



Equity Office and Human Rights and Equity Services Discrimination and Harassment Report 2007

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 protects all members of the UBC community – students, staff and faculty – from discrimination and harassment on actual or perceived personal characteristics related to 13 human rights grounds and, likewise, 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 (applies to those older than 19 and less than 65)¹
- 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, gender identity/expression and pregnancy)
- 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 on Discrimination and Harassment are fulfilled by the UBC community. We offer procedures to address discrimination and harassment complaints. These mechanisms offer a clear, equitable approach to problem resolution. These procedures 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 addition, the Equity Office conducts educational programs and events to heighten awareness of human rights, and thereby minimize incidents of discrimination and harassment.

In 2007, the Equity Office at UBC-Vancouver underwent some staffing changes. We had 2 Equity Advisors in January (1.8 FTE). From February until mid-May we had 3 Equity Advisors (3.0 FTE) and then had 2 Equity Advisors from mid-May until December (1.8 FTE until August 1; 2.0 FTE from August 1 - December 31). Additionally, we had 2 administrative staff and one Associate Vice President, Equity.

At UBC-Okanagan, the Human Rights and Equity Services (HES) office was staffed by one full-time advisor and this office is also under the jurisdiction of the same AVP Equity. 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 2007. Each campus will report on their statistics separately.

¹ In 2007, Bill 31, a measure to eliminate mandatory retirement at age 65, was passed by the BC legislature. Effective January 1, 2008, this bill revises age provisions in the *BC Human Rights Code* to extend protection from age discrimination to people over 19, including those age 65 and older. This legislation is not retroactive. Hence we continue to use the provisions of "age" as applicable to those over 19 and under 65 in the 2007 annual report, to be consistent with the law in effect at that time.

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 complaints 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 2007, 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.

According to 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 Administrative Heads of Unit which did not involve the Equity Office or HES are not reflected in this annual report.

Concerns may also be brought directly to the Equity Office at UBC-V or the Human Rights and Equity Services (HES) office at UBC-O. These concerns 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 involve significant amounts of work on the part of the Equity Advisor, even though they do not proceed through the complaint resolution procedures provided for in the Policy.

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 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, consistent with the BC *Human Rights Code*, 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, Equity Advisors may provide information and advice to complainants or administrators who visit the Equity Office/HES but do not request Equity Office/HES intervention. Some of these 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 2007, UBC did not have a policy or prescribed procedures to address such non-human rights harassment or interpersonal conflicts. Although such interpersonal conflicts fall outside the Discrimination and Harassment Policy, 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 the formal process in 2007, but the parties chose to proceed under other procedures provided for by the Policy.

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 UBC's Okanagan campus in 2007. 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 2007

In both 2006 and 2007, changes were made to the tracking forms on which we record complaint summary data at UBC-V, and from which these annual report statistics are generated. These new forms offer an expanded range of options for more detailed reporting. However, since new forms were introduced in both 2006 and 2007, the data generated this year may not directly correspond to that from categories on the earlier forms. Thus, in our 2007 charts and reporting, we have endeavoured to make the data from the new and older categories fit and, where discrepancies occur, have detailed the reason for such discrepancies. The main changes to the form reflect the reality of the intersectionality of oppressions. Some concerns brought to the Equity Office involve more than one ground of prohibited discrimination and/or more than one type of behaviour. The forms now also offer a wider range of options for why the policy may not be applicable in a given complaint and a more detailed range of human rights and non-human rights behaviours as well.

As shown in Figure 1 [Discrimination & Harassment Complaints: Cases and Consultation], the Equity Office at UBC-V received 81 complaints from January-December 2007. Of these, 14 (17%) were mandate cases which employed the complaint resolution procedures provided for in the Policy and 67 (83%) were consultations. (Please see the "Complaint Management" section above for an explanation of what is meant by "case" and "consultation".)

In 2006/2007, with the change in tracking forms, the Equity Office started tracking concerns which have multiple or intersecting grounds of discrimination and harassment. There was 1 mandate complaint in 2007 (7%) which cited two grounds of prohibited discrimination in the same case (Figure 1) and 10 consultations (24%) in which two grounds were cited (Figure 2) per consultation. In order not to privilege or give more weight to one ground over another in a complaint with intersecting grounds, we have chosen to report the data in Figures 1 and 2 so that the number of times that all the grounds were cited is listed and then the number of grounds from the concerns which involved multiple grounds, minus the number of cases with multiple grounds, is subtracted from this total.

Figure 1 Cases and Consultations

CASES	2005	N=29 of 111 (26%)	2006	N=21 of 97 (22%)	2007	N=14 of 81 (17%)
Age	0	0	1	5%	0	0
Disability	4	14%	1	5%	3	21%
Ethnicity (ancestry, colour, race, place of origin)	3	10%	7	33%	4	29%
Family Status	0	0	1	5%	0	0
Marital Status	0	0	0	0	0	0
Political Belief	1	3%	0	0	0	0
Religion	1	3%	0	0	0	0
Sex/Gender	19	66%	14	67%	7	50%
Sexual Orientation	1	3%	1	5%	1	7%
Unrelated Criminal Offense	0	0	0	0	0	0
Multiple Grounds of Discrimination	n/a	n/a	-4 (included above)	-19%	-1 (included above)	-7%
TOTAL	29	99%	21	101%	14	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

CONSULTATIONS	2005	N=71 of 111 (64%)	2006	N=76 of 97 (78%)	2007	N=67 of 81 (83%)
Proceeding in a different process	39	55%	10	13%	14	21%
Outside Time Limit	0	0	0	0	1	2%
Respondent/complainant and/or context not under UBC jurisdiction	11	15%	11	14%	n/a	n/a
NEW - Non-UBC complainant and/or respondent	n/a	n/a	n/a	n/a	6	9%
NEW - Non UBC context	n/a	n/a	n/a	n/a	4	6%
No prohibited ground	21	30%	43	57%	23	34%
Allegation does not meet burden of proof	n/a	n/a	10	13%	11	16%
Complainant does not wish to proceed	n/a	n/a	13	17%	8	12%
NEW - Preventative	n/a	n/a	n/a	n/a	3	4%
* Multiple Reasons Cited	n/a	n/a	-11 (included above)	-14%	-3 (included above)	-4%
TOTAL	71	100%	76	100%	67	100%

The first chart of Figure 1 shows the grounds of discrimination and harassment that were cited in the 14 cases handled by the Equity Office. As is consistent with previous years, sex/gender was the most prevalent ground cited in cases (7 cases, or 50%), followed by ethnicity (4 cases, or 29%) and disability (3 cases or 21%). There was also one case which cited sexual orientation as the ground of prohibited discrimination (7%). Complaints on the ground of sex, the most commonly reported concerns, include concerns about unwanted sexual advances or contact, stalking, gender-based discrimination, concerns about differential treatment due to pregnancy or breastfeeding and concerns about discrimination and harassment due to gender identity or gender expression. The proportion of complaints based on each ground cited does not change when the total number of grounds cited over all of the complaints, and not just the cases, are recorded (see Figure 2 and discussion).

The second chart of Figure 1 offers reasons why a complaint did not proceed to a case, but rather was handled as a consultation. In 2007, as is consistent with 2006, the most prevalent reason for this was that the allegation brought to the Equity Office did not involve a prohibited ground of discrimination (23 consultations or 34%). These may have been concerns of conduct such as personal harassment, bullying or interpersonal conflict. Fourteen (or 21%) of consultations proceeded in a different process such as a union grievance, Senate appeal process, external process or process within the unit itself. Eleven concerns (16%) did not meet the burden of proof required by the Policy to be a bona fide allegation of discrimination and harassment and, as such, did not proceed to a case. Lastly, in 8 consultations, the complainant did not want to proceed with complaint procedures provided for under the Policy. This may be because the complainant was looking for advice on how to handle the concern themselves, or was concerned about consequences they feared might arise if they made their allegation known to the respondent or within the department. Consultations often required considerable Advisor and staff time and resources on the part of the Equity Office. As stated below, brief consultations which do not take a lot of time or resources from the Equity Office (such as a telephone call or single email) are not recorded in the database. Only those consultations where a greater investment is involved (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) are now recorded as consultations.

By examining the longitudinal case data in Figure 1 from 2005-2007, one may note the general decrease in annual totals, as well as variation within the various grounds of discrimination and harassment. 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, this fluctuation of numbers may be attributed to changes in our methods of record keeping. Brief consultations that only take a few minutes and do not require us to act or advise on a complaint are no longer recorded in the computer database from which these annual report numbers are generated. Thus, as stated above, the numbers from this year reflect complaints in which the Equity Office played a more significant role than that of quick sounding board.

Thirdly, we in the Equity Office are confident that the educational programs we offer impact the community and are 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 Advisors varies from year to year, and thus the effects of awareness education vary. 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 help 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. Thus, the fluctuation in annual numbers may also relate to the variant awareness and skill levels of these Managers, Deans and Department Heads. Some Administrative Heads act quickly and astutely to address these situations, solving the problem locally. Therefore, these situations never reach the Equity Office and are not recorded in our records. Because unit leadership may change every three to five years (or more often in some cases), the effectiveness with which Policy-related incidents are dealt with in the unit, are likewise varying.

Figure 2 [Grounds of Discrimination Cited in 2007 Complaints] illustrates the total number of concerns (cases and consultations) in which a prohibited ground of discrimination and harassment was alleged. Of the 81 total complaints, 41 complaints cited one (or, in 11 incidences, two) human rights grounds of discrimination or harassment. Thus, 40 of the 67 consultations did not involve an alleged ground of prohibited discrimination when the individual approached the Equity Office. These 40 consultations included the 23 (34%) where no ground was cited, 14 (21%) which were proceeding in a different process and the 3 (4%) consultations which were preventative in nature, as recorded in Figure 1.

Of the 41 consultations where a ground was cited, 14 were acted upon as a case (see Figure 1) and the remaining 27 were treated as consultations (3 of which had two reasons each regarding why they were consultations, not cases). In this latter group of 27 consultations (with 30 reasons cited), the individual who approached the Equity Office felt that a ground (or two) of prohibited discrimination may have been involved in their concern but the complaint remained at the consultation stage for the following reasons: 11 concerns were outside of the jurisdiction of the policy (non-UBC context, non-UBC parties or outside the time limit for making a complaint); 11 concerns did not meet the burden of proof required by the policy; and 8 concerns were ones in

Figure 2 Grounds of Discrimination

GROUNDS OF DISCRIMINATION CITED IN 2007 COMPLAINTS (Cases and Consultations)		
Ethnicity	15	37%
Family Status	3	7%
Marital Status	1	2%
Disability	8	20%
Religion	3	7%
Sex/Gender	21	51%
Sex. Orientation	1	2%
Multiple Grounds of Discrimination	-11	-27%
TOTAL	41	99%

Figure 3 Context of All Complaints

CONTEXT OF ALL COMPLAINTS	2005	N=111	2006	N=97	2007	N=81
Academic	57	51%	46	47%	44	54%
Employment	33	30%	33	34%	27	33%
Residence	8	7%	6	6%	3	4%
Clubs/Athletics/Recreation	1	1%	2	2%	0	0
UBC Service	n/a	n/a	7	7%	3	4%
Non-UBC	12	11%	3	3%	4	5%
TOTAL:	111	100%	97	99%	81	100%

which the complainant did not give us permission to proceed and instead chose not to proceed with the complaint as a case. For all of these concerns, the Equity Advisor or Administrative Head of Unit did not provide case management assistance but provided advice and assistance in other ways such as referrals to other departments, agencies or procedures, training and education, safety planning and advice and assistance on how to manage a concern on one's own.

Figure 2 tracks the number of cases and consultations in which a ground (or two) of prohibited discrimination was cited. Of the 41 concerns, 21 (or 51%) cited sex/gender, 15 (or 37%) cited ethnicity (ancestry, colour, place of origin or race) and 8 (or 20%) cited physical or mental disability. While the order of these concerns is consistent with those handled as mandate cases in 2007 (see Figure 1), when the number of cases is subtracted from this data, 14 concerns in which sex/gender were cited, 11 in which ethnicity was a factor and 5 in which disability was cited did not proceed to a case. In addition, none of the concerns which cited family status, marital status or religion proceeded to a case. This data may reflect grounds upon which individuals may feel more reluctant to proceed with a concern under procedures provided for by the Policy, but further analysis would be required to determine how many of these consultations would have been eligible to proceed to a case (i.e. met the burden of proof and fell within the jurisdiction of the policy) and then which grounds were cited in those concerns before such conclusions can be drawn.

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 complaints over the last three years. Of the 81 complaints handled by the Equity Office in 2007, 44 (54%) fell within the context of academics; whereas 27 (33%) 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 were a total of 43,579 undergraduate and graduate students at UBC-Vancouver in the winter academic term of 2007 and a total of 10,655 staff and faculty. Students comprise 80% of the UBC-V community population, while staff and faculty represent 20% of the population. Based on these community demographics, the Equity Office receives a proportionally high number of employment-related complaints. This is true, even when combining the academic-related complaints with complaints arising from the residence life, athletics/clubs and UBC Service.

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 have men. In 2007, out of 81 complaints, 52 (64%) women sought assistance from the Equity Office as complainants to a concern, as compared to 23 (28%) men who approached the Equity Office as complainants.

The data in 2007 cites 5 complaints (6%) involving persons of an "unknown" gender. 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) and also concerns from individuals whose gender identity does not correspond with either the female or male binary gender categories. Although the latter concerns are recorded as coming from persons of an unknown gender, this obviously is a limitation of the database. (Other transgender or gender variant people who do

Figure 4 Gender of All Complainants and Respondents

COMPLAINANTS	2005	N=111	2006	N=97	2007	N=81
Female	76	69%	72	74%	52	64%
Male	35	32%	24	25%	23	28%
Unknown	0	0	1	1%	5	6%
Both	0	0	0	0	1	1%
TOTAL	111	101%	97	100%	81	99%

RESPONDENTS	2005	N=111	2006	N=97	2007	N=81
Female	32	29%	17	18%	17	21%
Male	63	57%	40	41%	34	42%
Unknown	4	4%	5	5%	6	7%
Both	0	0	1	1%	6	7%
Department/University	12	11%	34	35%	18	22%
TOTAL	111	101%	97	100%	81	99%

Figure 5 Complaints by Campus Groups

CAMPUS GROUPS	2005	2006	2007			
Students	65	59%	62	64%	38	47%
Faculty and Faculty Association	12	11%	8	8%	17	21%
Management and Professional	13	12%	10	10%	15	19%
Support, Clerical, Library, Trades, Technical and Service Staff	14	13%	14	14%	6	7%
Non UBC	7	6%	3	3%	1	1%
Unknown	n/a	n/a			4	5%
TOTAL	111	100%	97	100%	81	100%

identify as female or male are included as such in the data in Figure 4.) The forms for 2008's annual report have included a transgender/gender-variant category to correct for this error.

While women are more likely to initiate complaints with the Equity Office, men are more likely to be named as the responding party – a trend that has been consistent over the last several years. In 2007, men were named as respondents in 42% of complaints (n=34), whereas women were named as respondents in 21% of complaints (n=17).

In 2006 and 2007, the number of complaints against a department or the University increased over 2005 data. In 2007, however, 18 complaints (22%) named the department or University as the respondent, down from 34 (35%) of concerns about a department or the University the previous year.

As mentioned above, currently, 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 does not allow for the accurate recording of gender 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. Our forms have been modified to better reflect a wider range of possible gender identities and expressions in the future.

As previously explained, the Equity Office and the UBC Policy on Discrimination and Harassment serve the students, faculty and staff of UBC-Vancouver. As with previous years, students continue to be the campus group most likely to access the Equity Office. In 2007, students brought 38 (47%) of the 81 complaints. This same group accessed the Equity Office most often in 2006 and 2005 bringing 64% and 59% of all complaints respectively.

Faculty complaints comprised 17 (21%) of the 81 complaints in 2007. This is more than double the 8% brought by this group last year. This increase can be explained, in

Figure 6 Human Rights Based Behavioural Descriptions of Complaints

INTERPERSONAL COMPLAINTS	2005	N=75	2006	N=46	2007	N=54
Unwelcome verbal or non-verbal behaviour (insults, slurs, jokes, innuendo)	5	7%	15	33%	16	30%
Unwelcome written or visual behaviour (email, graffiti, video, letter, etc)	10	13%	7	15%	8	15%
Unwelcome physical attention (touching, staring, following—behaviour that is not stalking or assault)	11	15%	7	15%	7	13%
Stalking	0	0	4	9%	1	2%
Threats	18	24%	1	2%	0	0
Assaults	0	0	2	4%	0	0
Retaliation	1	1%	1	2%	3	6%
Biased Academic Decisions	6	8%	7	15%	13	24%
Biased Employment Decisions	11	15%	2	4%	11	20%
Exclusion or Denial of Access	13	17%	7	15%	6	11%
* Multiple behavioural descriptions cited	0	0	-7	-15%	-11	-20%
TOTAL ALL BEHAVIOURAL DESCRIPTIONS	75	100%	46	100%	54	101%

* 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

part, by internal changes made to data collection methods. In previous years, data was reported on the forms in a manner that allowed a distinction between a faculty member and an administrative head of unit. Although we are not able to capture this distinction in 2007, we have made adjustments to allow for it in future years.

Staff brought 21 (26%) of the 81 complaints in 2007, which is consistent with the 25% and 24% of complaints brought by staff in both 2006 and 2005. Management and professional staff brought 15 (19%) of these 21 concerns which is up from the 10% and 12% brought by this group in 2006 and 2005. All other staff brought 6 (7%) of the 21 concerns forward which is lower than the 15% and 13% brought in 2006 and 2005. The forms which were revised for 2007 use did not employ categories which allowed for a more specific breakdown of the broader category of “staff”, but this has been rectified for 2008 data.

As in previous years, a relatively small number of complaints in 2007 stemmed from non-UBC complainants 1 (1%) and unknown complainants 4 (5%). Unknown complainants include 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 however, which reflects the fact that they comprise roughly 80% of the population on the UBC-Vancouver campus. However, although they bring the highest overall number of complaints, proportionally staff and faculty (which comprise roughly 20% of the population) bring a greater proportion of complaints. Due to the change in tracking forms, we do not have a breakdown of respondents by campus group or the position of complainants vis a vis respondents by campus group for 2007 but the forms have been changed to correct for this omission in 2008.

In 2006 our tracking forms changed which allowed us to revise the type of data collected about behavioural descriptions of complaints. Prior to this change, we reported on behaviours that fell into one of 5 categories: poisoned environment, assault, retaliation, other forms of discrimination, and allegations not covered by the Policy. Behaviours in the first 4 categories were ones covered by the Policy and, as such, contained a human rights ground of prohibited discrimination, whereas the last category captured complaints without a human rights element that were still brought to the Equity Office. In 2006, we were interested in further exploring the types of behaviours that constituted allegations with a human rights element so removed the 5 broader categories and instead revised and devised new categories to better reflect the range of behaviours people allege in their complaints.

We were also interested in learning more about the types of behaviours that were alleged in non-human rights based concerns, rather than considering them all in a single category which was not very descriptive. Thus, beginning in 2006, we began to report separately on human-rights based behavioural descriptions of complaints (Figure 6) and on the behavioural description of complaints without a human rights element (Figure 7). Continuing with this new reporting method, 2007 data is directly comparable to 2006 data and adjustments for 2005 data are noted as required.

In 2006, we recorded data on human rights complaints that were either interpersonal or systemic in nature. However, the form in 2007 was revised in such a way that this distinction was not made. The forms for 2008 data have been altered to capture this distinction again. In 2006, there were 6 systemic complaints but, as we do not have comparable data for either 2005 or 2007, these cases are not reflected in the data for this report. Instead, we are making comparisons based on complaints of an interpersonal nature only. In 2006, these constituted 46 of the 52 complaints, and only these 46 concerns are reflected in figure 6.

Figure 6 illustrates the kinds of interpersonal human-rights based behaviour which individuals complain about when they seek assistance from the Equity Office. In 2007, the greatest number of these complaints involved allegations of unwelcome verbal or non-verbal behaviour such as insults, slurs, jokes and innuendo (16 or 30%). The next largest type of alleged behaviour involved biased academic decisions (13 or 24%), followed closely by biased employment decisions (11 or 20%). The proportion of complaints for each type of behaviour has changed from year to year so does not seem to be following a consistent pattern.

Figure 7 shows behavioural descriptions for the 25 complaints which did not have

Figure 7 Non-Human Rights Based Behaviourial Description of Complaints

NON-HUMAN RIGHTS ISSUE	2005	N=32	2006	N=45	2007	N=25
Interpersonal Conflict	15	47%	15	33%	8	32%
Bullying/Personal Harassment	5	16%	18	40%	13	52%
Other	12	38%	12	27%	4	16%
TOTAL	32	101%	45	100%	25	100%

BEHAVIOURAL DESCRIPTIONS OF NON-HUMAN RIGHTS COMPLAINTS

Unwelcome verbal or non-verbal behaviour	n/a		23	51%	12	48%
Unwelcome written or visual behaviour (insults, slurs, jokes, innuendo, etc)	n/a		2	4%	4	16%
Unwelcome physical attention (touching, staring, following--not stalking or assault)	n/a		1	2%	0	0%
Threats	n/a		1	2%	1	4%
Assault	n/a		1	2%	0	0
Retaliation	n/a		0	0	1	4%
Biased Academic Decisions	n/a		11	24%	6	24%
Biased Employment Decisions	n/a		6	13%	5	20%
Exclusion or Denial of Access	n/a		6	13%	2	8%
*Multiple behavioural descriptions cited			-6	-13%	-6	-24%
TOTAL	32	101%	45	100%	25	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

a human-rights based element in 2007. The latter group involves allegations of Interpersonal Conflict (8 complaints or 32%), Bullying and Personal Harassment (13 complaints or 52%) and Other Non-Human Rights Based Complaints (4 complaints or 16%), such as academic misconduct, contract or services issues, inappropriate remarks, academic disputes and unfair dismissal. Although the 25 non-human-rights based complaints brought in 2007 is lower than the 45 non-human-rights based complaints brought in 2006, bullying and personal harassment allegations continue to represent the largest number of non human-rights complaints for both 2007 (52%) and 2006 (40%). This drop in the overall number of complaints without an allegation of human rights based behaviour may be accounted for by the increased pre-consultation screening done by our Administrative Assistant to ensure people have come to the right office before she makes appointments for Equity Advisors.

Behavioural descriptions of 2007 non-human rights complaints most often cited unwelcome verbal or non-verbal behaviours (12 complaints or 48%) and biased academic decisions (6 complaints or 24%). These percentages are consistent with the most often cited descriptions in 2006 (and, interestingly, also with the type of behaviours with a human rights based element, as reported in figure 6).

UBC OKANAGAN – COMPLAINTS RECEIVED IN 2007

Human Rights & Equity Services (HES) at UBC Okanagan received 27 complaints during 2007. With such a small number of complaints, there is a danger that providing too much specific information might disclose personal or confidential information. The information reported below covers all complaints brought forward and does not differentiate between cases (where HES or the Administrative Head of Unit acted on a concern) and consultations (where HES provided information and referral only and/or where concerns did not fall under the mandate of the Policy). Grouping data in this way allows the office to provide more details about the types of complaints, context, gender breakdown of the parties and alleged behavioural descriptions brought to the HES office in 2007.

Figure 8 [UBC Okanagan Complaints Covered vs. Not Covered Under UBC's Policy on Discrimination and Harassment] illustrates the total number of concerns (cases and consultations) brought to the HES office. Overall the number of allegations covered under UBC's Policy decreased by 7 complaints from 20 in 2006 to 13 in 2007. Of the

thirteen allegations that fell within the jurisdiction of the Discrimination & Harassment Policy, the prohibited grounds cited in these cases were: Age (1), Race (5), Sexual Orientation (5), and Sex/Gender (5). Three complaints involved 2 grounds: age/race; race/sexual orientation; and race/sex.

Complaints not covered under the jurisdiction of the UBC Policy increased from 10 in 2006 to 14 in 2007. Of these 14 non-mandate consultations, 1 involved interpersonal conflict, 5 were covered under other UBC policy or procedures, 1 related to personal harassment and 7 involved a respondent or context not under UBC-O jurisdiction.

The UBC Policy on Discrimination and Harassment protects UBC students, staff, and faculty from discrimination and harassment in service, housing and employment. Behaviours alleged to be discriminatory are not tolerated in any programs or 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 occurred outside of UBC-O's jurisdiction. As 2007 is the first year of reporting the context of all complaints at UBC-O, no comparatives can be made about previous year's data.

Of the 27 complaints handled by the HES Office in 2007, 11 (41%) fell within the academic context, 6 (22%) within the employment context, 5 (19%) within the residence context, and 3 (11%) within general UBC Services. The remaining 2 (7%) complaints were of a non-UBC context.

Figure 9 UBC OKANAGAN Context of All Complaints

CONTEXT OF ALL COMPLAINTS	2007 #	N=27
Academic	11	41%
Employment	6	22%
Residence	5	19%
Clubs/Athletics/Recreation	0	0
UBC Service	3	11%
Non- UBC	2	7%
TOTAL	27	100%

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

COVERED UNDER UBC'S POLICY	2005 N=2 of 13 total complaints (15%)		2006 N=20 of 30 total complaints (67%)		2007 N=13 of 27 total complaints (48%)	
	#	%	#	%	#	%
Age	0	0	0	0	1	8%
Race	0	0	9	45%	5	38%
Sexual Orientation	0	0	5	25%	5	38%
Disability	1	50%	3	15%	0	0
Sex	0	0	3	15%	5	38%
Religion	1	50%	0	0	0	0
* Multiple Grounds of Discrimination	n/a	n/a	n/a	n/a	-3	-23%
* In 2007, 3 cases had 2 grounds (therefore deduct 3 from total to reach N = 13 total cases)					(included above)	
TOTAL	2	100%	20	100%	13	99%
NOT COVERED UNDER UBC'S POLICY	2005 N=11 of 13 total complaints (85%)		2006 N=10 of 30 total complaints (67%)		2007 N=14 of 27 total complaints (52%)	
	#	%	#	%	#	%
Interpersonal Conflict	0	0	5	50%	1	7%
Behaviour covered under other UBC policy or procedures	8	73%	3	30%	5	36%
Personal Harassment	1	9%	1	10%	1	7%
Respondent and/or context not under UBCO jurisdiction	2	18%	1	10%	7	50%
TOTAL	11	100%	10	100%	14	100%

Figure 10 [Gender of All Complainants and Respondents UBC-O] illustrates the gender of parties involved in complaints at UBC-O in 2007. As this is the first year this data is being reported, no comparatives or conclusions can be made to previous years' complaints. 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) and also concerns from individuals whose gender identity does not correspond with either the female or male binary gender categories. Although the latter concerns are recorded as coming from persons of an unknown gender, this obviously is a limitation of the database. (Other transgender or gender variant people who do identify as female or male are included as such in the data in Figure 10.) The

Figure 10 UBC OKANAGAN Gender of All Complainants and Respondents

COMPLAINANTS	2007	N=27
Female	21	78%
Male	6	22%
Unknown	0	0
Both	0	0
TOTAL	27	100%

RESPONDENTS	2007	N=27
Female	1	4%
Male	14	52%
Unknown	4	15%
Both	0	0
Department/University	8	29%
TOTAL	27	100%

Figure 11 UBC OKANAGAN Complaints by Campus Groups

CAMPUS GROUPS	2007	N=27
Students	15	56%
Faculty and Faculty Association	5	18.5%
Management and Professional	5	18.5%
Support, Clerical, Library, Trades, Technical and Service Staff	2	7%
Non UBC	0	0
Unknown	0	0
TOTAL	27	100%

Figure 12 UBC OKANAGAN Human Rights Based Behavioural Description of Complaints

BEHAVIOURAL DESCRIPTIONS OF HUMAN RIGHTS COMPLAINTS	2007	N=13
Unwelcome verbal or non-verbal behaviour	8	62%
Unwelcome written or visual behaviour (insults, slurs, jokes, inneundo, etc)	5	38%
Unwelcome physical attention (touching, staring, following--not stalking or assault)	3	23%
Threats	3	23%
Assault	0	0
Retaliation	0	0
Biased Academic Decisions	0	0
Biased Employment Decisions	0	0
Exclusion or Denial of Access	0	0
*Multiple behavioural descriptions cited	-6	-46%
TOTAL	13	100%

* In 2007, 6 concerns cited 2 types of behaviours so subtract 6 from total to reach N=13

Figure 13 UBC OKANAGAN Non-Human Rights Based Behavioural Description of Complaints

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

BEHAVIOURAL DESCRIPTIONS OF NON-HUMAN RIGHTS COMPLAINTS

Unwelcome verbal or non-verbal behaviour	n/a	n/a	5	36%
Unwelcome written or visual behaviour (insults, slurs, jokes, inneundo, etc)	n/a	n/a	2	14%
Unwelcome physical attention (touching, staring, following--not stalking or assault)	n/a	n/a	0	0
Threats	n/a	n/a	1	7%
Assault	n/a	n/a	1	7%
Retaliation	n/a	n/a	0	0
Biased Academic Decisions	n/a	n/a	2	14%
Biased Employment Decisions	n/a	n/a	4	28%
Exclusion or Denial of Access	n/a	n/a	1	7%
*Multiple behavioural descriptions cited			-2	-14%
TOTAL	n/a	n/a	14	99%

* In 2007, 2 concerns cited 2 types of behaviours so subtract 2 from total to reach N=14

forms for 2008's annual report have included a transgender/gender-variant category to correct for this error.

In 2007 out of 27 complaints, 21 (78%) females sought assistance from the HES Office as complainants to a concern while 6 (22%) males approached HES Office as complainants. In 2007, males were named as respondents in 14 (52%) of complaints, a department or the university was cited as the respondent in 8 (29%) of complaints, unknown respondents accounted for 4 (15%) complaints, and a female respondent was cited in 1 (4%) complaint.

Figure 11 reports on the number of complaints made by campus group. As this is the first year this data is being reported, no comparatives or conclusions can be made to previous years' complaints. In 2007, students brought forward the most number of complaints at 15 (56%) of the 27 complaints to the HES Office. Faculty complaints and Management and Professional complaints each comprised 5 (19%) of the 27 complaints. The remaining complaints were brought forward by 2 (7%) members in the Support, Clerical, Library, Trades, Technical and Services Staff group.

We do not have a breakdown of respondents by campus group or the position of complainants vis a vis respondents by campus group for 2007 but, as appropriate, this data will be provided about complaints brought to the HES Office in 2008.

While UBC-O data is not available for behavioural descriptions of human rights complaints from 2005 or 2006, figure 12 provides the kinds of behaviours individuals complain about when seeking assistance from the HES Office. In 2007, 8 (62%) of the 13 human-rights based complaints described instances of unwelcome verbal or non-verbal behaviour. The second most identified behaviour, cited 5 (38%) times, was unwelcome written or visual behaviour. Unwelcome physical attention and threats were each cited 3 times (23% each). Six (46%) concerns involved multiple behavioural descriptions in human rights based complaints.

Figure 13 [Non-Human Rights Based Behavioural Description of Complaints UBC-O] shows behavioural descriptions for the 14 complaints which did not have a human-rights based element in 2007. Allegations of Interpersonal Conflict (1) or Personal Harassment (1) account for 14% of complaints, while behaviour covered under other UBC policy or procedures (e.g. academic misconduct, contract or services issues, inappropriate remarks, academic disputes, and unfair dismissal) accounts for 5 (36%) of non-human rights complaints. The remaining 7 (50%) complaints are concerns where a respondent and/or context are not covered under UBC-O jurisdiction.

Behavioural descriptions of 2007 non-human rights complaints most often cited unwelcome verbal or non-verbal behaviours (5 complaints or 36%), consistent with the most often cited behaviour description in human rights complaints. The second most often cited behavioural category of non-human rights complaints was biased employment decisions (4 complaints or 28%).

² 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 (i.e. mandate or non-mandate), not on whether they met the burden of proof or 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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