



EQUITY OFFICE AND HUMAN RIGHTS AND EQUITY SERVICES DISCRIMINATION AND HARASSMENT REPORT 2009

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 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.

POLICY OVERVIEW

The fundamental objectives of UBC's *Policy on Discrimination and Harassment* (Policy 3) are to prevent discrimination and harassment on grounds protected by the *BC Human Rights Code* and to provide procedures for handling complaints and remedying concerns when allegations of human rights based discrimination and harassment arise. The Policy covers all members of the university community (students, staff and faculty) in areas pertaining to University work, studies, service provision or participation in campus life. The 13 grounds of prohibited discrimination are:

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

The Policy identifies a primary role for Administrative Heads of Units in creating and maintaining an environment free from discrimination and harassment and, as such, they have the authority and responsibility to address such concerns. The responsibility to manage complaints of discrimination and harassment is shared by UBC's Equity Office (which includes the Equity Office on the Vancouver campus and Human Rights and Equity Services on the Okanagan campus) and often Administrative Heads of Units work in conjunction with our offices to address and remedy concerns. The following data pertains only to concerns brought to the attention of the Equity Office. Concerns brought directly to an Administrative Head of Unit or managed elsewhere in the University without assistance from the Equity Office are not reflected in this annual report. For more information about our offices, staffing, educational initiatives or about the Policy itself, please see our websites at www.equity.ubc.ca and <http://web.ubc.ca/okanagan/equity>.

COMPLAINTS RECEIVED IN 2009

In 2009, 87 concerns were brought to the Equity Office, Vancouver campus. Of these, 64 involved a human rights related allegation and 23 involved an allegation in which no human rights based element was cited. This total figure is up slightly from 2008, but is lower than 2006 and 2007 numbers¹.

In 2009, 43 concerns were brought to the office on the Okanagan campus. Of these, 32 involved a human rights related allegation and 11 involved an allegation in which no human rights based element was cited. This total figure is up slightly from 2007 and 2008 numbers. Because of the relatively small number of complaints on the Okanagan campus, some details about the complaints are not included in this report to prevent disclosing personal or confidential information.

TABLE 1: TOTAL CONCERNS BROUGHT TO THE EQUITY OFFICE

	VANCOUVER	OKANAGAN
Non Human Rights Related	23	11
Human Rights Related	64	32
TOTAL	87	43

Non human rights related concerns do not fall under the mandate of the *Policy on Discrimination and Harassment*. As such, we cannot see these concerns through to resolution. However, we do try to provide the parties who have approached the Equity Office with information and guidance to help them find resolution to their concerns through referrals to other departments or non-university agencies and/or information about other university policies. We may also work with other university departments to create plans or offer tips on safety-related issues. The most common non human rights related concerns that came to our offices this past year involved university policies such as Student Non-Academic Misconduct, union or employee association grievances and the UBC Statement on Respectful Environment for Students, Faculty and Staff.

WHAT IS THE UBC RESPECTFUL ENVIRONMENT STATEMENT?

In July 2008, the UBC Executive approved the *UBC Statement on Respectful Environment for Students, Staff and Faculty*. This document offers insight into what a respectful environment for working, living and learning at UBC should – and should not – look like. It offers a description of appropriate conduct, of inappropriate conduct (namely, personal harassment) and mechanisms for addressing respectful environment concerns at UBC. Specifically, it identifies those who exercise supervisory responsibility or leadership roles on campus as having the primary responsibility for remedying these concerns. Each Vice President, in cooperation with Human Resources, is responsible for ensuring that those in supervisory or leadership roles have the training and skill development to serve in this capacity.

In the Equity Office, we anticipate that the number of personal harassment concerns (of the Non human rights related concerns) brought to our office will decrease as more people become aware of the *UBC Statement on Respectful Environment for Students, Staff and Faculty*. However, comparison of this year's data to last shows that this trend has not yet taken hold. To learn more about UBC's commitment to a Respectful Environment for all its community members, please see www.hr.ubc.ca/files/pdf/UBC_RES_PDF_2008.pdf and www.hr.ubc.ca/respectful_enviro/index.html.

Non human rights related concerns are those that do not involve any prohibited grounds of discrimination or harassment, as defined by law. Instead the concerns may involve interpersonal conflict, bullying or personal harassment, service-related complaints, perceived violations of employment contracts, cyber-related conduct (cyber bullying, unwanted emails etc) and concerns in which an Equity Advisor has not been given enough information about the specific nature of a concern to assess whether or not it could be human rights related. These concerns may involve allegations of abuse of power, unethical behaviour, concerns about administrative or educational fairness, interpersonal disputes, disruptive behaviour or issues of campus and personal safety. Tables 2A and 2B outlines the type of non human rights related concerns brought to the Equity Office in 2009 and the context in which these concerns arose. As with previous years, allegations of bullying/personal harassment and interpersonal conflict made up the majority of the non human rights based concerns on both campuses.

TABLE 2A: DESCRIPTION OF TYPE AND CONTEXT OF NON HUMAN RIGHTS RELATED CONCERNS

VANCOUVER	Academics	Employment	Residence	Club	UBC Service	Non-UBC	TOTAL
Interpersonal Conflict	1	6				2	9
Bullying/Personal Harassment	2	7		1			10
Service Related Concern	1						1
Terms & Conditions of Employment		1					1
Cyber-Related Conduct	1						1
Not Specified						1	1
TOTAL	5	14	0	1	0	3	23

TABLE 2B: DESCRIPTION OF TYPE AND CONTEXT OF NON HUMAN RIGHTS RELATED CONCERNS

OKANAGAN	Academics	Employment	Residence	Club	UBC Service	Non-UBC	TOTAL
Interpersonal Conflict		1			1		2
Bullying/Personal Harassment	2	3					5
Service Related Concern	1				1		2
Terms & Conditions of Employment		2					2
Cyber-Related Conduct							0
Not Specified							0
TOTAL	3	6	0	0	2	0	11

¹ For 2008 and earlier data for both campuses, please see the Discrimination and Harassment Reports in the Publications section of our website, www.equity.ubc.ca.

Tables 3A and 3B provide a broad look at the human rights related concerns that were brought to the Equity Office in 2009. On both campuses, human rights related concerns are approached in one of three ways: as a consultation from a third party (someone not directly involved as a party to the concern); as a consultation from a person directly involved in the concern (direct consultation); and as a case from parties directly involved or from administrative heads of units where permission to proceed with an informal or formal case management process has been granted. Of course, sometimes a concern which started as a consultation turns into a case, or vice versa. The data in this report reflects not in which stream (consultation or case) a concern started, but where it concluded.

DIRECT CONSULTATION: WHAT'S THE BENEFIT TO ME? A COMPLAINANT'S PERSPECTIVE?

Although both complainants and respondents are welcome to consult with an Equity Advisor, in the direct consultation stage, it is usually the complainant who approaches our office. A direct consultation for a complainant (or respondent) can be beneficial for many reasons. It can:

- Give you a place to talk in private about what you're experiencing
- Help you explore a range of options to address your concern. This may include self-advocacy tips, advice on other university policies and procedures, options outside of the university and referrals to community and campus resources for additional safety and support
- Help you understand if your concern fits under a human rights lens
- Help you learn about UBC's *Policy on Discrimination and Harassment* and its complaint resolution procedures before you decide whether or not you wish to make an official complaint
- Let you know how much time you have to bring forward your concern, especially if you are not yet ready to proceed

All members of the university community are free to consult with an Equity Advisor at any time. Call 604-822-6353 (Vancouver) or 250-807-9291 (Okanagan) to set up an appointment.

The ability to consult before, or instead of, initiating the complaint procedures in the *Policy on Discrimination and Harassment* is an important part of the work of Equity Advisors on both campuses. A person may choose to consult with an Equity Advisor for a number of different reasons. Table 3A outlines the file type of human rights related concerns – third party consultation, direct consultation, or case – that were brought to the Equity Office in 2009.

TABLE 3A: HUMAN RIGHTS RELATED CONCERNS BY FILE TYPE

TYPE OF FILE	VANCOUVER (N=64)	OKANAGAN (N=32)
Third Party Consultation	19	9
Direct Consultation	35	19
Case	10	4
TOTAL	64	32

Third party consultations or direct consultations may involve allegations which are premature in nature or are outside the jurisdiction of the Policy because they involve non-UBC parties, non-UBC contexts or are outside the twelve month time limit for making a complaint. They may also involve concerns which would otherwise fall under the Policy but for which the complainant has not given us *permission to proceed*² with case management procedures. Consultations may involve people who are looking for advice or assistance in managing a concern on their own or in advocating for someone else. Consultations can also be preventative in scope. For example, these may include issues in which someone would likely face a barrier to service or a harassing situation in the future, were the preventative steps not taken. Assistance to removing or overcoming this barrier before a denial of access or harassing comment or conduct has been made may result from the consultation.

Lastly, Administrative Heads of Unit (or others in a supervisory capacity) often call the Equity Office for advice on how to address a situation in their unit. When no direct intervention is required from our office, as the Administrative Head of Unit is prepared to handle the concern directly, this is also counted as a third party consultation. Although a consultation does not proceed through the case management procedures provided for in the policy, assistance given at this stage may range from a single meeting up to months of time and effort on the part of the Equity Office.

CONSULTATION: WHAT'S THE BENEFIT TO ME? AN ADMINISTRATIVE HEAD'S PERSPECTIVE

Equity Advisors are available to consult with Administrative Heads, and others acting in a supervisory capacity, at any stage of a complaint. We can offer advice on preventative approaches; how to address a concern expeditiously to prevent escalation of issues; how to ensure fair process for all parties during a complaint resolution process; tips for working with complainants and respondents; options for remedial resolution and so on. What's the benefit to consultation? Equity Advisors can work with Heads in a consultative capacity to:

- Co-manage a concern
- Help guide the complaint resolution process
- Facilitate or prepare for meetings with parties to a concern
- Avoid pitfalls and common mistakes
- Help find creative resolution options at the informal stage
- Ensure the process moves in a fair and timely manner
- Be a sounding board on which to bounce your ideas
- Further your knowledge of the University's and Heads' obligations under UBC's *Policy on Discrimination and Harassment*

Although those who are concerned that they may have transgressed the Policy are welcome to consult with an Equity Advisor, it tends to largely be Administrative Heads, potential complainants, those acting on another person's behalf and persons for whom the policy holds no jurisdiction (i.e. non-UBC community members or non-UBC context) that consult with the Equity Office the most. Tables 9A, 9B and table 10 provide a more detailed profile of who approached the Equity Office in 2009.

When a complaint becomes a case in the Equity Office, the informal or formal process is initiated and both complainants and respondents are engaged in the process. Equity Advisors play a neutral role; that is, they do not advocate for either party. All parties to a concern are given the opportunity to share their concerns and to respond to the allegations raised by the other party. The number of cases and consultations in 2009 reflects a decrease from previous years.

UBC's *Policy on Discrimination and Harassment* applies in most areas of university life. Exceptions to this include incidents which involve someone who is not a member of the university community (i.e. someone who is not a UBC student, staff or faculty member) or where the allegations occurred outside of the university context. Table 3B outlines the employment, housing or service-related context of the human rights based concerns brought to the Equity Office in 2009. These allegations arose in academic, employment, residence, athletics/recreation/club, UBC service or non-UBC environments. Again, academics and employment are the contexts in which most allegations arise. This is consistent with the data in previous years.

TABLE 3B: CONTEXT OF HUMAN RIGHTS RELATED CONCERNS

VANCOUVER	3rd Party	Direct Consults	Complaints	TOTAL
Academics	10	11	4	25
Employment	5	14	4	23
Residence		1	1	2
Ath/Rec/Club	4	4		8
UBC Service		1	1	2
Non-UBC		4		4
TOTAL	19	35	10	64

OKANAGAN	3rd Party	Direct Consults	Complaints	TOTAL
Academics	6	5	4	15
Employment	1	10		11
Residence		1		1
Ath/Rec/Club	1	1		2
UBC Service		1		1
Non-UBC	1	1		2
TOTAL	9	19	4	32

There are 13 grounds of prohibited discrimination in the BC *Human Rights Code* and, consequently, in UBC's *Policy on Discrimination and Harassment*. Concerns brought to the Equity Office must engage one or more of these grounds to be considered human rights related. Table 4A displays the grounds of prohibited discrimination alleged in the 45 direct consultations (n=35) and cases (n=10) brought to the Equity Office on the Vancouver campus in 2009. Some of these concerns point to a single ground, while others include multiple or intersectional grounds within a single concern.

As with previous years, concerns which include a sex/gender allegation are most frequently reported to the Equity Office, Vancouver. This is followed by concerns involving race, physical or mental disability, religion and place or origin. It is worthwhile noting that the place of origin ground was always cited in conjunction with another ground and 5 of the 6 times that it was cited was with one of the other most cited grounds above. Other concerns cited included grounds of age, family status, political belief and sexual orientation.

Table 4B displays the grounds of prohibited discrimination alleged in the 23 direct contacts with the Okanagan office, both the direct consultations (n=19) and cases (n=4) in 2009. While 74% (17) of the direct contacts related to single grounds, 4 related to 2 grounds simultaneously, and 2 related to more than 2 grounds.

Concerns relating to a physical or mental disability and sex/gender were most frequently reported to the Okanagan office, with concerns related to sexual orientation following in frequency. Other concerns cited included age, ancestry, family status, place of origin, colour, race and religion.

² *Why do we need permission to proceed with a case?* The UBC *Policy on Discrimination and Harassment*, like the BC *Human Rights Code*, is a complaint-driven process. Unless the concern is of such a serious nature that it poses a substantial threat to an individual, group or to the University (for example, serious allegations involving sexual or physical violence, or threats thereof), the Equity Office will not proceed with a case without permission from the complainant to do so. This allows persons who have concerns about harassment to approach the Equity Office in confidence to discuss their concern and explore available options before they decide whether or not they wish to initiate procedures under Policy 3. In this Policy, Administrative Heads of Unit have a responsibility to maintain a discrimination and harassment-free environment and can work to address concerns in their departments, even in the absence of a specific complaint. Thus permission to proceed is not required by Administrative Heads of Unit in the same manner as it is by Equity Advisors.

TABLE 4A: GROUNDS OF PROHIBITED DISCRIMINATION: ALLEGED (N=45)

Direct Consults (n=35) and Cases (n=10)

VANCOUVER	Age	Ancestry	Colour	Family Status	Marital Status	Physical or Mental Disability	Place of Origin	Political Belief	Race	Religion	Sex/Gender	Sexual Orientation	Unrelated Criminal Conviction	TOTAL
Age	2													2
Ancestry														0
Colour														0
Family Status				1		1								2
Marital Status														0
Physical or Mental Disability						5				1				6
Place of Origin								1	1	3	1			6
Political Belief														0
Race	1								3	1	3			8
Religion										1				1
Sex/Gender									1		14	1		16
Sexual Orientation											1	1		2
Unrelated Criminal Conviction														0
TOTAL	3	0	0	1	0	6	0	1	5	6	19	2	0	43

Additionally, 2 concerns involved intersections on 3 grounds each:

- age, colour and sex/gender (1)
- place of origin, race and religion (1)

TABLE 4B: GROUNDS OF PROHIBITED DISCRIMINATION: ALLEGED (N=23)

Direct Consults (n=19) and Cases (n=4)

OKANAGAN	Age	Ancestry	Colour	Family Status	Marital Status	Physical or Mental Disability	Place of Origin	Political Belief	Race	Religion	Sex/Gender	Sexual Orientation	Unrelated Criminal Conviction	TOTAL
Age														0
Ancestry		1												1
Colour														0
Family Status				1										1
Marital Status														0
Physical or Mental Disability						6								6
Place of Origin							2							2
Political Belief														0
Race									1					1
Religion				1										1
Sex/Gender	1						1				3			5
Sexual Orientation											1	3		4
Unrelated Criminal Conviction														0
TOTAL	1	1	0	2	0	6	3	0	1	0	4	3	0	21

Additionally, two concerns concerns involved intersections on several grounds each:

- Ancestry, colour, place of origin, race (1)
- Ancestry, colour, race (1)

DISCRIMINATION AND HARASSMENT: WHAT MIGHT THESE CONCERNS LOOK LIKE?

For reasons of confidentiality, we cannot discuss details of actual concerns brought to the Equity Office. The below examples offer a summary illustration of the types of circumstances that may bring someone to our office and the approach we could take to reach resolution.

Dr. A approached the Equity Office with a concern about how he is treated in his department. He feels that he gets all the “difficult” studies to run in the lab, including those which require a significant amount of time outside of normal working hours. Other people who work in the lab are not asked to do the experiments which require overnight or round the clock observation. Dr A is not compensated for the additional hours worked, which have been extraordinary. When he tried to address this with his supervisor, the supervisor responded that “I hired you because *you people* are hard workers and don’t complain. I prefer to hire people from your home country because you’re happy to have a job and will do whatever I ask. If you don’t want to work for me, I can find someone else who will.” The Equity Advisor met with the complainant and respondent to hear all sides of the concern. The respondent acknowledged differential assignment of duties across the staff and acknowledged making the above statements, but said that they were meant to be encouraging, not disparaging. The Equity Advisor discussed how this concern was in violation of the UBC *Policy on Discrimination and Harassment* on the grounds of place of origin and race. Remedial options were explored. In addition, the Equity Advisor liaised with Human Resources who addressed employment standards issues and compensation.

An Administrative Head of Unit from a small unit called to consult with an Equity Advisor about the University’s duty to accommodate a faculty member with a disability. The faculty member has disclosed that she has diabetes and is losing her sight. The department wants to be able to help her, but is concerned about the cost of accommodations. The nature of the accommodations sought includes restructured job duties and adaptive computer software and hardware. The Equity Advisor discusses the duty to accommodate to the point of undue hardship and the role of the employee, employer and faculty association in the process of accommodation. The Equity Advisor also refers the Administrative Head of Unit to the Equipment Accommodation Fund for Employees with Disabilities.

Two students approached the Equity Office with a concern about the way they are treated by a teaching assistant. They report that the TA “yells and screams” at a handful of the students in tutorial, makes disparaging comments about the quality of their work in front of others and mocks them when they get an answer wrong. The two students also allege that the TA makes repeated disparaging comments about women’s role in their traditionally male dominated field of study. The Equity Advisor discusses their concerns in depth and learns that they are the only two women in the tutorial. Comments about women’s suitability in the field tend to follow when these women speak up in tutorial. The Equity Advisor works with the Administrative Head of Unit to address the concern. The students are moved to another tutorial section, at their request, and the department head mandates coaching and reassigned duties for the TA. The students are also informed of the UBC Respectful Environments Statement and referred to the UBC Ombuds Office (Vancouver) and Counselling Services for assistance.

As explained above, a person who approaches the Equity Office in a direct consultation may have a human rights related allegation, but does not proceed with a case management procedure through

the Equity Office. Table 5 shows the reasons why a direct consultation did not proceed to a case in 2009.

TABLE 5: DIRECT CONSULT NOT PROCEEDING DATA FROM BOTH CAMPUSES

DIRECT CONSULT NOT PROCEEDING	VANCOUVER (N=35)	OKANAGAN (N=19)
Non UBC context/party/timeline	8	5
Complainant does not wish to proceed	9	4
Premature/Preventative	15	8
Proceeding in a different process	3	2
TOTAL	35	19

Most of these direct consultations at UBC Vancouver’s Equity Office did not proceed to a case because the allegations were premature or because the Equity Office was approached in a preventative capacity (43%). In 26% of the concerns, the complainant did not give us permission to proceed with a case. Like the BC *Human Rights Code*, UBC’s Policy is complaint-driven. Unless the allegations of discrimination or harassment are very serious in nature – for example, ones with potential consequences that threaten the safety or lives of individuals, units or the University – the complainant has the right to withhold consent to proceed with an allegation through case management procedures. This provision is in place to allow members of the University community to consult with the Equity Office before they make an informed decision to proceed, or not, with a case under the Policy. (see footnote 2, “why do we need permission to proceed with a complaint?”)

In 23% of the direct consultations, concerns lay outside of the Policy’s jurisdiction. These may have been concerns where one or more of the parties were not members of the University community, where the alleged discriminatory conduct happened outside of the UBC context or where the allegation was brought to the Equity Office past the time limits for making a complaint. The time limit established in the Policy is twelve months from the incident or last incident in a series of incidents. This differs from the BC *Human Rights Code* which has a six month limit. However, in the University setting, where many courses are eight months in duration and students may not feel safe or comfortable bringing forward a concern until the course has finished and grades have been submitted, the twelve month time limit for the UBC Policy is prudent.

Table 5 also shows the reasons that the 19 direct consultations in 2009 did not proceed to cases at the UBC Okanagan office. In 42%, the concern that was brought forward was either premature or the complainant consulted with the office in a preventive capacity, looking for ways to manage a potential future concern. In 26% of cases, the concern fell outside of the mandate of the Policy. The reasons for this can vary: the situation may have involved a non-UBC context or respondent, or may have occurred outside of the time limit of the policy. In 21% of the direct consultations in 2009, the complainant did not wish to proceed. Finally, in 2 of the direct consultations in 2009, a case did not proceed because the concern was being addressed through a different process.

TABLE 6A: BEHAVIOURAL DESCRIPTIONS OF HUMAN RIGHTS CONCERNS - INTERPERSONAL (N=49)

VANCOUVER	Unwelcome Verbal Behaviour	Unwelcome written or Visual Behaviour	Unwelcome Physical Attention	Stalking	Threats	Assault	Retaliation	Biased Academic Decisions	Biased Employment Decisions	Exclusion or Denial of Access	Total number of concerns in which behaviour was cited
Unwelcome Verbal Behaviour	6	4	1	1		1		1	1	1	16
Unwelcome written or Visual Behaviour		5	2						1		8
Unwelcome Physical Attention			4		1	1	1				7
Stalking											0
Threats											0
Assault						2					2
Retaliation											0
Biased Academic Decisions								4	1	1	6
Biased Employment Decisions									8		8
Exclusion or Denial of Access										2	2

TABLE 6B: BEHAVIOURAL DESCRIPTIONS OF HUMAN RIGHTS CONCERNS - INTERPERSONAL (N=23)

OKANAGAN	Unwelcome Verbal Behaviour	Unwelcome written or Visual Behaviour	Unwelcome Physical Attention	Stalking	Threats	Assault	Retaliation	Biased Academic Decisions	Biased Employment Decisions	Exclusion or Denial of Access	Total number of concerns in which behaviour was cited
Unwelcome Verbal Behaviour	3									1	4
Unwelcome written or Visual Behaviour		4									4
Unwelcome Physical Attention	2		1								3
Stalking											0
Threats	1										1
Assault											0
Retaliation											0
Biased Academic Decisions	1										1
Biased Employment Decisions									1		1
Exclusion or Denial of Access							1			2	3

Not identified/other: 5 Unwelcome verbal behaviour, biased employment decisions, exclusion/denial of access: 1

Table 6A offers a description of the interpersonal behaviours that were alleged in the 49 of 64 human rights related direct consultations and cases (excluding third party consultations) at UBC Vancouver’s Equity Office. Some of these concerns involved a single type of behaviour, where others involved two behaviours. This year, we did not have any concerns in which 3 or more types of interpersonal behaviours were alleged. Unwelcome verbal behaviour (insults, slurs, inappropriate jokes or innuendo) was cited most often (25%), followed by allegations of unwelcome written or visual behaviour (email, graffiti, videos, letters etc) and biased employment decisions which were each cited in 13% of concerns. This pattern is consistent with data from previous years.

The types of interpersonal behaviours that were alleged in the 23 human rights related direct consultations and cases at the Okanagan campus are described in Table 6B. The two most common types of behaviour seen in 2009 were unwelcome written or visual behaviour (4 incidents) and unwelcome verbal behaviour (3 incidents). A number of incidents involved two types of behaviour associated with the same complaint, such as unwelcome physical attention combined with unwelcome verbal behaviour, or unwelcome physical and verbal behaviour. One complaint involved three separate types of behaviour while five incidents either did not identify any of these types of behaviour or described some other behaviour.

At UBC Vancouver’s Equity Office, 15 of the 64 human rights related direct consultations and cases involved alleged systemic barriers. Table 7 shows the behavioural descriptions of these concerns. Sixty-seven percent cited an environmental barrier, while 27% cited systemic concerns with UBC or departmental policies and practices. The number of consultations and cases citing systemic concerns has risen from that of previous years. Of the human rights concerns brought forward to the UBC Okanagan office in 2009, only three related to alleged systemic discrimination or harassment. Of these, all three related to UBC or departmental policies and practices (see Table 7).

TABLE 7: BEHAVIOURAL DESCRIPTIONS OF HUMAN RIGHTS CONCERNS - SYSTEMIC

	VANCOUVER (N=15)	OKANAGAN (N=3)
Policies and Practices	4	3
Curriculum	1	0
Environment	10	0
TOTAL	15	3

WHAT’S A SYSTEMIC BARRIER?

Again, for reasons of confidentiality, we cannot discuss details of actual concerns brought to the Equity Office. However, for illustrative purposes, we offer these examples of types of systemic barriers.

POLICIES AND PRACTICES – Concerns about ways of doing things that intentionally or unintentionally create a barrier for people on one of more grounds of prohibited discrimination. For example, using forced choice (male/female) gender options on forms that do not allow for non-binary gender options is a systemic barrier to gender variant people in policies and practices. Asking for “mother’s and father’s names” on enrolment or financial aid documents would also be a systemic barrier as it denies the reality of same sex headed families and single parent headed families.

CURRICULUM – Concerns about barriers to/in pedagogy, course content, course work, courses of study. An omission, misrepresentation or suppression of avenues of scholarly inquiry that are related to human rights related grounds. For example, a concern that the approach to teaching the history of a country excludes the contributions of immigrants and indigenous persons could be a concern of systemic discrimination in curriculum.

ENVIRONMENT – Concerns about aspects of the built, social or psychological environment, including physical, communication or attitudinal barriers. For example, holding a lecture in a room that is not wheelchair accessible or having an accessible washroom with a doorway that is not wide enough for most power wheelchairs would be environmental barriers.

For UBC Vancouver’s Equity Office, table 9A outlines the gender and position of complainants and respondents in non human rights based consultations (n=23), human rights related direct consultations (n=35) and cases (n=10). When a person was acting in a supervisory role in relation to the other party to a concern, that person was counted in the administrative (“admin”) category. People who are administrators in the UBC context but were not acting in a supervisory capacity within the concern would be counted as staff or faculty, as applicable.

In 2009, more women brought forward concerns as complainants (66%) than any other group (men, 22%, gender variant people 6%). Women and departments were cited as respondents most often (24% each), followed closely by groups (22%) and men (19%).

The highest proportion of complaints came from students (41%) although students make up 71% of the UBC community. Staff, who make up 14% of the UBC community, were complainants in 32% of the concerns and faculty, who make up 15% of the UBC population, were complainants in 16% of the concerns. However, when looking at the respondent data, 50% of all respondents were in the administrative category, that is they were acting in a supervisory capacity in relation to the complainant. Faculty and students (18% each) followed as the next highest number of respondents.

TABLE 8: UBC VANCOUVER & UBC OKANAGAN COUNT, FULL & PART TIME STUDENTS, STAFF AND FACULTY

	VANCOUVER	OKANAGAN
Students	46,789	6,015
Staff	8,934	382 (includes full and part-time)
Faculty	9,888	337
TOTAL	65,611	6,734

UBC Vancouver count (2009; source: PAIR)
 UBC Okanagan count (2009; source: UBC Okanagan Facts & Figures, <http://web.ubc.ca/okanagan/about/facts.html>)

TABLE 9A: DEMOGRAPHIC PROFILE OF VISITORS TO THE EQUITY OFFICE: DIRECT CONTACT WITH PARTIES TO A CONCERN - UBC VANCOUVER

(cases, direct consults and non human rights consults)

COMPLAINANT PROFILE (N=68)

GENDER:

	Male	Female	Gender Variant	Group	Unknown	Department	TOTAL
Case	2	8	0	0	0	0	10
Direct Consult	5	24	4	2	0	0	35
Non Human Rights Consult	8	13	0	1	0	1	23
TOTAL	15	45	4	3	0	1	68

POSITION :

	Student	Staff	Faculty	Admin	Other	TOTAL
Case	6	1	3	0	0	10
Direct Consult	17	10	5	0	3	35
Non Human Rights Consult	5	11	3	1	3	23
TOTAL	28	22	11	1	6	68

NOTE: The category of ADMIN relates to people who are acting in a supervisory role vis a vis the other party within the context of the complaint

RESPONDENT PROFILE (N=68)

GENDER:

	Male	Female	Gender Variant	Group	Unknown	Department	TOTAL
Case	5	0	0	1	0	4	10
Direct Consult	4	9	0	11	2	9	35
Non Human Rights Consult	4	7	0	3	6	3	23
TOTAL	13	16	0	15	8	16	68

POSITION:

	Student	Staff	Faculty	Admin	Other	TOTAL
Case	2	0	3	5	0	10
Direct Consult	8	1	3	19	4	35
Non Human Rights Consult	2	3	6	10	2	23
TOTAL	12	4	12	34	6	68

NOTE: The category of ADMIN relates to people who are acting in a supervisory role vis a vis the other party within the context of the complaint.

For the UBC Okanagan office, the gender and position of complainants and respondents in non human rights based consultations (n=9), human rights related direct consultations (n=19) and cases (n=4) are described in Table 9B. This table shows the positional relationships between complainants and respondents. The complainant profile for gender in 2009 shows approximately 53% of complaints (17) brought forward by females, while males brought forward 41% (13). The respondent profile differed, with 31% of respondents of unknown gender (10), and 28% (9) departments. Males (22%) and females (16%) followed in frequency of respondents. Unlike Vancouver, no complainants or respondents in 2009 identified as gender variant.

Although students make up 89% of the UBC Okanagan community, the percentage of concerns they bring to the office is smaller than their campus representation (13, or 41% of all cases, direct consultations and non human rights consultations in 2009). Faculty, who make up 5% of the UBC Okanagan community, were complainants in 38% of the concerns (12 total) and staff, at 6% of the campus population, were complainants in 22% of the concerns. Turning to the respondent data, 34% of all respondents were in the administrative category, compared to 50% of Vancouver respondents. A comparable group of respondents were classified as “other” positions (34%) while faculty and students each were respondents in 12% of complaints.

TABLE 9B: DEMOGRAPHIC PROFILE OF VISITORS TO THE EQUITY OFFICE: DIRECT CONTACT WITH PARTIES TO A CONCERN - UBC OKANAGAN

(cases, direct consults and non human rights consults)

COMPLAINANT PROFILE (N=32)

GENDER:

	Male	Female	Gender Variant	Group	Unknown	Department	TOTAL
Case	2	2	0	0	0	0	4
Direct Consult	8	10	0	0	1	0	19
Non Human Rights Consult	3	5	0	1	0	0	9
TOTAL	13	17	0	1	1	0	32

POSITION :

	Student	Staff	Faculty	Admin	Other	TOTAL
Case	4	0	0	0	0	4
Direct Consult	6	6	7	0	0	19
Non Human Rights Consult	3	1	5	0	0	9
TOTAL	13	7	12	0	0	32

NOTE: The category of ADMIN relates to people who are acting in a supervisory role vis a vis the other party within the context of the complaint

RESPONDENT PROFILE (N=32)

GENDER:

	Male	Female	Gender Variant	Group	Unknown	Department	TOTAL
Case	3	1	0	0	0	0	4
Direct Consult	3	2	0	1	6	7	19
Non Human Rights Consult	1	2	0	0	5	2	9
TOTAL	7	5	0	1	10	9	32

POSITION:

	Student	Staff	Faculty	Admin	Other	TOTAL
Case	1	0	1	2	0	4
Direct Consult	3	1	1	8	6	19
Non Human Rights Consult	0	1	2	1	5	9
TOTAL	4	2	4	11	11	32

NOTE: The category of ADMIN relates to people who are acting in a supervisory role vis a vis the other party within the context of the complaint.

Table 10 illustrates the profile of people who approached the Equity Office with third party consultations and the purpose of their contact. As the data shows, most people who approached the Equity Office in a third party capacity were people acting in an administrative capacity (in relation to one or more of the parties to a concern). These often are Administrative Heads of Units who have been made aware of a concern in their unit and are looking for advice on how to respond to the situation but do not disclose much of the detail of the concern itself. Equity Advisors are available to provide timely case management assistance to Administrative Heads, as previously discussed. Concerns from third parties are also often preventative in nature. That is, administrators, staff and faculty members may be looking to address concerns in their department which are premature before they escalate into discrimination or harassment. This category includes provision of advice on the department’s duty to accommodate its students, staff and faculty on human rights grounds.

WHAT IS THE DUTY TO ACCOMMODATE?

The Duty to Accommodate is a legal obligation to meaningfully incorporate diversity into the workforce by identifying and removing barriers and eliminating or changing policies and practices, rules and behaviours that adversely impact people based on a prohibited ground of discrimination. The employer must provide accommodation, or provide alternate arrangements to eliminate the discriminatory barrier, unless it would be an undue hardship on the employer to do so based on factors such as health, safety or cost. The duty to accommodate is a responsibility shared by the employee, employer and union or professional association. Although usually referenced in regard to disability, the duty to accommodate applies to all human rights related prohibited grounds of discrimination. Service providers have a similar duty to accommodate. For more information on the duty to accommodate, see *Creating a Respectful and Inclusive Workplace for Employees with Disabilities* at www.equity.ubc.ca/publications/index.html.

For UBC Okanagan, nine people approached the office as third parties in 2009 (Table 10). The majority of these were female (78%). They were acting in a wide range of capacities: student, staff, faculty, administrative and “other,” with the largest group being staff (4 of 9 contacts). Their purposes for contacting an Equity Advisor also varied, from responding to an incident or allegation, to advocating for someone, to wanting to learn more about equity issues or policies (33% each). The context of their concerns included responding to disruptive visual or print materials on campus (56%); gathering advice for students and staff; and addressing personal concerns.

TABLE 10: PROFILE OF VISITORS TO THE EQUITY OFFICE: THIRD PARTY CONSULTATIONS

CONTACT INITIATED BY:	VANCOUVER (N=19)	OKANAGAN (N=9)
Female	12	7
Male	7	1
Gender Variant		0
Group		1
Department		0
CAPACITY:		
Student	1	1
Staff	1	4
Faculty	6	1
Admin.	10	2
Other	1	1
PURPOSE:		
Preventative	8	0
Response to allegation/incident	9	3
Advocacy for self/other	2	3
Discussion/information only		3

UBC O : Nature/Context: posters/visual display/print materials/graffiti concerns (5); advice for assisting students and staff (2); personal concerns (2)

Although the number of concerns that proceeded to a case through the Equity Office at the Vancouver campus was smaller this year than in previous years, Table 11 outlines the outcome of these ten cases. As previously noted, the majority of cases proceed in the informal process and this year was no exception. Eighty percent of the cases involved the informal process, while the remaining 2 cases were either addressed by the formal process or by another university policy.

Of the four cases that came to the Equity Advisor at the Okanagan campus in 2009, two were resolved through the informal process. One case was abandoned by the complainant, while another was taken up in extra-university procedures.

TABLE 11: OUTCOME OF CASES

	VANCOUVER (N=10)	OKANAGAN (N=4)
Informal Process: Resolved	6	2
Informal Process: Abandoned by Complainant	1	2
Informal Process: Ongoing	1	0
Formal Process: Ongoing	1	0
Formal Process: Resolved	0	0
Action taken under other university policy	1	0
TOTAL	10	4

An increase in consultations, rather than cases, is a common trend across both campuses. The complexity of the consultations has also increased proportionately. We are finding that more administrative heads are consulting with us when they first hear of a concern. This allows us to work to address and resolve a concern before it escalates into a more difficult situation. A remedial approach at this early stage has proven successful at repairing relationships between the parties (or unit) before parties become polarized. For years it has been the view of the Equity Office that early prevention, and when possible and applicable, an approach that finds local solutions to local concerns, is the best way to address and resolve issues. It appears that we may be turning the corner in this regard.



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