |
| Unknown                              |           |             | 1         | 7%          | 0         | 0%          |
| <b>TOTAL</b>                         | <b>8</b>  | <b>100%</b> | <b>15</b> | <b>101%</b> | <b>17</b> | <b>100%</b> |
| <b>Administrative Head of Unit</b>   | N=3       |             | N=5       |             | N=5       |             |
| Undergraduate                        | 1         | 33%         | 1         | 20%         | 2         | 40%         |
| Graduate Student                     | 0         | 0           | 0         | 0           | 0         | 0           |
| Support Staff                        | 1         | 33%         | 0         | 0           | 0         | 0           |
| Administrative Head of Unit          | 0         | 0           | 0         | 0           | 0         | 0           |
| Faculty                              | 0         | 0           | 4         | 80%         | 3         | 60%         |
| Department/University                | 0         | 0           | 0         | 0           | 0         | 0           |
| Unknown                              | 1         | 33%         | 0         | 0           | 0         | 0           |
| <b>TOTAL</b>                         | <b>3</b>  | <b>99%</b>  | <b>5</b>  | <b>100%</b> | <b>5</b>  | <b>100%</b> |
| <b>Student/Employee Association</b>  | N=0       |             | N=0       |             | N=1       |             |
| Administrative Head of Unit          | 0         | 0           | 0         | 0           | 0         | 0           |
| Management & Professional            | 0         | 0           | 0         | 0           | 1         | 100%        |
| Undergraduate Student                | 0         | 0           | 0         | 0           | 0         | 0           |
| Student/Employee Association         | 0         | 0           | 0         | 0           | 0         | 0           |
| Off Campus                           | 0         | 0           | 0         | 0           | 0         | 0           |
| Unknown                              | 0         | 0           | 0         | 0           | 0         | 0           |
| <b>TOTAL</b>                         | <b>0</b>  | <b>0</b>    | <b>0</b>  | <b>0</b>    | <b>1</b>  | <b>100%</b> |
| <b>Non-UBC</b>                       | N=4       |             | N=14      |             | N=6       |             |
| Undergraduate Student                | 0         | 0           | 1         | 7%          | 1         | 17%         |
| Graduate Student                     | 0         | 0           | 0         | 0           | 0         | 0           |
| Management & Professional            | 0         | 0           | 0         | 0           | 0         | 0           |
| Faculty                              | 0         | 0           | 3         | 21%         | 0         | 0           |
| Non-UBC                              | 3         | 75%         | 5         | 36%         | 0         | 0           |
| Department/University                | 1         | 25%         | 4         | 29%         | 3         | 50%         |
| Unknown                              | 0         | 0           | 1         | 7%          | 1         | 17%         |
| <b>TOTAL</b>                         | <b>4</b>  | <b>100%</b> | <b>14</b> | <b>100%</b> | <b>6</b>  | <b>100%</b> |
| <b>Department/University</b>         |           |             |           |             | N=1       |             |
| Department/University                | 0         | 0           | 0         | 0           | 1         | 100%        |
| <b>TOTAL</b>                         | <b>0</b>  | <b>0</b>    | <b>0</b>  | <b>0</b>    | <b>1</b>  | <b>100%</b> |

As previously explained, the Equity Office and the Policy serve the students, faculty, and staff of UBC. Of these constituents, students are the most likely group to access the Equity Office, a phenomenon that has been consistent over the last three years. Students — undergraduates and graduates — brought 51 (42%) of the 122 complaints in 2004, with undergraduates bringing twice as many as graduate students. See Figure 5. Faculty complaints comprised 18 (15%) of the 122 complaints in 2004. Staff brought 40 (33%) of the 122 complaints in 2004. Within the staff category, 23 (57.5%) of the 40 cases registered or consultations sought were by support staff, whereas 17 (42.5%) were brought by management & professional staff. A relatively small number of complaints stemmed from administrators (4%), departments (2%), and student and employee associations (1%). The breakdown of complaints by campus constituents has been relatively consistent throughout the last few years, a split which roughly reflects the overall population numbers of these groups on the UBC campus.<sup>1</sup>

Figure 6 examines the profiles of responding parties — those persons and units about whom the initiating party sought advice or redress. This data demonstrates that in 2004 undergraduates raised most of their equity concerns in relation to faculty members: Of the 36 undergraduate initiated complaints, 14 (39%) were brought against professors and lecturers, alleging, for example, biased decisions in grading, inappropriate course materials, or toxic classroom climate. Undergraduate students also raised equity concerns against their departments or the university, constituting 19% of this group's cases and consultations. Five out of the 36 (14%) complaints brought by undergraduate students were against other undergraduates, while 2 (6%) incidents named graduate students at the responding party. In previous years (2002–2003), the Equity Office received more complaints by undergraduates against their fellow undergraduates; however, 2004 figures show a significant drop in this category. One might suggest that the Equity Ambassadors Program has played a role in this decline.

Like their undergraduate counterparts, graduate students raised most of their equity related concerns against faculty members, this category comprising 27% of all graduate student initiated complaints. In addition to concerns with faculty members, graduate students named administrators as respondents in 3 complaints (20%), and departments in 2 (13%). There were no complaints initiated by graduate students against other graduate students, although one graduate student named an undergraduate as a responding party.

The majority of complaints brought by support staff in 2004 were against management & professional staff. Of the 23 incidents raised by support staff, 39% alleged bad behaviour on the part of management & professional staff. By comparison, complaints by support staff against other support staff accounted for 13%. Among matters initiated by management & professional staff, 70% named fellow management & professional employees. See Figure 6 for a more complete picture of staff cases and consultations.

The faculty initiated 18 complaints with the Equity Office in 2004, naming, in rather equal distribution, undergraduate and graduate students (22%), administrative heads (17%), departments or the University (28%), and other faculty members (22%) as respondents. These 2004 numbers generally mirror the breakdown of faculty initiated complaints in 2003, except in this past year a shift has occurred where more concerns were raised against students, while fewer were raised against Administrative Heads of Units. See Figure 6.

Figure 7 illustrates the kinds of behaviour about which individuals complain when they seek assistance from the Equity Office. This table reflects those incidents that trigger the Policy, i.e., behaviour that infringes on one of the thirteen grounds of human rights, as well as those incidents that do not contain a human rights element, such as bullying. This year, most incidents reported fell within the category of biased conduct or

behaviour, of a human rights nature, directed at individuals (38%), followed closely by those incidents of non-human rights bad behaviour that fell outside the Policy (36%). In the immediate preceding years, non-human rights based incidents (those not covered under the Policy) topped all other groups, whereas this year these numbers seemed to have shifted to human rights based discrimination. Reports of assault (sexual and physical) were down significantly in 2004 as compared to the previous two years.

## SELECTED COMPLAINT OUTCOMES FOR 2004

As described throughout this report, the Equity Office offers a valuable service to UBC students, faculty and staff through its advising on human rights issues and counseling on other challenging matters. The management of each situation is unique to meet the specific needs of the parties. Below is a brief description of a few mandated complaints and how they were addressed:

- An instructor reported being sexually harassed and stalked by a student, who made repeated invitations to social events, suggestive phone calls and e-mails. The instructor sent clear messages to the student that such advances were not welcome.

*This incident triggered the Policy on the grounds of sex (sexual harassment and stalking). The Equity Advisor invited the respondent student into the Equity Office and gathered the respondent's perspective on the situation. The respondent was advised of the Discrimination and Harassment Policy as well as the law on stalking or criminal harassment; and directed to cease all contact with the instructor. A warning was given that further contact with the Instructor would result in bringing in the RCMP with regards to criminal harassment.*

- A student reported that anti-Semitic and homophobic graffiti was posted in a residence hall.

*This incident triggered the Policy on the grounds of religion and sexual orientation. The Equity Advisor contacted Housing to inform them of the incident; and assisted the student in writing a letter that was then posted in the same residence hall, decrying the incident as a violation of the Policy. In addition, the Advisor assisted the student in writing an article on the incident for a residence newsletter.*

- An Administrative Head contacted the Equity Office on behalf of a staff member who was verbally harassed with racist comments by a student/patron in one of UBC's service units.

*This case invoked the Policy on the grounds of race. The Equity Advisor assisted the administrator in writing a letter to the respondent outlining the inappropriate behaviour. Follow-up with respondent was conducted by the administrator.*

- A person with a disability asked for accommodation, which was initially denied.

*This case violated the Policy's protection of persons with disabilities. The Advisor contacted the persons responsible for providing accommodations and invited them to offer their perspective on the situation. After assessing the facts and consulting with other disability resources on campus, it was determined that the request for accommodation was indeed reasonable. The person who denied the accommodation has been ordered to attend a disability awareness workshop by the administrative head; and the administrative head has issued a letter of apology to the complainant on behalf of the unit.*

**Figure 7 Behavioural Descriptions of Complaints**

|  | 2002 N=103 |            | 2003 N=156 |            | 2004 N=122 |            |
|--|------------|------------|------------|------------|------------|------------|
| <b>Poisoned Environment</b>                              |            |            |            |            |            |            |
| Insults/slurs/unacceptable jokes                         | 11         | 11%        | 10         | 6%         | 7          | 6%         |
| Following/staring/stalking                               | 9          | 9%         | 11         | 7%         | 5          | 4%         |
| Unwelcome verbal/written advances                        | 10         | 10%        | 8          | 5%         | 6          | 5%         |
| Non-physical verbal/written threats                      | 0          | 0          | 1          | 1%         | 3          | 2%         |
| Offensive visual material                                | 1          | 1%         | 7          | 4%         | 5          | 4%         |
| <b>Total</b>   | <b>31</b>  | <b>30%</b> | <b>37</b>  | <b>24%</b> | <b>26</b>  | <b>21%</b> |
| <b>Retaliation</b>                                       |            |            |            |            |            |            |
|  | 2          | 2%         | 3          | 2%         | 2          | 2%         |
| <b>Total</b>   | <b>2</b>   | <b>2%</b>  | <b>3</b>   | <b>2%</b>  | <b>2</b>   | <b>2%</b>  |
| <b>Assault</b>   |            |            |            |            |            |            |
| Assault or threat of assault, unwelcome sexual attention | 9          | 9%         | 16         | 10%        | 3          | 2%         |
| Assault or threat of assault, unwelcome physical contact | 3          | 3%         | 0          | 0          | 1          | 1%         |
| <b>Total</b>   | <b>12</b>  | <b>12%</b> | <b>16</b>  | <b>10%</b> | <b>4</b>   | <b>3%</b>  |
| <b>Other Forms of Discrimination</b>                     |            |            |            |            |            |            |
| Biased academic decisions                                | 6          | 6%         | 11         | 7%         | 13         | 11%        |
| Biased employment decisions                              | 2          | 2%         | 15         | 10%        | 13         | 11%        |
| Exclusion or denial of access                            | 4          | 4%         | 14         | 9%         | 15         | 12%        |
| Systemic   | 5          | 5%         | 5          | 3%         | 5          | 4%         |
| <b>Total</b>   | <b>17</b>  | <b>17%</b> | <b>45</b>  | <b>29%</b> | <b>46</b>  | <b>38%</b> |
| <b>Allegations not Covered under Policy</b>              |            |            |            |            |            |            |
| Interpersonal Conflict                                   | 18         | 17%        | 29         | 19%        | 18         | 15%        |
| Bullying   | 5          | 5%         | 5          | 3%         | 9          | 7%         |
| Work/Study place harassment                              | 18         | 17%        | 21         | 13%        | 17         | 14%        |
| <b>Total</b>   | <b>41</b>  | <b>40%</b> | <b>55</b>  | <b>35%</b> | <b>44</b>  | <b>36%</b> |

<sup>1</sup> According to November 2003 statistics from UBC's Planning and Institutional Research office, the UBC campus community totals 51,397 people. Students make up approximately 80% of this population — 65% (or 33,566) being undergraduates and 15% (7,379) graduate students. Faculty members, totaling 3,872 make up 7.5% of the UBC community; with staff comprising 6,580 or 13%.