



UNIVERSITY OF TORONTO
SEXUAL HARASSMENT EDUCATION, COUNSELLING AND COMPLAINT OFFICE

(23984)

ANNUAL REPORT
1 JULY 2001 TO 30 JUNE 2002
EXECUTIVE SUMMARY

Role and jurisdiction of the office

The mandate of the Sexual Harassment Officer is outlined in *the University's Policy and Procedures: Sexual Harassment*, thus:

"The Officer shall be responsible to the President and shall:

- (a) be responsible for the application of this Policy and Procedures as provided herein;
- (b) act as educator and provide the University community with information about the issue of sexual harassment and about this Policy;
- (c) function as an impartial counsellor and advisor to any member of the University community who has questions regarding the issues raised in this Policy, providing referrals where appropriate." (s.13, *Policy and Procedures: Sexual Harassment*)

The jurisdiction of the Policy extends to any situation involving members of the University community while they are on University premises or where they are carrying out a University-related activity or business. The office is a member of the Equity Issues Advisory Group.

Cases

In 2001-02 there were 227 complaints to the Sexual Harassment Office; 50 of these became formal complaints. Of the formal complaints, 44 were resolved in mediation at Stage 1 or 2 of the complaint procedure; two were withdrawn; one was redirected through another complaint process, and 3 were in process at the time of writing. These numbers are within the usual range; the disposition of complaints is discussed fully in the introduction to the Annual Report.

Objectives for 2001-02

Conflict of Interest

A priority for the office was increasing understanding of the issue of conflict of interest and close personal relations. I contributed to the development of guidelines for senior administrators and faculty members on the issue; this information is now available on the Provost's website. The office also produced guidelines for students, and has added these to the Student Affairs website and published them in leaflet form.

Training and education

In the past year my focus was on working with academic administrators, human resources staff, managers and supervisors, and residence staff. I took part in the orientation of new academic administrators and the training of supervisors through the department of Staff Training and Development; I delivered training on the conduct of investigations to human resources and labour relations staff dealing with harassment grievances under collective agreements; and I provided specialised workshops to residence dons on a college-by-college basis.

Internet use

The ease and rapidity of e-mail communication, coupled with the various means by which e-mail users can conceal their identities, give rise to numerous concerns about the misuse of University IT systems. I identified the development of University-wide guidelines for system users, and explicit public education about the potential hazards attendant on internet communication, as a priority for the Sexual Harassment Office. In the past year I have discussed the matter extensively with colleagues, and incorporated a discussion of internet use in all public education.

Key issues in 2001-02 and objectives for 2002-03

Mental illness and harassment complaints

Issues of mental illness - whether actual or ostensible, and whether of the complainant or of the respondent - are often a feature of harassment complaints, and they are not well understood. I will be working with colleagues from the University of Toronto and from other Ontario colleges and Universities to develop resources for people dealing with harassment complaints that specifically address mental health as a factor in complaint management.

Students on external placements

Students on academic placements or practica are in theory protected by University policy, but in the immediate context of the workplace often have to fend for themselves. A priority for the Office is, therefore, the provision of relevant information to students in advance of the practicum component of their coursework. In particular I propose to develop a joint initiative with local school boards and OISE/UT for students embarking on teaching placements.

Training

Education is a continuing priority for the office. In the coming year I will be contributing to the development of new training programs for academic administrators and for managers and supervisors of unionised staff. I will also be offering staff training in specific faculties which have identified harassment issues as an ongoing concern.

Internet use

Based on discussions with colleagues across the University, I propose to develop a set of access conditions for users of University IT systems.

Information for students

It is always a challenge to ensure that students have the information they need about University resources before they actually need it. The office is listed in most calendars, course guides and University directories, and it distributes printed information throughout the University. However, students increasingly look for information on the web, and I will be working this year to enlarge and enhance the office's web page.

Paddy Stamp



UNIVERSITY OF TORONTO
SEXUAL HARASSMENT EDUCATION, COUNSELLING AND COMPLAINT OFFICE

ANNUAL REPORT
1 JULY 2001 TO 30 JUNE 2002

INTRODUCTION

This year there was a total of 227 complaints to the Sexual Harassment Office. Of these, 50 were dealt with as formal complaints under the *Policy and Procedures: Sexual Harassment*. One formal complaint was withdrawn by the complainant before the complaint procedure commenced, because the situation had by then been resolved informally. 38 complaints were resolved at Stage 1 of the complaint procedure; one was withdrawn by the complainant directly following Stage 1; a further 6 were resolved at Stage 2; one was suspended pending the outcome of an alternative proceeding; and three are in progress.

Of the 177 informal complaints, 46 were pursued through another procedure, either internal (for example, the Code of Student Conduct or a Collective Agreement) or external. 56 fell outside the jurisdiction of University policy. 9 were dismissed, either because they were out of time, or were determined to be unfounded or vexatious. In 43 cases, the complainant sought advice from the Office on how to deal with the situation independently. In 15 cases, the complainant declined to pursue a formal complaint because of a fear of retaliation or other adverse repercussions. In 8 cases it was not possible to identify the perpetrator of the harassment and no action could be taken.

Comparable overall figures for the last five years are as follows:

1996-97	total complaints: 217	formal complaints: 36
1997-98	total complaints: 236	formal complaints: 48
1998-99	total complaints: 216	formal complaints: 51
1999-2000	total complaints: 246	formal complaints: 40
2000-01	total complaints: 272	formal complaints: 55

There is considerable fluctuation in these figures, but there are no marked trends. Moreover, these statistics do not provide us with an adequate indication of the incidence of harassment based on sex and sexual orientation at the University of Toronto: although there is now considerable public discussion of the issue, both on campus and more generally, it continues to be heavily under-reported.

COMPLAINTS

FORMAL COMPLAINTS: 50

Constituency of complainant and respondent

Respondent:	staff	faculty	graduate	u/graduate	<i>total</i>
<i>Complainant:</i>					
<i>staff:</i>	8	–	–	2	10
<i>faculty:</i>	1	3	–	–	4
<i>graduate:</i>	1	–	4	1	6
<i>undergraduate:</i>	–	7	6	17	30
total	10	10	10	20	50

Gender of complainant and respondent

	<i>Female respondent</i>	<i>Male respondent</i>	<i>total</i>
<i>Female complainant</i>	8	27	35
<i>Male complainant</i>	2	13	15
total	10	40	50

Form of sexual harassment

Part A s.1(f)(i) promise of reward	3 *	harassment based on sex	32*
Part A s.1(f)(ii) threat of reprisal	3 *	harassment based on sexual orientation	19*
Part A s.1(f)(iii) physical conduct	23 *		
Part A s.1(f)(iv) verbal conduct	44 *		
s. 35 retaliation	1		

*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	38
Withdrawn before stage 2	1
Resolved at stage 2: mediation	6
Withdrawn before formal hearing	–
Disposed of in formal hearing	–
Suspended during other proceedings	1
Dismissed	–
In progress	3

INFORMAL COMPLAINTS : 177

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:	43	Complaint out of time	4
Fear of repercussions:	15	Party/parties outside University	24
Criminal proceedings initiated:	6	Conduct outside definition	32
Other proceedings initiated:	29	Respondent covered by Collective Agreement	11
Complaint adjudged frivolous/vexatious	2		
Complaint adjudged unfounded	3		
Respondent anonymous/untraceable	8		
total:	106	total:	71

* Complaints involving unionised employees may come within the jurisdiction of the Policy; these figures record complaints in which the complainant has elected to use the grievance procedure under a Collective Agreement.

Constituency of complainant and respondent

Respondent:	staff	faculty	graduate	u/graduate	anonymous	off campus	total
<i>Complainant:</i>							
staff:	25	11	8	6	5	6	61
faculty:	1	6	—	5	1	—	13
graduate:	4	12	13	4	—	4	37
undergraduate:	1	5	6	28	2	10	52
off campus:	4	3	2	1	—	4	14
total:	35	37	29	44	8	24	177

Gender of complainant and respondent

	Female respondent	Male respondent	Unidentified respondent	total
Female complainant	12	129	4	145
Male complainant	8	24	—	32
total	20	153	4	177

Form of sexual harassment

Part A s.1(f)(i) promise of reward	8 *	harassment based on sex	118*
Part A s.1(f)(ii) threat of reprisal	8 *	harassment based on sexual orientation	38*
Part A s.1(f)(iii) physical conduct	58 *	[conduct not covered by policy	32]
Part A s.1(f)(iv) verbal conduct	121 *		
s.35 retaliation	2 *		
sexual assault	3 *		
physical assault	2 *		

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

Nature of complaints

There is no "typical" complaint under the Sexual Harassment Policy. Each case presents new issues, new questions and often new dilemmas. There are certainly areas of activity which consistently give rise to particular kinds of problems: student orientation week, and internet use, are prominent examples of this. The cases which are brought to the office are typified by two characteristics, however: they concern situations which the complainant feels unable to resolve without some outside assistance, and the complainant has sufficient sense of entitlement actively to seek that assistance. In the course of educational sessions I frequently hear anecdotal accounts of the innumerable cases that are *not* brought to the office, and in many instances these involve situations that are every bit as serious as anything that has been formally addressed. Public education and communication of course continue to be among the highest priorities of the office.

The overwhelming majority of complaints include allegations of "verbal conduct": broadly, offensive oral or written comment that is directed at someone because of their sex and/or their sexual orientation. Increasingly this involves direct e-mail communication as well as face-to-face contact; indeed, in many situations people are willing to be considerably more offensive and confrontational when they are protected by the screen of electronic technology. At the same time, of course, they leave a documentary record of their statements. More complex is the use of internet technology to impersonate others, to send anonymous messages, or to broadcast insulting or embarrassing statements about someone else. I have come increasingly to rely on the technical sophistication of colleagues in our various computing services for help in addressing these situations, although inevitably some cases are, quite simply, beyond our reach.

In three cases this year - one a formal complaint and the other two informal complaints - the issue was not a complaint of primary harassment, but a complaint of retaliation consequent on the complainant's involvement in a harassment complaint. In all three cases the complainant had been a witness or had in some other way offered support to a primary complainant, and had been subject to adverse treatment as a result of this. Further, in all three cases the respondent in the secondary complaint was not the same person as the original respondent. In other words, someone other than the original respondent had taken punitive action against someone other than the original complainant because of their rôle in bringing the complaint forward. The Policy, and indeed the Ontario Human Rights Code, treat such retaliatory action as offences tantamount to harassment, and view them just as seriously.

Complaints from non-academic staff represent a disproportionately high percentage of the caseload, as in previous years. What this indicates, I think, is not so much a greater vulnerability to harassment (than, say, students) as a narrower range of options for dealing with it. It is considerably easier for most students to avoid a professor or a fellow student than it is for most staff members to avoid a boss or a co-worker, and avoidance, as research confirms time and time again, is the principal strategy of choice for anyone experiencing harassment. Moreover, in circumstances where the situation does not absolutely require that the complainant continue to interact with the respondent, it is often the most sensible strategy. Making a formal complaint - however accessible and sensitive the complaint process - is always something of an ordeal, and it never has guaranteed outcomes.

Complaints outside the scope of the Policy and Procedures

A considerable proportion of complaints fall outside the ambit of the Policy, and indeed of the University's jurisdiction. Students, in particular, approach the office for help in dealing with harassment they are experiencing in their jobs or their housing off campus. Given the nature of most students' employment - part-time, often temporary and usually precarious - they are not generally in a position to take formal action. Similarly, students rarely challenge their landlords directly over harassment in rental accommodation. The office's rôle in such situations is to provide information about options, and to refer students to relevant services on and off campus. Where students do pursue formal action, the office can assist them in the preliminary stages of this.

Employees frequently ask for confidential advice about work-related issues which they know to be outside the remit of the office. They do so because they know that contact with the office is confidential, and sometimes because they consider the issues they are dealing with to be analogous to harassment. The office can offer some advice in such cases, but will generally refer staff to the Employee Assistance Program, to their personnel generalist, to their union, or to their manager.

Matters involving conflicts of interest arising from teacher-student or co-worker sexual relations are regularly referred to the office; in many of these cases the Sexual Harassment Policy is of only the most indirect relevance. There is a widespread misapprehension that the Policy addresses all forms of sexual conduct (and indeed misconduct) and that the Officer has the authority, for example, to prosecute complaints arising out of spousal infidelity or relational conflict. The issue of conflict of interest is nonetheless a pertinent one to the university, and is discussed below under *Policy Development*.

There is a steady stream of complaints from students on placements or practica, or engaging in field research. University policy offers limited protection in such situations, and the office has provided assistance in particular to professional faculties whose students regularly complete part of their studies outside the university. The university is also preparing new guidelines for protecting the safety of students doing fieldwork.

There has been a slight increase in complaints about "environmental" issues, particularly in classrooms and in common facilities. For example, someone will object to the use of sexist language or examples by a teacher; someone will complain that the insulting comments of other students are left unchallenged; or someone will protest that they were adversely treated by staff in a facility that is advertised as a "Positive Space". These issues are often not explicitly covered under the Sexual Harassment Policy, but may be referred to the relevant administrator under s.11 of the Policy. I plan to incorporate specific information about this in future training for academic administrators. Concerns about the environment also frequently inform complaints of more specific and targeted harassment, which the Policy deals with directly. I would remark in passing that equity issues have become a more regular feature of the University's public discourse about itself, and that this in turn increases people's expectations and their sense of entitlement.

POLICY DEVELOPMENT

As I noted in the introduction to this report, it is not possible to base many conclusions about trends in sexual harassment on campus on the statistics compiled by the office. However, the complaints brought forward do highlight important issues, which in turn inform the policy work of the office.

For example, the office contributed to the development of guidelines for academic administrators on university policy on conflict of interest and close personal relationships, and drafted information for members of the teaching staff and for students. These guidelines are now available on the Provost's website, and the information for students will be published by the office this summer in leaflet form. I am in the process of developing equivalent guidelines to cover non-academic staff. The issues here are somewhat different, and less likely to overlap directly with a concern about sexual harassment; I have therefore been consulting extensively with colleagues about the best approach to adopt.

A call from a graduate student about her department's practice of circulating student contact information to all graduate students prompted discussions with the School of Graduate Studies and the University Registrar. The practice of distributing contact information is common, and is intended to encourage the development of a collegial scholarly community. However, it is a breach of university policy on privacy of student information: the student in this case expressed concern that her home telephone number and address were being made public without her permission, that this frustrated her efforts to avoid contact with a former boyfriend, and that it thereby compromised her personal safety. The School of Graduate Studies issued a memorandum to all graduate co-ordinators reminding them of the requirements of privacy policy, and recommending an "opt-in" system for including students on contact lists.

The office was consulted by the co-chairs of the Equity Committee in the Faculty of Physical Education and Health about the high incidence of harassment in the weightrooms. I proposed a number of physical and managerial changes to the facilities and continue to work closely with staff.

EDUCATION AND PUBLIC AWARENESS

Where appropriate I try to address issues arising from casework through educational initiatives, local and general. For example, this year I was asked to conduct workshops in two departments in direct response to complaints that had been made, and similarly attended meetings at two residences to talk through issues that had arisen. More broadly, I discussed the issue of conflict of interest, and raised cautions concerning internet use, as part of most of the training sessions I gave.

I contribute regularly to staff training through our AIM and LEAP programs, and at the departmental level with campus police, with caretaking, cleaning, grounds and trades staff, with

Teaching Assistants, with academic administrators and with new faculty. This year, I and my colleagues from Human Resources and from the Equity Issues Advisory Group substantially revised the training we offer to supervisors of unionised staff in dealing with harassment and violence in the workplace. We are now developing further training modules for this group. I also developed a day-long session on how to conduct investigations into harassment complaints; I delivered this to human resources staff, and with their help will adapt it so that it can be offered to all administrative managers.

Last fall I undertook to meet new residence dons residence-by-residence rather than through the University-wide don training weekend. I ran workshops in four colleges, and will increase this number in the coming fall. The changed approach proved effective, both in terms of increased contact with dons and with students in residence, and in terms of earlier access to information about problems. I have also contributed to a number of student mentorship programs – in the Faculty of Applied Science and Engineering, in Woodsworth College, in the Faculty of Physical Education and Health – and this has likewise increased awareness of the office and of the approach the University takes to addressing issues of harassment.

The office has several new leaflets in production for the fall: one for students about conflict of interest policy, one for parties to formal complaints under the Policy, explaining the complaint process, and one for general distribution, which summarises the provisions for complaining about homophobic harassment under the Policy.

External contacts

In May I presented a workshop at the annual conference of the Education Safety Awareness Association of Ontario. This association comprises members of workplace health and safety committees in schools, universities, libraries and museums; it has been looking more closely in recent years at issues of violence and personal safety in the workplace, and I specifically addressed the feasibility and utility of dealing with harassment as a safety issue.

I am in frequent contact with my colleagues and counterparts in other universities and colleges. This July, along with colleagues from the Harassment Prevention Office at Ryerson University, I co-hosted a provincial meeting of harassment officers in higher education. This was primarily for networking, and for the sharing of reports, articles and educational materials; however, we also invited the Executive Director and a legal officer of the Ontario Human Rights Commission to discuss recent caselaw and their current priorities. There was in particular considerable discussion about the issue of disability accommodation in education, which is the subject of a forthcoming public consultation exercise by the Commission. People with disabilities are disproportionately represented in cases of harassment, both as complainants and as respondents, and my colleagues and I will therefore be following the Commission's consultation process with interest.

Paddy Stamp
Sexual Harassment Officer

July 2002