



UNIVERSITY OF TORONTO
SEXUAL HARASSMENT EDUCATION, COUNSELLING AND COMPLAINT OFFICE

ANNUAL REPORT 1 JULY 2004 TO 30 JUNE 2005

INTRODUCTION

The Sexual Harassment Officer is responsible for administering the University's *Policy and Procedures: Sexual Harassment*: for receiving and mediating complaints, for providing education to the University community about the issue of sexual harassment and about University policy and resources, and for acting as a non-partisan advisor to any member of the University community who requires it. The Office is an integral part of the University administration, and is an important element in the way the University meets its obligation to prevent and remedy sexual harassment.

The *Policy* covers harassment based on sex and on sexual orientation. Its jurisdiction extends to any student or employee of the University while that person is on University premises or is otherwise engaged in a University activity or business.

COMPLAINTS

In 2004 – 2005 there were 211 complaints to the Sexual Harassment Office. A total of 161 of these fell within the ambit of the *Policy and Procedures: Sexual Harassment*, and of these, 58 were filed as formal complaints under the *Policy* and dealt with through its procedures. 50 complaints were outside the jurisdiction of the *Policy*.

FORMAL COMPLAINTS

Of the 58 formal complaints, 52 were resolved in mediation at Stage 1 or 2 of the complaint procedure; two were withdrawn, and four are still in progress. None was the subject of a hearing under the *Policy*. In addition, a number of complaints which were initially brought to the Sexual Harassment Office, and which fell within the ambit of the *Policy*, were re-routed through other resolution processes: nine became the subject of criminal proceedings, and a further 22 were dealt with through other internal mechanisms, such as a grievance procedure within a Collective Agreement, the *Code of Behaviour on Academic Matters*, or the *Code of Student Conduct*.

Formal Complaints: Constituency of complainant and respondent

Complainant:	Respondent:				total
	staff	faculty	graduate	u/graduate	
<i>staff</i>	9	3	–	2	14
<i>faculty</i>	–	1	4	2	7
<i>graduate</i>	2	3	3	–	8
<i>undergraduate</i>	–	4	4	21	29
total	11	11	11	25	58

Formal Complaints: Gender of complainant and respondent

	Female respondent	Male respondent	total
Female complainant	6	39	45
Male complainant	4	9	13
total	10	48	58

Formal Complaints: Form of sexual harassment

Part A s.1(f)(i) promise of reward:	5*
Part A s.1(f)(ii) threat of reprisal:	5*
Part A s.1(f)(iii) physical conduct:	34*
Part A s.1(f)(iv) verbal conduct:	53*
s. 35 retaliation:	1*

harassment based on sex:	49*
harassment based on sexual orientation:	18*

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

Outcome of Formal Complaints

Withdrawn before stage 1:	1
Resolved at stage 1: informal resolution:	50
Withdrawn before stage 2:	1
Resolved at stage 2: mediation:	2
Withdrawn before formal hearing:	–
Disposed of in formal hearing:	–
Suspended during other proceedings:	–
Dismissed:	–
In progress:	4

INFORMAL COMPLAINTS

103 of the 153 informal complaints came within the jurisdiction of the *Policy*, but were not handled under its procedures. As noted above, nine were addressed through the Criminal Code, and 22 through other University proceedings. A complainant will often consult the Sexual Harassment Office in order to learn about the procedural options available for dealing with the complaint, and will then take the matter elsewhere. The question as to which procedure is used is determined by the complainant. People also consult the Office simply in order to seek advice. However, in some cases, a complainant will state clearly that s/he has no intention of pursuing a formal complaint process because s/he is afraid of retaliation: by the respondent, by the institution, or by decision-makers in her or his broader academic community. While the *Policy* contains explicit safeguards against retaliation, and provides for alternative supervisory arrangements where a respondent exercises authority over a complainant, the outcome of any complaint process is always uncertain, and in many cases the fears that complainants express are by no means unreasonable. We cannot rely on complaint processes alone to deal with policy violations, because there is a widespread reluctance in the community to use such processes: our focus, as a University, must equally be on effective education and prevention.

Reasons for not using the Formal Complaints Procedure

Complaints within the jurisdiction of the *Policy*:

Sought advice only:	57
Fear of repercussions:	11
Criminal proceedings initiated:	9
Other proceedings initiated:	22
Complaint adjudged frivolous/vexatious:	2
Complaint adjudged unfounded:	1
Respondent anonymous/untraceable:	1
total:	103

50 complaints were brought to the Office but fell outside the jurisdiction of the *Policy*: because the conduct described did not constitute harassment based on sex or sexual orientation, because the University had no jurisdiction over the people or the activities in question, or because the events were outside the time limit for making complaints.

Complaint out of time:	4
Party/parties outside University:	9
Conduct outside definition:	33
Events off campus:	4
total:	50

Informal Complaints: Constituency of complainant and respondent

Complainant:	Respondent:					total
	staff	faculty	graduate	u/graduate	anon/ off-campus	
<i>staff</i>	26	4	1	5	1	37
<i>faculty</i>	–	8	8	3	1	20
<i>graduate</i>	4	17	7	3	1	32
<i>undergraduate</i>	10	9	7	24	5	55
<i>anonymous</i>	3	2	1	1	2	9
total	43	40	24	36	10	153

Informal Complaints: Gender of complainant and respondent

	Female respondent	Male respondent	total
Female complainant	9	108	117
Male complainant	21	15	36
total	30	123	153

Informal Complaints: Form of sexual harassment

Part A s.1(f)(i) promise of reward:	5*
Part A s.1(f)(ii) threat of reprisal:	5*
Part A s.1(f)(iii) physical conduct:	52*
Part A s.1(f)(iv) verbal conduct:	100*
s. 35 retaliation:	1*
sexual assault:	3*
physical assault:	3*

harassment based on sex:	98*
harassment based on sexual orientation:	31*

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

NATURE OF COMPLAINTS

The following examples illustrate the kinds of issues which are brought to the Sexual Harassment Office:

A faculty member is going through a messy and painful divorce. He confides in one of his graduate students, who is at first flattered by the attention, but then begins to feel uncomfortable. Eventually she tells her professor that their interactions “don’t feel right”; he protests that this is an innocent friendship. The student comes to the Office; she complains that since this conversation, her professor’s treatment of her has been vindictive and mean. She makes a formal complaint of sexual harassment.

An undergraduate student has been dating a University employee. Their relationship comes to an acrimonious end; there is an altercation at the student’s apartment, and the police are called. No charges are laid. The student lives off-campus, and the University has no jurisdiction. However, through the Community Safety Office, the Employee Assistance Program, and the Student Crisis Response Programs, it can provide resources to both people.

A graduate student has complained to the Chair of her department that another graduate student in the same faculty is harassing her. She does not want to make a formal complaint or be identified in any way. The Chair seeks advice from the Office, both for the students and for himself.

A number of women students in residence complain about one of the men in residence. He is awkward and socially inept, and has a tendency to say highly inappropriate things. However, he has a disability, and students say that because of this it will be “pointless” to confront him directly. Instead, they avoid him, and he is increasingly isolated and frustrated. Residence staff seek advice about how to address these issues.

A staff member is concerned about the conduct of a student who regularly comes to her office for assistance. The student is unco-operative and abusive, and makes unreasonable demands. He now taunts the staff member when he comes to the office, and makes insulting sexual remarks. The staff member does not believe her safety is at risk, but she is increasingly annoyed about the time this student takes up, and wants to refuse to provide service to him. She decides to ask her manager to consult the Office and decide on appropriate action.

An undergraduate complains that another student took photos of her without her knowledge or permission while she and several other people were sleeping over at his place. He has e-mailed the pictures to her, and she is upset and worried that he will send them to other people. She makes a formal complaint. The male student defends himself, saying that everyone knew he was sexually interested in the female student, and she should therefore have expected this. He has circulated the pictures, but he agrees to delete his copies and ask others to do so.

A male graduate student has been receiving unwanted e-mails from a male staff member whom he first met in the gym. He has told the sender to leave him alone, but the e-mails persist. The student makes a formal complaint.

A male faculty member seeks advice from the Office about a conflict between him and one of his female colleagues. The two of them have disagreed numerous times; he is upset about his colleague's repeated accusations of sexism, and her attribution of his opinions to his maleness. She now refuses to engage with him, and treats him with hostility.

A staff member reports that one of her supervisors made homophobic remarks in a public forum. The employee does not at first want to make a formal complaint, but agrees to raise the matter with a more senior manager, who was also at the event. The manager has in fact already spoken to the supervisor and taken appropriate action.

A student society approaches the Office for advice about how to deal with complaints from members against one of its elected officers. The society operates on campus, but wants to deal with the complaints internally rather than through the University's procedures.

Following an article about her work in a campus publication, a faculty member has started to receive bizarre e-mails from an off-campus correspondent. She no longer replies to any of them, but she is worried that the sender may try to meet her. The Office assists her in drafting a firm instruction to desist.

A male faculty member has been receiving disturbing voice-mail messages from one of his graduate students. The messages suggest that the student is delusional, and believes that there is a romantic connection between herself and the faculty member. The faculty member wants the student to receive professional help, but does not want to make a formal complaint or to have any further contact with the student.

A TA is propositioned by an undergraduate who wants him to increase her grade in return for sex. The TA seeks advice about how to deal with the matter; it is eventually dealt with as academic misconduct.

A staff member says that one of the faculty members in her department constantly calls her "sweetheart" and makes off-colour remarks. She has been quite assertive with him, and has told him several times to call her only by her name; he apologises, but claims to keep 'forgetting'. The staff member thinks she may be able to handle the situation herself, but wants to put her concerns on record in case she can't.

A staff member complains that her supervisor constantly touches people, both staff and students, and that people have complained to her about it but won't contact the Office themselves. She undertakes to broach the matter with her supervisor and to ask him to contact the Office himself. He does so; he freely acknowledges that he is a very 'touchy-feely' person and says that he treats women and men in the same way. He does accept that both women and men might reasonably be embarrassed by his conduct, or otherwise take exception to it, and that it must stop.

POLICY DEVELOPMENT

The University has, since 1996, had a procedural memorandum with health care institutions that addresses the question of how we will deal with sexual harassment cases where there is overlapping jurisdiction. Over the past year I have worked with the Faculty of Medicine to review and revise this memorandum. It now extends to all University Faculties which place students in clinical or hospital settings, and provides a mechanism for consultation and co-operation between institutions. We have presented the memorandum to University and hospital administrators and to faculty members and researchers in a range of fora. We have also incorporated its terms into the new procedures manual for clinical faculty in the Faculty of Medicine.

We have, similarly, developed a memorandum of understanding with Centennial College, with whom we now run joint programs based at both UTSC and the College. Specifically, we have prepared a protocol to cover situations where faculty members from one institution are teaching at the other, or where either institution is hosting students from the other, and where a complaint is made of harassment or discrimination. The protocol has been adopted, and, with our colleagues at Centennial, we have developed guidelines as to their application for student counselling staff.

EDUCATION AND PUBLIC AWARENESS

Websites

The “e-nough” website, which provides information and assistance in dealing with all forms of e-mail harassment, has been revised and expanded. The site’s principal focus is still online harassment, but it now links to a wide range of resources covering more general issues of computer-based communication, and incorporates relevant University policies, guidelines and resources. The website was featured in last year’s student handbook, and on the University of Toronto homepage. The Sexual Harassment Office manages the site.

Workshops and training sessions

Public education is the most important means through which the University addresses the issue of sexual harassment. It enables us to communicate our commitments and our aspirations as an institution and as a community to provide an environment that is free from harassment. It enables us to set out standards for our managers and decision-makers, and to impart the information and skills which will assist them in meeting these standards. It advertises the resources of the Office and of the *Policy*, and it encourages people to use these resources. I work closely with colleagues in Student Affairs, Staff Training and Development, residence offices and academic departments to ensure that the Office can make relevant and useful contributions to University-wide training projects, such as the annual training for residence dons, orientation co-ordinators and leaders, and new Teaching assistants, and the regular programming offered through Staff Training and Development. I also take part in workshops for student leaders and for new academic administrators, and I

give guest lectures, offer workshops or presentations to individual departments, and take part in other educational initiatives where possible. This year I worked with colleagues from the Faculty of Physical Education and Health to plan and host a Roundtable discussion on sexual harassment in sport and recreation, which featured the work of researchers from the Universities of Toronto, Windsor and the Norwegian University of Sport and Physical Education. I also contributed to a symposium for new women graduate students organised by the Status of Women Office, and worked with colleagues from the International Student Exchange Office to deliver a series of workshops to students undertaking study abroad. A series of sexual harassment complaints at UTM prompted the development of a workshop series for student leaders on how to receive and refer complaints, and I will be offering a similar program at UTSC through the Women's Centre. I have also contributed to the public information campaign on criminal harassment being developed by the Community Safety Office.

Committee work

The office is part of the new Equity Advisory Board. I am also a member of the Police/Community Advisory Board, the Positive Space Committee, the Equity Issues Committee in the Faculty of Physical Education and Health, and the Advisory Committee to the Status of Women Officer. I have also been invited to join the internal advisory committee on Respect in the Workplace at the Hospital for Sick Children.

External contacts

I participate in Ontario meetings of CAPDHHE, which is a network of human rights officers in higher education in Canada, and in the Toronto-based Corporate Human Rights Network. I am currently the secretary to Ontario CAPDHHE, and am involved, along with colleagues from Ryerson University, York University, George Brown College and Centennial College, in organising its 2006 national conference. This year I also attended the annual conference of student services staff, and, with colleagues from the University of Toronto, presented a workshop on online harassment.

Paddy Stamp
Sexual Harassment Officer

25 August 2005