



THE EQUITY OFFICE AT THE UNIVERSITY OF BRITISH COLUMBIA

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.

DISCRIMINATION AND HARASSMENT REPORT 2010

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, pregnancy 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 at UBC Vancouver and UBC Okanagan. 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 and the Policy itself, please see our websites at www.equity.ubc.ca and <http://web.ubc.ca/okanagan/equity>.

COMPLAINTS RECEIVED IN 2009

In 2010, 87 concerns were brought to the Equity Office, Vancouver campus. Of these, 60 involved a human rights related allegation and 27 involved an allegation in which no human rights based element was cited. These figures are consistent with 2009 numbers¹.

In 2010, 18 concerns were brought to the Equity Office on the Okanagan campus. Of these, 15 involved a human rights related allegation and 3 involved an allegation in which no human rights based element was cited. This total figure is lower than 2009 numbers.

TABLE 1: TOTAL CONCERNS BROUGHT TO THE EQUITY OFFICE

	VANCOUVER	OKANAGAN
Non Human Rights Related	27	3
Human Rights Related	60	15
TOTAL	87	18

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 outline the type of non human rights related concerns brought to both Equity Offices in 2010 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.

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 are starting to see that the number of personal harassment concerns brought to our office are decreasing as more people become aware of the *UBC Statement on Respectful Environment for Students, Staff and Faculty*. To learn more about UBC's commitment to a Respectful Environment for all its community members, please see http://www.hr.ubc.ca/respectful-environment/files/2010/09/UBC_Respectful_Environment_Statement.pdf and http://www.hr.ubc.ca/respectful_enviro/index.html.

TABLE 2A: DESCRIPTION OF TYPE AND CONTEXT OF NON HUMAN RIGHTS RELATED CONCERNS – VANCOUVER (N=27)

VANCOUVER	Academics	Employment	Residence	Club	UBC Service	Non-UBC	TOTAL
Interpersonal Conflict	7	6		1			14
Bullying/Personal Harassment	2	4		1			7
Service Related Concern	5						5
Terms & Conditions of Employment		1					1
Cyber-Related Conduct							0
Not Specified							0
TOTAL	14	11	0	2	0	0	27

TABLE 2B: DESCRIPTION OF TYPE AND CONTEXT OF NON HUMAN RIGHTS RELATED CONCERNS – OKANAGAN (N=3)

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

As non human rights related concerns do not fall under the mandate of the *Policy on Discrimination and Harassment*, we do not 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 concern 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 come to our offices involve 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.

¹ For 2009 and earlier data for both campuses, please see the Reports section on our website, www.equity.ubc.ca.

Table 3 provides a broad look at the human rights related concerns that were brought to the Equity Office in 2010. 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.

TABLE 3: HUMAN RIGHTS RELATED CONCERNS BY FILE TYPE

TYPE OF FILE	VANCOUVER (N=60)	OKANAGAN (N=15)
Third Party Consultation	11	6
Direct Consultation	38	9
Case	11	0
TOTAL	60	15

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 is a human rights issue
- 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 sometimes 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. People may consult with us for a variety of reasons. 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, 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. People who are directly impacted by discrimination and harassment may also want to get a better sense of what to expect in a case management process before they make the decision to pursue that path or not.

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 a timely accommodation not made or other preventative steps not taken. Assistance in getting the required accommodation or in 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 Units (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 direct or third party 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. We welcome consultations from all members of the UBC community.

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*

Those who are concerned that they may have transgressed the Policy are welcome to consult with an Equity Advisor. However, it tends to mainly 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 contexts) that consult with the Equity Office most often. Tables 9A, 9B and 10 provide a more detailed profile of who approached the Equity Office in 2010.

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. Tables 4A and 4B outline the employment, housing or service-related context of the human rights based concerns brought to the Equity Office in 2010. 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 data from previous years.

TABLE 4A: CONTEXT OF HUMAN RIGHTS RELATED CONCERNS – VANCOUVER

VANCOUVER	3rd Party	Direct Consults	Cases	TOTAL
Academics	9	17	6	32
Employment	2	17	4	23
Residence			1	1
Ath/Rec/Club		1		1
UBC Service				0
Non-UBC		3		3
TOTAL	11	38	11	60

TABLE 4B: CONTEXT OF HUMAN RIGHTS RELATED CONCERNS – OKANAGAN

OKANAGAN	3rd Party	Direct Consults	Cases	TOTAL
Academics	3	4		7
Employment	1	3		4
Residence				0
Ath/Rec/Club				0
UBC Service	1			1
Non-UBC	1	2		3
TOTAL	6	9	0	15

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.

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 5: GROUNDS OF PROHIBITED DISCRIMINATION: ALLEGED

VANCOUVER	VANCOUVER (N=60)	OKANAGAN (N=15)
Age		
Ancestry	2	1
Colour	1	1
Family Status	5	1
Marital Status	1	
Physical or Mental Disability	18	3
Place of Origin	4	2
Political Belief		
Race	10	
Religion	5	1
Sex/Gender	34	7
Sexual Orientation	7	3
Unrelated Criminal Conviction		
TOTAL	87	19

Table 5 displays the grounds of prohibited discrimination alleged in the human rights based consultations and cases brought to the Equity Office in 2010. The total number of grounds is greater than the total number of human rights based concerns because some of these concerns allege 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 on both campuses. This is followed by concerns related to physical or mental disability and race on the Vancouver campus and physical or mental disability and sexual orientation at UBC Okanagan.

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.

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 examples below 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, a research associate, approaches the Equity Office with a concern about how he is treated in his department. He says 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 approach 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 be voiced 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, human rights related allegations cited in direct consultations do not engage the Equity Office’s case management procedures. Table 6 shows the reasons why a direct consultation did not proceed to a case in 2010. With the smaller number of direct consults at UBC Okanagan, there is a danger of over-interpreting the significance of the data. However, with most of these direct consultations at UBC Vancouver’s Equity Office, they did not proceed to a case because the UBC *Policy on Discrimination and Harassment* did not apply to the situation. These may have been concerns where the complaint was premature; 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 brought to the Equity Office was 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 is a departure from the BC *Human Rights Code* which has a six month time 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.

In 26% of the concerns at UBC Vancouver, 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?*”). Complaints also did not proceed to a case in 21% of the direct consults because the concern was being managed in a different process.

TABLE 6: DIRECT CONSULTATIONS NOT PROCEEDING TO CASES

DIRECT CONSULT NOT PROCEEDING	VANCOUVER (N=38)	OKANAGAN (N=9)
Non UBC context/party/timeline	14	3
Complainant does not wish to proceed	10	1
Premature/Preventative	6	2
Proceeding in a different process	8	3
TOTAL	38	9

Table 7A offers a description of the interpersonal behaviours that were alleged in the 42 of 60 human rights related direct consultations and cases (excluding third party consultations) at UBC Vancouver’s Equity Office and 14 of 15 human rights related direct consultations at UBC Okanagan. Some of these concerns involved a single type of behaviour, where others involved two or more behaviours, and thus the total number of behaviours exceeds the number of human rights related files included on this chart. Consistent with data from previous years, unwelcome verbal behaviour (insults, slurs, inappropriate jokes or innuendo) was cited most often on both campuses. Allegations of biased employment decisions and unwelcome written or visual behaviour (email, graffiti, videos, letters etc) were also often cited.

TABLE 7A: BEHAVIOURAL DESCRIPTIONS OF HUMAN RIGHTS CONCERNS – INTERPERSONAL

TYPE OF INTERPERSONAL BEHAVIOUR ALLEGED	NUMBER OF CONCERNS IN WHICH BEHAVIOUR WAS CITED	
	VANCOUVER (N=42)	OKANAGAN (N=14)
Unwelcome Verbal Behaviour	24	5
Unwelcome written or Visual Behaviour	9	5
Unwelcome Physical Attention	6	2
Stalking	2	
Threats	1	1
Assault		1
Retaliation	2	
Biased Academic Decisions	7	
Biased Employment Decisions	11	1
Exclusion or Denial of Access	4	3
Fear of Future Behaviour	2	1
TOTAL	68	19

TABLE 7B: BEHAVIOURAL DESCRIPTIONS OF HUMAN RIGHTS CONCERNS – SYSTEMIC

TYPE OF SYSTEMIC BEHAVIOUR ALLEGED	NUMBER OF CONCERNS IN WHICH BEHAVIOUR WAS CITED	
	VANCOUVER (N=18)	OKANAGAN (N=1)
Policies and Practices	7	
Curriculum		
Environment	11	1
TOTAL	18	1

At UBC Vancouver’s Equity Office, 18 of the 60 human rights related direct consultations and cases involved alleged systemic barriers. There was one such concern at UBC Okanagan. Table 7B shows the behavioural descriptions of these concerns. Environmental barriers were most often cited, followed by systemic concerns with UBC or departmental policies and practices on the Vancouver campus.

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 wheelchairs would be environmental barriers.

Tables 8A and 8B outline the gender and position of complainants and respondents in non human rights based consultations (n=27 Vancouver; n=2 Okanagan), human rights related direct consultations (n=38 Vancouver; n=9 Okanagan) and human rights cases (n=11 Vancouver; n=0 Okanagan). When a person was acting in a supervisory role vis a vis 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 2010, more women at UBC Vancouver brought forward concerns as complainants than any other group, where men and unknown respondents were cited as respondents most often. On the Okanagan campus, women and men came in about equal numbers as complainants, though men made up more of the respondents.

The highest proportion of complaints at UBC Vancouver was made by students (49%), although students make up a much higher proportion of the UBC Vancouver community. Staff were complainants in 26% of the concerns and faculty were complainants in 17% of the concerns. Among respondents, 51% were in the “other” category, which encompasses unknown and non-UBC respondents, those for whom the complainant in a consultation did not know or did not specify the respondent’s position and systemic concerns that did not have a named individual as a respondent.

At UBC Okanagan, in order of frequency, the respondents were “other” (non UBC, unknown or not specified, as above), faculty, students and administration.

TABLE 8A: DEMOGRAPHIC PROFILE OF VISITORS TO THE EQUITY OFFICE: DIRECT CONTACT WITH PARTIES TO A CONCERN – VANCOUVER

(11 cases, 38 direct consults and 27 non human rights direct consults)

COMPLAINANT PROFILE (N=76)

GENDER:

	Male	Female	Gender Variant	Group	Unknown	Department	TOTAL
Case	3	7	1				11
Direct Consult	12	25	1				38
Non Human Rights Consult	10	14			3		27
TOTAL	25	46	2	0	3	0	76

COMPLAINANT PROFILE (N=76)

POSITION :

	Student	Staff	Faculty	Admin	Other	TOTAL
Case	5	3	2	1		11
Direct Consult	20	12	5		1	38
Non Human Rights Consult	12	5	6	1	3	27
TOTAL	37	20	13	2	4	76

RESPONDENT PROFILE (N=76)

GENDER:

	Male	Female	Gender Variant	Group	Unknown	Department	TOTAL
Case	7	1				3	11
Direct Consult	13	9		1	9	6	38
Non Human Rights Consult	6	4		2	14	1	27
TOTAL	26	14	0	3	23	10	76

RESPONDENT PROFILE (N=76)

POSITION:

	Student	Staff	Faculty	Admin	Other	TOTAL
Case	2	1	3	1	4	11
Direct Consult	6	5	7	1	19	38
Non Human Rights Consult	2	1	4	4	16	27
TOTAL	10	7	14	6	39	76

TABLE 8B: DEMOGRAPHIC PROFILE OF VISITORS TO THE EQUITY OFFICE: DIRECT CONTACT WITH PARTIES TO A CONCERN – OKANAGAN

(0 cases, 9 direct consults and 2 non human rights direct consults)

COMPLAINANT PROFILE (N=11)

GENDER:

	Male	Female	Gender Variant	Group	Unknown	Department	TOTAL
Case							0
Direct Consult	3	5		1			9
Non Human Rights Consult	1			1			2
TOTAL	4	5	0	2	0	0	11

COMPLAINANT PROFILE (N=11)

POSITION :

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

RESPONDENT PROFILE (N=11)

GENDER:

	Male	Female	Gender Variant	Group	Unknown	Department	TOTAL
Case							0
Direct Consult	4	2			2	1	9
Non Human Rights Consult	1			1			2
TOTAL	5	2	0	1	2	1	11

RESPONDENT PROFILE (N=11)

POSITION:

	Student	Staff	Faculty	Admin	Other	TOTAL
Case						0
Direct Consult	1		3	2	3	9
Non Human Rights Consult	1				1	2
TOTAL	2	0	3	2	4	11

Table 9 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 faculty members or people acting in an administrative capacity (vis a vis one or more of the parties to a concern). These are often Administrative Heads of Units who have been made aware of a concern in their unit and are looking for advice about 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. Employers are expected to identify and remove barriers and eliminate or change policies and practices, rules and behaviours that adversely impact people based on a prohibited ground of discrimination. If the discriminatory barrier cannot be eliminated, the employer must provide accommodation, or provide alternate arrangements to eliminate the effect of 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 Workforce for Employers with Disabilities* at http://equity.ubc.ca/files/2010/06/creating_a_respectful_and_inclusive_workplace_for_employees_with_disabilities.pdf.

TABLE 9: PROFILE OF VISITORS TO THE EQUITY OFFICE: THIRD PARTY CONSULTATIONS (HUMAN RIGHTS AND NON HUMAN RIGHTS CONCERNS)

CONTACT INITIATED BY:	VANCOUVER (N=11)	OKANAGAN (N=7)
Female	6	4
Male	5	3
Gender Variant		
Group		
Department		
TOTAL	11	7

CAPACITY:	VANCOUVER (N=11)	OKANAGAN (N=7)
Student		1
Staff	2	2
Faculty	5	1
Admin.	4	3
Other		
TOTAL	11	7

PURPOSE:	VANCOUVER (N=11)	OKANAGAN (N=7)
Preventative		2
Response to allegation/incident		4
Advocacy for self/other	10	1
Discussion/information only	1	
TOTAL	11	7

Although no concerns at UBC Okanagan proceeded to a case through the Equity Office this year, Table 10 outlines the outcome of the eleven cases that proceeded through the UBC Vancouver office. As previously noted, the majority of cases proceed in the informal process and this year was no exception. A number of the third party consultations may also have proceeded as cases under the *Policy on Discrimination and Harassment* but were handled by the Administrative Heads of Units so are not included in the data generated for this report.

TABLE 10: OUTCOME OF CASES

	VANCOUVER (N=11)	OKANAGAN (N=0)
Informal Process: Resolved	8	
Informal Process: Abandoned by Complainant	1	
Informal Process: Ongoing	1	
Formal Process: Ongoing		
Formal Process: Resolved	1	
Action Taken Under Other University Policy		
TOTAL	11	0

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 the best way to address and resolve issues is early prevention, and when possible and applicable, an approach that finds local solutions to local concerns. ■