



UNIVERSITY OF TORONTO
SEXUAL HARASSMENT EDUCATION, COUNSELLING AND COMPLAINT OFFICE

ANNUAL REPORT
1 JULY 2002 TO 30 JUNE 2003
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 2002-03 there were 214 complaints to the Sexual Harassment Office; 43 of these became formal complaints. Of the formal complaints, 34 were resolved in mediation at Stage 1 or 2 of the complaint procedure; five were withdrawn; one was diverted to another complaint process, and 3 were in process at the time of writing. The disposition of complaints is discussed fully in the introduction to the Annual Report.

Key issues in 2002-03 and objectives for 2003-04

The office's priorities last year included addressing the issue of e-mail harassment, improving the web presence of the office, developing resources for students on external placements, working with colleagues across the province to develop resources on handling complaints in which mental illness is a factor, and developing and delivering training to academic administrators and managers and supervisors of unionised staff.

Internet use

The office developed an online resource on electronic harassment which is being piloted at the University of Toronto at Mississauga. This will be evaluated and extended to the entire

university, and I propose to develop additional resources for students over the coming year.

Website

The office now has its own website, which has enhanced its communication strategy and assists in referrals. I will continue to update this and to add relevant resources and links.

Resources

I have worked with colleagues within the University and in other Ontario colleges and Universities to develop a referral list of resources for dealing with issues of mental illness. I have also provided training and materials to colleagues at OISE for students entering external placements.

Training

The office continues to focus on training as a priority. In the past year I was involved in a number of educational initiatives, with specific Faculties, with student groups, and with staff in positions of supervisory authority, among others. I developed a written protocol for supervisors of unionised staff on dealing with harassment complaints, and will deliver training in its application over the coming months. I will also develop and deliver training on the conduct of investigations, initially for staff in Human Resources.

Paddy Stamp
Sexual Harassment Officer

November 2003



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SEXUAL HARASSMENT EDUCATION, COUNSELLING AND COMPLAINT OFFICE

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INTRODUCTION

This year there were 214 complaints to the Sexual Harassment Office. Of these, 124 fell within the scope and jurisdiction of the *Policy and Procedures: Sexual Harassment*. 43 were dealt with as formal complaints under the *Policy*: 81 were not, for reasons which are discussed more fully below. 90 were outside the ambit of the *Policy*.

In the past year I began to keep a more systematic record of how the people who contact the office come to do so. Specifically, I asked people to tell me how they found out about the office, and why they contacted it. I started collecting this information last fall, largely as a result of conversations with student organisations and individual students about the importance of ensuring that students know about the resources available to them. The record is by no means complete: in some cases people chose not to provide the information, in others I decided not to ask for it. However, I elicited responses from 124 people: 44 undergraduate students, 25 graduate students, 17 faculty members and 38 staff members.

In some ways the responses were predictable. About half the students were referred by student services with which they were already in contact, or by residence dons; in 4 cases they were referred by student organisations. Only 8 undergraduate students and 6 graduate students learned about the office by reading about it in university publications, either print or electronic. By contrast, half of the faculty members and one third of the staff members had read about the office: either they had consulted a university directory or website, or they had read about the office in a campus newspaper or seen a leaflet. Staff and faculty were occasionally referred by the Employee Assistance Program, or had learned about the office in a staff orientation or training session. In many cases employees said they had known about the office for a long time.

What surprised me was the number of students who are referred to the office by someone in their department: the graduate or undergraduate co-ordinator, the Chair, or an individual staff member or professor. Fully one third of the students, undergraduate and graduate, found the office through an academic contact. In a number of instances this was because they had specific academic concerns, and indeed in some cases they were looking only for academic help, and would not have sought to address the issue of harassment without encouragement from their department; but in many cases their department was simply the first place to which they thought to turn for help.

This information is very useful; in particular, it informs the approach the office takes to public education with students, and it underlines the value of working closely with colleagues across the University to ensure that students are given timely and appropriate referrals.

COMPLAINTS

FORMAL COMPLAINTS: 43

Constituency of complainant and respondent

Respondent:	staff	faculty	graduate	u/graduate	<i>total</i>
<i>Complainant:</i>					
<i>staff:</i>	5	1	2	3	11
<i>faculty:</i>	–	2	–	–	2
<i>graduate:</i>	2	3	3	2	10
<i>undergraduate:</i>	2	4	2	12	20
total	9	10	7	17	43

Gender of complainant and respondent

	<i>Female respondent</i>	<i>Male respondent</i>	<i>total</i>
<i>Female complainant</i>	4	30	34
<i>Male complainant</i>	3	6	9
total	7	36	43

Form of sexual harassment

Part A s.1(f)(i) promise of reward	4 *	harassment based on sex**	32
Part A s.1(f)(ii) threat of reprisal	4 *	harassment based on sexual orientation**	16
Part A s.1(f)(iii) physical conduct	22 *		
Part A s.1(f)(iv) verbal conduct	39 *		
s. 35 retaliation	– *		

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

**in some cases the complainant alleges harassment based on both sex and sexual orientation

Outcome of Formal Complaints

Withdrawn before stage 1	–
Resolved at stage 1: informal resolution	29
Withdrawn before stage 2	5
Resolved at stage 2: mediation	5
Withdrawn before formal hearing	–
Disposed of in formal hearing	–
Suspended during other proceedings	1
Dismissed	–
In progress	3

INFORMAL COMPLAINTS : 171

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:	45	Complaint out of time	3
Fear of repercussions:	11	Party/parties outside University	27
Criminal proceedings initiated:	6	Conduct outside definition	47
Other proceedings initiated:	10	Respondent covered by Collective Agreement*	13
Complaint adjudged frivolous/vexatious	3		
Complaint adjudged unfounded	5		
Respondent anonymous/untraceable	1		
total:	81	total:	90

* 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>							
<i>staff:</i>	30	6	2	4	–	5	47
<i>faculty:</i>	2	10	2	7	–	–	21
<i>graduate:</i>	5	17	6	8	–	5	41
<i>undergraduate:</i>	5	13	5	16	1	17	57
<i>off campus:</i>	1	2	–	2	–	–	5
total:	43	48	15	37	1	27	171

Gender of complainant and respondent

	Female respondent	Male respondent	Unidentified respondent	total
Female complainant	19	111	–	130
Male complainant	18	23	–	41
total	37	134	–	171

Form of sexual harassment

Part A s.1(f)(i) promise of reward	11	*	harassment based on sex**	104
Part A s.1(f)(ii) threat of reprisal	11	*	harassment based on sexual orientation**	29
Part A s.1(f)(iii) physical conduct	40	*	[conduct not covered by policy	47]
Part A s.1(f)(iv) verbal conduct	71	*		
s.35 retaliation	–	*		
sexual assault	4	*		
physical assault	3	*		

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

**in some cases the complainant alleges harassment based on both sex and sexual orientation

Nature of complaints

Formal Complaints

As noted above, the office mediated 43 complaints under the formal procedures provided in the *Policy*. 29 of these formal complaints were resolved at Stage 1 of the complaint procedure; 5 were resolved at stage 2; one was suspended pending the outcome of another process, and 5 were withdrawn by the complainant. Three are still in progress.

The issues arising in these complaints were diverse, and ranged from unwelcome expressions of sexual interest from instructors to their students, to hostile and aggressive conduct from one student to another in the aftermath of a break-up. Several complaints from employees concerned situations which had obtained for a considerable length of time.

Most people prefer not to make formal complaints. They do not want to get involved in any “official” procedure; they would rather resolve the situation privately; they are afraid of retaliation; they don’t feel they have time to pursue the matter, and prefer to find ways to avoid the harassment; or they simply need advice.

Nonetheless, two factors have a powerful tendency to encourage people to use the formal procedures: a concern that their marks or their career will be affected by the harassment, and a fear that the harassment will escalate into physical violence. These considerations in turn play a large part in shaping the kinds of remedies complainants seek: for the most part, they look for safeguards against punitive grading or assessments, and for a cessation of any further contact with the respondent.

These same factors, however, are also a significant disincentive to making a formal complaint: 11 people stated explicitly that they could not make a formal complaint because they were afraid of repercussions. Ten of these people were students, nine of whom had complaints about the conduct of their instructors. In every case, they stated that they were not confident that the university could protect them from indirect academic retribution if they made a complaint. In situations where people expressed physical fear, by contrast, they could usually be persuaded to talk to the Community Safety Office and to consider criminal charges.

Informal complaints

Of the 81 informal complaints falling within the scope of the *Policy*, 10 were diverted into another internal complaint resolution process such as the Code of Student Conduct, and 6 were referred to the city police and dealt with under the Criminal Code. In 11 cases, as noted above, the complainant declined to use the formal complaint procedure because of concern about retaliation by the respondent. In 45 cases, the complainant sought advice or assistance of some kind, but did not think a formal complaint was necessary. Faculty members and administrative staff members are more likely than other employees and than students to ask simply for advice; students who seek advice will often also ask for help in transferring to another program, or another residence, or in writing letters seeking help from their department, or indeed in writing directly to the respondent to instruct him or her to cease the harassment.

In one case the complainant was not able to pursue a formal complaint because the harassment was anonymous. The matter was referred to the university police. In 3 cases I determined that the complaint was frivolous and vexatious: that the conduct complained of fell within the ambit of university policy, but that it was of a trivial nature, and that the complainant was trying to use the complaint process to prolong a conflict rather than to resolve it. In 5 cases I determined that the complaint was unfounded in fact. This determination is based not on an inquiry into the facts alleged, but on an assessment of their believability: complainants occasionally come to the office with allegations that are simply not within the realm of possibility.

Complaints outside the scope of the Policy and Procedures

90 complaints fell outside the jurisdiction of the office. In three of these, the conduct complained of had occurred - and ceased - some time before the complainant contacted the office. The time limit for filing complaints is 6 months, which may be extended to up to 12 months where the respondent is the complainant's teacher or supervisor. In 13 cases, the complainant was a union member who sought advice from the office but pursued the complaint through a collective agreement. In 27 cases, the respondent was not a member of the university community and was therefore not subject to university policy: in some of these cases, the office was able to provide assistance to the complainant in initiating an external complaint.

In 47 cases, the allegations made by the complainant were of conduct that did not constitute sexual harassment. Sometimes the complainant knew this beforehand, but sought advice from the office in the knowledge that it would remain confidential. In other cases the complainant was using the term "harassment" in a broad vernacular sense, not encompassed by the *Policy*: to mean the use of strong language in a dispute, or the use of profanity, or persistent disagreement, or simply criticism. People also contacted the office to complain about sexual conduct that is not unlawful but to which they objected, such as adulterous relationships, public displays of affection, promiscuity, and homosexuality. Finally, in several situations the complainant objected to the public expression of opinions about sex, gender, sexual practice or sexuality which she or he found offensive. The *Policy and Procedures: Sexual Harassment* contains explicit safeguards of freedom of expression, and in most situations where the complainant is not a specific target of offensive speech, that speech is protected.

General issues

Issues of jurisdiction are a continuing challenge for the office. Students and staff in professional faculties are often subject to regulation by external institutions as well as by the university, and in several cases last year there was shared jurisdiction in the complaint. Moreover, students now have the additional option of complaining about sexual harassment under the Code of Student Conduct, and staff have a range of options under the different Collective Agreements. These cases obviously present procedural challenges, but they also create opportunities for closer co-operation with colleagues. I have welcomed the chance to consult and confer on complaints, and I believe that the University benefits greatly from this approach.

EDUCATION AND PUBLIC AWARENESS

Websites

In my last Annual Report I identified the incidence and prevalence of electronic harassment as a critical issue for the office and, indeed, for the University. Several members of the University Affairs Board expressed interest in working with me on this issue; with the help of Sheldon Levy and Françoise Ko I convened a committee of key people from across the university (from Student Affairs, the GSU and SAC, from Computer Networking Services and the Advisory Committee on Academic Computing, from residences and from academic units, from Campus Police and from PVP) in order to assess the problem and identify appropriate responses. We determined

that there was a need for readily accessible on-line information and resources, and I undertook to produce content for a website. I got technical help from Jim Delaney in Student Affairs, and the design and programming work was done by Amanda Wagner in the Digital Studio in Information Commons. The website – “e-nough: dealing with electronic harassment” – provides users with information about policy and university resources and enables them to submit complaints on-line; it also gives advice about how to respond to abusive messages, how to deal with spam, and how to conduct on-line interactions. It will initially run as a pilot for 4 months at the University of Toronto at Mississauga: students and staff at UTM have undertaken to assist in publicising it and in assessing it. After its pilot run, we will evaluate its use and adapt it for university-wide application. The website can be viewed at www.utm.utoronto.ca/enough.

Another key priority for the office was the development of our own website: students, in particular, look to the web as their initial source of information, and the office's web presence was inadequate. The site is now up and running at www.utoronto.ca/sho; it incorporates all the print materials available from the office, as well as an overview and explanation of procedures, information about teacher-student relationships and about homophobic harassment, and links to the Sexual Harassment Policy, related policies, and recent reports.

Workshops and training sessions

A number of training projects over the past year have developed as a result of complaints, and patterns of complaints. It is important that the office's educational strategies be flexible enough to respond to specific problems in specific contexts. However, it is also essential that training offered in these circumstances is carefully and sensitively planned and delivered: people are remarkably responsive to educational interventions when they have strong personal and affective engagement with the issues, but their responses can be volatile. Where a department requests a lecture or workshop as a result of internal issues, or where a training session is agreed to as part of the resolution of a formal complaint, the office consults closely with the department; in general staff and students will be involved in planning the session, in developing appropriate training materials, in ensuring participation, and in facilitating discussion.

Over the past year the office was involved in several new training initiatives. I adapted a student workshop, “Don't Mess With Me 101”, on verbal strategies for responding to verbal harassment, for use with administrative staff, and have delivered it in three departments. I worked with the

Safety Abroad Office to prepare workshops on gender issues and queer issues for students working overseas. I worked with the Registrar's Office, the Vice-Dean, the Chair of Engineering Science and the academic counsellors in the Faculty of Applied Science and Engineering to develop three "SOS" sessions for first-year engineering students; and I worked with a number of colleagues in Human Resources and in the Faculty of Dentistry to create a staff development program in the Faculty.

I continue to offer training to new academic administrators; to supervisors and managers through the programs offered by Staff Training and Development; to residence life staff and dons, on a college-by-college basis; to orientation leaders; to new teaching assistants and faculty members; to police recruits; to caretaking, cleaning, grounds and trades staff; to human resources staff and student counsellors; and to students in academic classrooms, particularly on the suburban campuses, whenever the opportunity arises. I contribute to several student mentorship programs and to the Leadership Development Program in the Faculty of Physical Education and Health. I have delivered several sessions to groups of managers in particular divisions on how to handle complaints. In conjunction with Staff Training and Development I am in the process of developing a session for new managers on equitable management practice, and I am adapting a workshop on investigating harassment complaints so that it is suitable for both academic and non-academic managers.

Committees

The office participates in the Equity Issues Advisory Group. I am a member of the Police/Community Advisory Board, which provides a forum for liaison between the University of Toronto Police and the broader university community; and of the Status of Women Advisory Committee.

External contacts

I have helped to organise and co-host two meetings of colleagues from other Ontario colleges and universities in the past year, so that we could share resources and discuss current issues. I also arranged several more informal meetings with my counterparts at Ryerson University, Centennial College and at the City of Toronto to discuss joint training projects. A forthcoming regional meeting will focus specifically on educational strategies.

Paddy Stamp
Sexual Harassment Officer

August 2003