



UNIVERSITY OF TORONTO
SEXUAL HARASSMENT EDUCATION, COUNSELLING AND COMPLAINT OFFICE

ANNUAL REPORT 1 JULY 2000 TO 30 JUNE 2001

EXECUTIVE SUMMARY

In this period there were 272 complaints to the Sexual Harassment Office; 55 of these became formal complaints. Of the formal complaints, 53 were resolved in mediation and 2 were eventually dealt with under other proceedings: the Criminal Code in one case and the Code of Student Conduct in the other.

No complaint proceeded to an internal hearing under the Sexual Harassment Policy. There has been no formal hearing under the Sexual Harassment Policy for the last 10 years.

The 217 remaining informal complaints were addressed in a variety of ways: through the provision of information and advice, through appropriate referral, and through other internal or external proceedings. 13 complaints were dismissed and 67 were outside the scope of the Policy.

Misuse of e-mail is a continuing feature of complaints. I recommend a university-wide practice of requiring internet subscribers to agree to conditions of use before having access to university internet facilities.

The increased number of sexual harassment grievances under collective agreements warrants an increased focus on training of managers and Human Resources and Labour Relations staff.

Work with residence staff is a priority owing to the high incidence of complaints about issues in student residence.

Training of academic administrators is always of paramount importance.

Paddy Stamp
Sexual Harassment Officer

October 2001



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INTRODUCTION

This year there were 272 complaints to the Sexual Harassment Office, of which 55 went through the formal complaints procedure. This compares with a total of 246 complaints last year, of which 40 became formal complaints. While the increase in the total number of complaints received falls within the usual range of fluctuation from one year to the next (about 15%), the increase in the number of formal complaints is notable. It is also quite specific in character: complaints from students, both graduate and undergraduate, and complaints against students, account for the whole of the increase. In particular, the number of complaints against graduate students increased fourfold. Male complainants represent a greater proportion of the whole than last year - 30% as against 20% - and the number of formal complaints against faculty members fell from 10 to 2.

With respect to informal complaints there were some similar features in this year's caseload. The number of informal complaints against faculty members dropped; the number of complaints against students rose; and the number of students making complaints also rose. The number of informal complaints of harassment based on sexual orientation also increased, from 31 last year to 45 this year.

Although I consider these figures worth remarking, I am in no position to determine what they signify. They may represent the beginning of a trend, or series of trends; they may, on the other hand, simply be anomalous. Certainly we cannot use them to generate inferences about university-wide tendencies in people's behaviour, or about the phenomenon of sexual harassment; but they do represent something about how the Office is publicly perceived and, therefore, about how it comes to be used.

One figure that has remained consistent over time is that of the number of formal complaints which proceed to a tribunal. This year, as in the past ten years, there were none. There are, I believe, several reasons for this. Often a complaint of sexual harassment will be embedded within larger conflicts, which are encompassed by other university policies or laws. In such cases, it may not make sense to attempt to disentangle the different issues and deal with them through separate proceedings, and many complaints which have involved questions of sexual harassment have thus been dealt with under the Code of Student Conduct, for example, or the Criminal Code.

The lack of requests for formal hearings is also at least partly attributable to people's satisfaction with the outcomes of mediation. However, there is in addition a widespread aversion to the prospect of any kind of formal hearing. This antipathy is as powerful among complainants as it is among respondents, and has a notable effect on the concessions and compromises either party is prepared to make in the course of mediation. People are in general reluctant to formalise their complaints any more than is absolutely necessary. They are concerned about publicity; they want to minimise the number of people who know about the complaint; they do not want to "lose" their case; and they do not want to provoke the respondent into any form of retaliation. For similar reasons, where staff have the option of pursuing a complaint either under a grievance procedure or through the Sexual Harassment Policy, they have so far tended to prefer the latter, with its greater informality. In other words, complainants' wholesale rejection of the provision for formal hearings under the policy, and their widespread preference for mediation under the Sexual Harassment Policy over grieving under the collective agreement, is based in large part on a pertinent and reasoned assessment of the advantages and risks attendant on different procedures. Our experience at the University of Toronto is replicated in other universities and in other organisations: where at all possible, people opt for expedient and non-confrontational approaches to dealing with complaints; and the general aversion to formal procedures increases with the increasing adversarialism of those procedures. Current research further suggests that when people do pursue complaints through to a tribunal, they are generally dissatisfied both with the process and with its outcome.

While I believe that mediation is in general an extraordinarily effective and sensitive mechanism for addressing complaints of harassment, the unwillingness many people articulate from the outset even to contemplate proceeding to a tribunal has policy implications which we cannot ignore. We need to ensure that a complaints procedure that effectively operates without formal hearings is sufficient: that it is competent to address the issues brought before it; that it provides the requisite formality, authority, and procedural and substantial fairness; and that it effects an appropriate disposition of complaints. This annual report is one mechanism for ensuring the integrity and accountability of the process; I have also made it my practice to exhort people to exercise their right to be accompanied and represented throughout complaints proceedings. This enables participants both to hold one another accountable, and to regulate the process itself. The most effective way of safeguarding the process, however, is to ensure that people know about it in advance: that they know what rights it accords them, what obligations it places on them, and what they can do to influence its workings; and also that they understand its overall purposes and limitations, and so can make informed decisions about alternative options. The greater the intelligibility and transparency of the process, the greater its fairness.

Our approach must also be preventive as well as remedial. The prosecution of individual complaints is not always the best means of remediation, and it will not in itself secure general shifts in people's conduct. We need, rather, to rely on the inherence of a positive standard for personal interactions. We reinforce this standard by dealing fairly and effectively with complaints; but we can only create it through the action we take to articulate, promote and communicate it. We must therefore continue to work to ensure the highest possible degree of awareness of the Policy, and of the issues it addresses, and to secure the highest possible degree of compliance among administrators and managers with their particular obligations to create a working and learning environment that is free from sexual harassment.

FORMAL COMPLAINTS: 55

Constituency of complainant and respondent

Respondent:	staff	faculty	graduate	u/graduate	<i>total</i>
<i>Complainant:</i>					
<i>staff:</i>	5	--	4	3	12
<i>faculty:</i>	--	1	2	2	5
<i>graduate:</i>	3	1	12	--	16
<i>undergraduate:</i>	--	--	4	18	22
total	8	2	22	23	55

Gender of complainant and respondent

	<i>Female respondent</i>	<i>Male respondent</i>	<i>total</i>
<i>Female complainant</i>	2	37	39
<i>Male complainant</i>	4	12	16
total	6	49	55

Form of sexual harassment

Part A s.1(f)(i) promise of reward	2*	harassment based on sex	46*
Part A s.1(f)(ii) threat of reprisal	2*	harassment based on sexual orientation	15*
Part A s.1(f)(iii) physical conduct	20*		
Part A s.1(f)(iv) verbal conduct	50*		
Sexual assault	2*		

**complainants usually refer to more than one form of harassing behaviour by respondents*

Outcome of Formal Complaints

Withdrawn before stage 1	--
Resolved at stage 1: informal resolution	46
Withdrawn before stage 2	1
Resolved at stage 2: mediation	6
Withdrawn before formal hearing	--
Disposed of in formal hearing	--
Suspended during other proceedings	2
Dismissed	--
In progress	--

INFORMAL COMPLAINTS : 217

Reasons for not using the Formal Complaints Procedure

Complaints within the jurisdiction of the Policy:		Complaints outside the jurisdiction of the Policy:	
Sought advice only:	50	Complaint out of time	1
Fear of repercussions:	14	Party/parties outside University	22
Criminal proceedings initiated:	11	Conduct outside definition	30
Other proceedings initiated	38	Respondent covered by collective agreement	14
Complaint adjudged frivolous/vexatious	3		
Complaint adjudged unfounded	10		
Respondent anonymous/untraceable	24		
total:	150	total:	67

Constituency of complainant and respondent

Respondent:	staff	faculty	graduate	u/graduate	anonymous	off campus	total
<i>Complainant:</i>							
<i>staff:</i>	28	4	12	8	13	6	71
<i>faculty:</i>	1	5	7	10	--	1	24
<i>graduate:</i>	7	20	15	--	7	2	51
<i>undergraduate</i>	3	6	8	31	4	10	62
<i>off campus:</i>	3	1	--	2	--	3	9
total:	42	36	42	51	24	22	217

Gender of complainant and respondent

	Female respondent	Male respondent	Unidentified respondent	total
Female complainant	8	158	1	167
Male complainant	18	29	3	50
total	26	187	4	217

Form of sexual harassment

Part A s.1(f)(i) promise of reward	12*	harassment based on sex	162*
Part A s.1(f)(ii) threat of reprisal	12*	harassment based on sexual orientation	45*
Part A s.1(f)(iii) physical conduct	65*	[conduct not covered by policy	30]
Part A s.1(f)(iv) verbal conduct	125*		
sexual assault	7*		

physical assault --

Nature of complaints

Complaints brought forward to the Sexual Harassment Office are extraordinarily various in character; and are not necessarily in any way representative of the general campus climate. However, they do highlight areas of policy or practice which warrant closer attention; indeed, complainants will occasionally tell me that they have come forward because they wish to draw attention to a problem they perceive as widespread.

One salient issue is that of e-mail use. A number of complaints this year have concerned the harassment of University of Toronto students by students of other universities - in some cases outside Canada. In such situations we have no direct jurisdiction, and our efforts to block incoming messages from specific e-mail addresses are of course only a temporary solution. In several cases University of Toronto police have prevailed on security staff from other universities to address the problem at source, by taking action against their own students; but the size and accessibility of the internet will continue to present us with problems of this kind. E-mail use is also a significant feature of internal harassment cases, and I am continually surprised at the use to which people put what is, after all, a university-owned and monitored means of communication. I believe that the ease and accessibility of e-mail offers more than simply another vehicle for harassing communication, and actually increases its incidence. In some parts of the university, people are required to sign off on explicit conditions for system use before opening an e-mail account, and although this approach will not eradicate abuse, it may reduce it, and will certainly communicate the university's readiness to deal with it. I believe we should therefore adopt this practice system-wide.

A second issue is that of harassment grievances under collective agreements. In past years there have always been a few such cases, but with the unionisation of administrative staff the number has risen and will continue to rise. The reason for this is self-evident: administrative staff have always represented a disproportionate number of sexual harassment complainants, and even though - as noted above - there is a marked preference for the informality of the Sexual Harassment Policy over the more formal process of a grievance, we can still expect numbers of people to choose the latter option. Unlike the Sexual Harassment Policy, grievance procedures require the direct involvement of managers and supervisors in resolving sexual harassment complaints. This in turn requires that we focus increased attention on the training needs of managers, in order to equip them to discharge these responsibilities.

A third issue is that of conflict in student residences. I have always worked closely with residence staff, and we rely heavily on student dons to respond immediately to problems that arise in residences. Several cases this year underlined the importance of ensuring close contact and good communication between my office and the dons in each residence, and to this end I have undertaken to meet with dons on a college-by-college basis in order to identify and develop areas of collaboration.

I noted above that the number of informal complaints of harassment based on sexual orientation had increased in the last year. Half of this increase is attributable to multiple complaints about two series of incidents. In many cases, of course, it is not possible to determine the principal motive behind harassing

conduct, and the issues of sex and sexual orientation are in particular not readily susceptible of separation. When a male student subjects a female student to homophobic insult because she has declined a sexual invitation, for example, there is little to be gained by attempting to extricate stereotypes about sex from those about sexual orientation. Nor, in such cases, am I prepared to treat the “actual” sexual orientation of the complainant as a definitive factor: to do so would imply that the injury of sexual harassment depends in some way on its veracity.

Although there was a steep increase in the number of formal complaints this year, the workload of the office remains manageable. This is largely due to the invaluable assistance and support offered by colleagues: in Human Resources, in the Equity Issues Advisory Group, in the Provost's office, and in divisions and departments across the university.

Complaints outside the scope of the Policy

Every year the office receives a number of complaints that bear no relation to its work, either because they do not concern any form of sexual harassment, or because they involve people who have nothing to do with the university. The office telephone number is listed, along with other university numbers, in the public directory, and there is evidently considerable demand for some kind of public advice line about sexual harassment; our practice, in most cases, is simply to refer outside callers to their local community legal clinic.

University members who contact the office for help in dealing with harassment from people outside the university are in a different category. We have no jurisdiction with respect to external complaint procedures, but we can and do assist people with getting access to appropriate resources and, where appropriate, with preparing complaints. Examples of recurrent issues include students experiencing harassment in off-campus employment, in rental accommodation and in interactions with health care providers.

People also contact the office with complaints about conduct which is manifestly not any form of sexual harassment. In particular, employees will approach the office for advice about handling conflicts with colleagues or supervisors. Although the office can provide very general advice in such cases, the practice is to redirect people to more appropriate sources of assistance.

POLICY DEVELOPMENT AND COMMITTEE WORK

The office contributes on a regular basis to the work of the Positive Space Campaign, the December 6th Committee, the Advisory Committee to the Student Crisis Response Programs, the Community Advisory Board on Campus Safety and Security, and the Taskforce on Criminal Harassment convened by the Community Safety Co-ordinator. This year I also made submissions to the internal review of the Office of the University Ombudsperson and to the committee reviewing the Code of Student Conduct. I was the Acting Convenor of the Equity Issues Advisory Group until the end of June 2001; and I am a member of the joint USWA-Management committee that is reviewing the university's job evaluation system.

EDUCATION AND PUBLIC AWARENESS

Public education is one of the most important functions of the office, and is highlighted as such under the Sexual Harassment Policy. I am skeptical about some of the more extravagant claims made for the efficacy of “consciousness-raising” education: there is no evidence that sexual harassment education, in the numerous forms in which it is available, can effect consistent and programmatic alterations in people’s general attitudes. What it can do, of course, is provide people with an informed understanding of the kinds of conducts that are governed under law, and this in turn can induce people to seek assistance under the Policy. It can also equip those who are in positions of administrative authority to respond knowledgeably to the challenges presented by sexual harassment complaints. My priorities as an educator are structured both by the possibilities and the limitations of education, and by the issues that arise in specific cases. I am thus heavily involved in various forms of management training, through the office of Staff Training and Development and through the Provost’s office. I participate regularly in the Leadership Development Program, the Advancing Into Management Program and in training for new academic administrators and supervisors of unionised staff. I am in the process of designing a new training module that is specifically tailored to assist managers who are required to investigate and report on staff grievances, and have experimented with similar programs, in several departments, for academic administrators.

The priority with respect to student education has been to ensure that student leaders and Student Services staff are fully informed about the resources the office can offer, and that student handbooks and analogous materials contain up-to-date and relevant information. Direct contact with the general undergraduate population presents a challenge for the office: I am often invited to appear at orientation events, but this is a far from satisfactory context in which to communicate anything beyond the mere existence of the office. I therefore meet as many requests as possible to work more directly with students – for example by giving guest lectures in academic programs – and will continue to look for new opportunities to do so. Most faculties now include a discussion of sexual harassment issues in their TA training, and this has proven a very effective means of informing graduate students about the issues.

Contact with new faculty members is also something of a piecemeal process, but has in recent years been greatly facilitated by initiatives within Deans’ offices, and through the offices of the President and of the Provost.

Paddy Stamp
Sexual Harassment Officer

August 2001