



Annual Report, June 2013

Human Rights and Respectful Workplace Office





VANCOUVER ISLAND
UNIVERSITY

Dr. Ralph Nilson
President and Vice-Chancellor
Vancouver Island University
900 Fifth Street
Nanaimo, BC V9R 5S5

Dear Dr. Nilson:

I am pleased to present to you and the Vancouver Island University Board of Governors the Annual Report, which covers the 2012-2013 reporting period. The Annual Report has been prepared for your review pursuant to paragraph 9.2.1.vi of the Human Rights - Education Initiatives & Complaint Resolution Procedure [21.03.001] made under the University's Human Rights Policy [21.03].

Yours truly,

Katrin Roth von Szepesbála, J.D.
Director, Human Rights and Respectful Workplace Office

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900 Fifth Street, Nanaimo, British Columbia, Canada V9R 5S5 | viu.ca/humanrights

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INTRODUCTION

The Human Rights and Respectful Workplace Office (“HRRWO”) is an independent and impartial entity within Vancouver Island University. Responsibilities include screening, resolving and investigating complaints in a manner that is consistent with the *Human Rights Code* and the *Workers Compensation Act* as well as related regulations, policies and common law principles. The HRRWO furthers the University’s commitment to equity and excellence.

The mandate of the HRRWO covers a population of approximately 16,000 students and 2,000 University faculty and staff. In realizing its mandate, the HRRWO advances education initiatives, offers confidential consultations, and delivers informal, facilitated and formal complaint resolution services to all members of the University community.

ACKNOWLEDGMENTS

Hay ch qa’ sii’em siye’yu mukw mustimuxw.

The HRRWO acknowledges and thanks the Snuneymuxw First Nation, Tla’amin First Nation and Cowichan Tribes for welcoming students, faculty and staff to teach, learn, live and share educational experiences on their traditional territories.

The HRRWO’s Director reports to the President and Vice-Chancellor, Dr. Ralph Nilson. The Director would like to express her sincere appreciation for Dr. Nilson’s unwavering support and guidance during the past year.

The Director also wishes to express genuine gratitude to Maria Gomes, who previously held the position of Diversity, Equity and Human Rights Advisor, for laying the foundation upon which the institution can build a high-respect University Community.

Additionally, the Director would like to acknowledge and thank the members of the interim President’s Committee on Diversity, Equity and Human Rights for their dedication, support and expertise.

Furthermore, the Director gratefully acknowledges the support for the work of the HRRWO from the following:

- Vancouver Island University Students’ Union, Canadian Federation of Students, Local 61;
- Canadian Union of Public Employees, Local 1858;
- B.C. Government and Service Employees’ Union, Local 702;
- Vancouver Island University Faculty Association; and
- Vancouver Island University Leadership.

Finally, the Director would like to give special thanks to Alison O’Beirne and Karen Baxter for assisting the HRRWO.

EXECUTIVE SUMMARY

The former Diversity, Equity and Human Rights Office commenced a substantial transition period. The transition encompasses changes to all aspects of the office, including the following:

- The change of the name of the office to the Human Rights and Respectful Workplace Office.
- The establishment of the position of Director, HRRWO.
- The creation of the position of Administrative Coordinator, HRRWO.
- The relocation of the HRRWO into Building 300.

HIGHLIGHTS

- In the 2012-2013 Reporting Period, the HRRWO dealt with 46 requests for intervention involving issues related to discrimination or harassment, which represents a 31% increase from the prior reporting period. Several factors account for this increase, including significant legislative changes that make bullying and harassment workplace hazards, the increased awareness of employee rights and responsibilities relating to human rights and respect in the workplace due to the mandatory training sessions.
- The HRRWO recorded 63 consultations relating to concerns of University community members. The number of consultations unrelated to concerns that could lead to complaints was not recorded due to the high demand on the HRRWO. The actual number is estimated to exceed 200 consultations.
- Mandatory training on preventing and responding to personal harassment and bullying offered to administrators, chairs, coordinators, supervisors and lead hands was expanded to include all University employees in an effort to influence the University's learning and work environment in a positive manner and to meet the University's obligation under the newly amended *Workers Compensation Act*.
- The transitional President's Committee on Diversity, Equity and Human Rights and the HRRWO continued to work closely with Facilities Services and Campus Development on projects to improve physical accessibility on the Nanaimo Campus.
- The HRRWO represented the University as a partner in the *Diversity Partnership: A Community in Action* in a number of ways, including Central Vancouver Island Multicultural Society's art exhibition *Journey to Inclusion* and the *Special Event: Harmonies of Faith with a View to Deepening Interfaith Dialogue through Music*.
- The Positive Space Alliance and the HRRWO continued collaborating with Facilities Services and Campus Development on matters of accessibility and the establishment of gender-neutral washrooms.

- The HRRWO offered 49 educational events, such as standard and customized workshops, presentations, and lectures on the Nanaimo, Cowichan and Powell River campuses to 926 students and 370 University employees.

HRRWO'S MANDATE

The University's commitment to fostering and sustaining a learning and work environment within the University community that is defined by mutual respect and trust is reflected in Vancouver Island University's strategic and educational plans. On a day-to-day basis, the HRRWO supports this commitment by effectively managing highly sensitive matters that have the potential to significantly affect student experiences, influence labour relations, impact the University's reputation, and create risks of legal liability to the University, faculty and staff.

The HRRWO balances the nurturing of relationships among the University's key stakeholders and community members by promoting and encouraging positive behaviour with robust complaint resolution systems when concerns of discrimination, bullying or personal or sexual harassment are brought forward.

The HRRWO is responsible for assuring, to the fullest extent possible, that BC *Human Rights Code* issues related to discrimination, harassment and human rights are resolved fairly and expeditiously within the University community through both independent and collaborative processes. Proactive measures that educate and create awareness are used to build a positive culture based on mutual respect.

The HRRWO provides advice, assistance and information to students, faculty and staff and addresses discrimination, sexual harassment, bullying, and personal harassment concerns raised by members of the University community in an impartial manner.

LEGAL FRAMEWORK

The HRRWO views the promotion of equality and a respectful work and learning environment as well as the elimination of discrimination, bullying and harassment as central aspects of its mandate.

Human Rights

The *BC Human Rights Code* governs the work of the HRRWO as it relates to human rights and discrimination, as well as concerns about accommodation and accessibility. The mandate of the HRRWO mirrors the purposes of the *Human Rights Code* and applies them to the University community. The *Human Rights Code's* purposes are to

- foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia;
- promote a climate of understanding and mutual respect where all are equal in dignity and rights;
- prevent discrimination prohibited by the *Human Rights Code*;
- identify and eliminate persistent patterns of inequality associated with discrimination prohibited by the *Human Rights Code*; and
- provide a means of redress for those persons who are discriminated against contrary to the *Human Rights Code*.

Bullying and Harassment

The recently amended *Workers Compensation Act* and related WorkSafeBC policies regulating employers, workers, and supervisors govern the work of the HRRWO in relation to workplace bullying and harassment.

The University, as an employer, has a duty to ensure the health and safety of its workers. As a result, the University must take all reasonable steps to prevent where possible, or otherwise minimize, workplace bullying and harassment.

In its policy statements WorkSafeBC defines “bullying and harassment” to

- *include* any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- *exclude* any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.¹

¹ It is noteworthy that the policy statements provide that “a ‘person’ includes any individual, whether or not they are a workplace party. This means that a ‘person’ could be a workplace party such as an employer, supervisor, or co-worker, or a non-workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.”

POLICY ADVOCACY

The HRRWO believes that shared ownership, engagement and network building is the most effective method to ensure the success of the policies in practice. The implementation of the policies is a constant work in progress.

Further, the human rights and respectful workplace policy framework is flexible to adapt as the law continues to evolve, novel matters emerge, and new questions arise. The HRRWO endeavours to articulate the principle-based policies and procedures it administers in clear and plain language.

The HRRWO does not advocate for any individual or group. It takes an impartial stance in addressing concerns of discrimination or harassment. In its function as an independent advisor and content expert the HRRWO does not provide legal advice to any party to a dispute, although it does apply legal principles. Its advocacy role is limited to advancing initiatives and promoting changes in University policies and procedures resulting from developments in the law and provincial and federal government policy directives in order to achieve the principles laid out in the same.

The responsibility to manage interpersonal conflict, bullying and harassment concerns is shared by all members of the University community. Deans and Administrative Leads of University Departments can contribute by providing an environment where faculty, staff, and students can freely express concerns. The HRRWO is a dispute resolution and conflict management resource for the entire University community.

INSTITUTIONAL LEADERSHIP AND REPRESENTATION

The Director is an active member of the President's Council. Additionally, the Director aims to provide regular updates on human rights and respectful workplace developments at Provost Council and Administration & Finance Council. Further, the Director frequently represents the University at public events relating to the University's role as partner in the Diversity Partnership.

COMMUNICATION AND AWARENESS

The HRRWO produces a variety of brochures, guides, toolkits and other information material for distribution across University campuses. The office also hosts a website www.viu.ca/humanrights/ to assist the University community with the location of information and campus resources related to human rights, diversity, and personal and sexual harassment.

OUTREACH: BUILDING CAPACITY

The HRRWO promotes change by providing guidance to the University's academic departments and service units. The HRRWO is undertaking to meet with all Deans and Leads of University Departments to provide information on the mandate of the HRRWO and to hear about matters of potential concern. The goal of the HRRWO is to enable Deans and Leads of University Departments to integrate the University's fundamental values of mutual respect and equity into their day-to-day operations.

BEST PRACTICES

The Director of the HRRWO was a member of the 2013 Conference Planning Committee and is presently a member of the Executive of the Canadian Association for the Prevention of Discrimination and Harassment in Higher Education. In 2013, the HRRWO hosted the BC Regional component of the CAPDHHE 28th Annual Conference with a focus on "*THE COST OF BAD BEHAVIOR: How Incivility Is Damaging Your Business and What To Do About It*"².

Further, the Director is working towards laying the foundation for a BC Regional Council of Human Rights and Equity Professionals.

COMMUNITY ENGAGEMENT: EVENTS

Harmonies of Faith – Special Event: Deepening Interfaith Dialogue through Music

- The HRRWO took part in the planning of a musical dialogue, an experience created by the Central Vancouver Island Multicultural Society. Performers from diverse faiths shared their traditional songs, hymns and chants, revealing common themes of peace, compassion and equality. The audience had an opportunity to participate with the performers and in a discussion moderated by Paul Bramadat, Ph.D., Director for the Centre for Studies in Religion and Society at the University of Victoria.



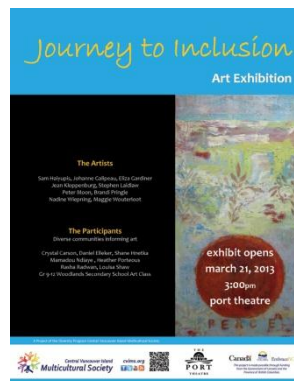
CHLY - The Radio Malaspina Society - Changes: Diversity Radio Show & Podcast

- The Diversity Coordinator with the Central Vancouver Island Multicultural Society, Samantha Letourneau, invited the Director to an on-air interview to talk about Diversity at VIU alongside Lindsay Marsh, the Provincial Coordinator for *Safe Harbour: Respect for All*, a program the University supports, including through the provision of several on-campus locations.

² Keynote Speaker: Christine Pearson, Ph.D.

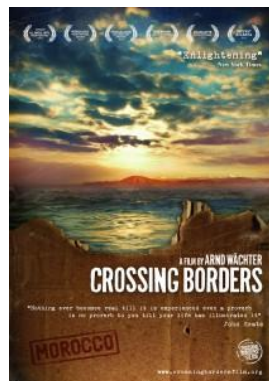
Journey to Inclusion, an Art Exhibition

- To commemorate the International Day for the Elimination of Racial Discrimination, the Central Vancouver Island Multicultural Society presented: Journey to Inclusion, an art exhibition that explored racism and inclusion through the eyes of community members from diverse backgrounds. Through matching artists with community participants, each pair worked together to incorporate the artist's techniques with the participant's personal experience with discrimination. The exhibition was a visual exploration to raise awareness, challenge assumptions, and foster better appreciation for diversity. The HRRWO represented the University at the opening of the art show, which featured VIU student and staff art projects.



Screening of Crossing Borders - Faculty of International Education

- The HRRWO co-hosted this event as part of the University's celebration of International Development. "Crossing Borders" is a documentary that follows four Moroccan and four American university students as they travel together through Morocco. The students confront the complex implications of the supposed "clash of civilizations" between Islam and the West with frank discussions. Through shared experiences the students form relationships that stand in sharp contrast to the media-shaped views Americans and Muslims have of each other, and, as they grow closer to each other through humor and honesty, their friendships disarm hidden stereotypes.



Welcoming Communities Action Plan – “Diversity in the Workplace”

- The HRRWO presented an interactive workshop: *Transcending Cultures in Conflict: The Definition and Impact of “Culture” on Conflict Resolution Styles* to new immigrants as part of the Central Vancouver Island Multicultural Society’s Immigrant Welcome Centre’s Training Project.

Conflict and Negotiation: Tools for the Classroom, Department Meetings, and Life

- The Faculty of Science and Technology invited the HRRWO to its retreat to conduct the *Ugli Orange* negotiation exercise, which was adapted from The Program on Negotiation at Harvard Law School.

PREVENTION: EDUCATION & TRAINING INITIATIVES

Education and training are essential tools to effect changes in campus climate. A good harassment prevention and response program requires that organizational leaders with responsibility for preventing harassment and for intervening at early stages are aware of their responsibilities, are clear on organizational protocols to follow, and have the necessary tools and knowledge to effectively intervene. Thus, a new 3 ½ hour workshop was introduced in the spring as mandatory training for members of administration as well as department chairs, coordinators, supervisors and lead hands. The workshop audience was subsequently expanded to include all University employees.

The HRRWO aims to build capacity in the institution to manage human rights, equity and bullying and harassment issues on its own. In furtherance of this goal, the HRRWO offered 49 educational events, such as standard and customized workshops, presentations, and lectures, on the Nanaimo, Cowichan and Powell River campuses to 926 students and 370 University employees. Examples of this work include workshops on the following topics:

- Preventing and Addressing Workplace Harassment;
- Rights and Responsibilities (Human Rights);
- Cross-Cultural Conflict;
- Conflict Styles (Thomas-Kilmann Conflict Mode Instrument);
- Working Across Diversity; and
- Responses to Racism.

The preparatory research, selection and updates of the content, design, and delivery of training and education events are discrete functions and all require a substantial amount of time and resources. The HRRWO does not have the capacity to embark on education and training initiatives on such a large scale again without additional resources. Instead, the HRRWO will seek to rely on the investment in those employees and students trained to train others, help change the culture, build awareness, and provide insight into human rights and equity issues as well as bullying and harassment matters. The HRRWO will continue to act on strategic opportunities and meet legislative requirements to train members of the University community. Additionally, the HRRWO will continue to respond to requests for customized training to the extent possible.

Positive Space Campaign

The HRRWO supports the efforts of the Positive Space Alliance at the University. Alliance members and our Positive Space Work-op Student, William Gill, undertook 6 training sessions for approximately 45 members of the University community over the fall and spring semesters, including an Anthropology class in Cowichan. The Alliance also held a “Start Your New Year in a Positive Space” welcome back social in January at the Nanaimo campus. Additionally, two screenings of *Gender Me: Homosexuality in the World of Islam* were held in Nanaimo and Cowichan. The HRRWO worked closely with the Alliance to increase the number of gender-neutral washrooms on the Nanaimo campus and improve and install washroom signage to indicate gender-neutrality.

COMPLAINTS AND RECOURSE: CONSULTATION AND CASE DATA

In the 2012-2013 Reporting Period, the HRRWO dealt with 46 requests for intervention involving issues related to discrimination or harassment, which represents a 31% increase from the prior reporting period. Several factors account for this increase, including significant legislative changes that make bullying and harassment workplace hazards, the increased awareness of employee rights and responsibilities relating to human rights and respect in the workplace due to the mandatory training sessions.

The HRRWO recorded 63 consultations relating to concerns of University community members. The number of consultations unrelated to concerns that could lead to complaints was not recorded due to the high demand on the HRRWO. The actual number is estimated to exceed 200 consultations. The need and requests for consultations with the Director of the HRRWO vastly exceeded the capacity of the HRRWO to hear and effectively address concerns.

Consultations included providing advice to managers who are dealing with human rights and bullying and harassment issues, to people who thought that they were targets of discrimination or harassment, as well as third parties, including colleagues and union representatives.

The data recorded and reported does not include concerns that were not brought to the attention of the HRRWO, but that were addressed or managed within faculties or service departments without the assistance of the HRRWO.

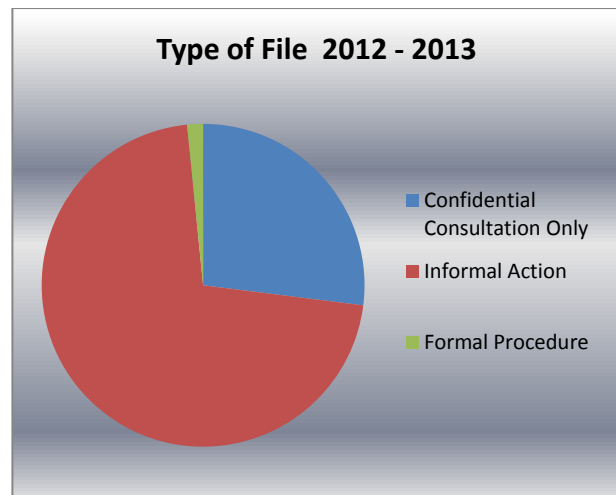
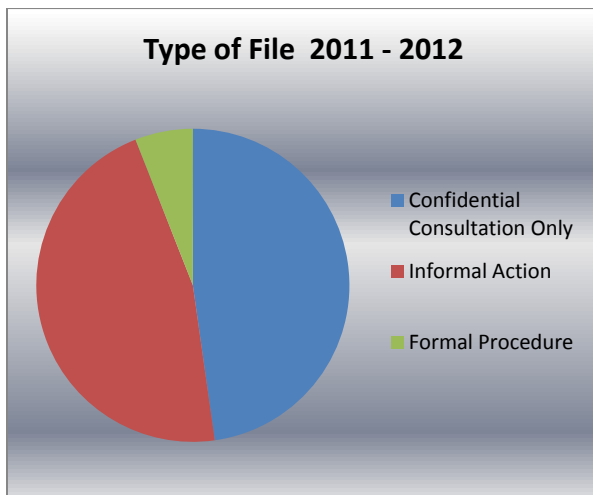
The number of consultations and complaints in comparison to the prior reporting period is evidence that the work of the HRRWO is increasingly proactive. The growth also demonstrates better awareness among University community members of their rights and responsibilities relating to human rights and respectful workplace matters. As proactivity is key, the fact that community members seek guidance early promises success in the University’s efforts to foster a welcoming and inclusive campus climate.

Moreover, legislative amendments mandating training to prevent and address bullying and harassment are contributing factors to the high traffic at the HRRWO.

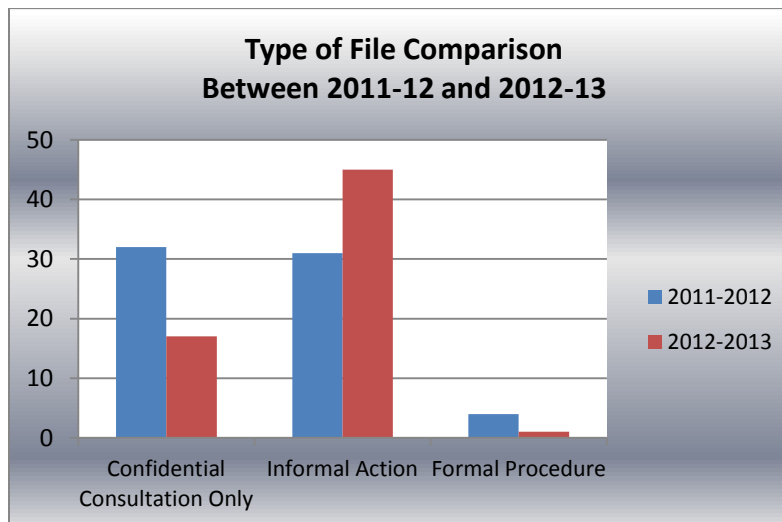
2011-2012 and 2012-2013 Reporting Period Data

	2011-2012	2012-2013
Consultations	67	≈ 200

Type of File	2011-2012	2012-2013
Confidential Consultation Only	32	17
Informal Action	31	45
Formal Procedure	4	1
TOTAL	67	63



Comparison 2011-12 and 2012-13



ALLEGED GROUNDS OF COMPLAINTS

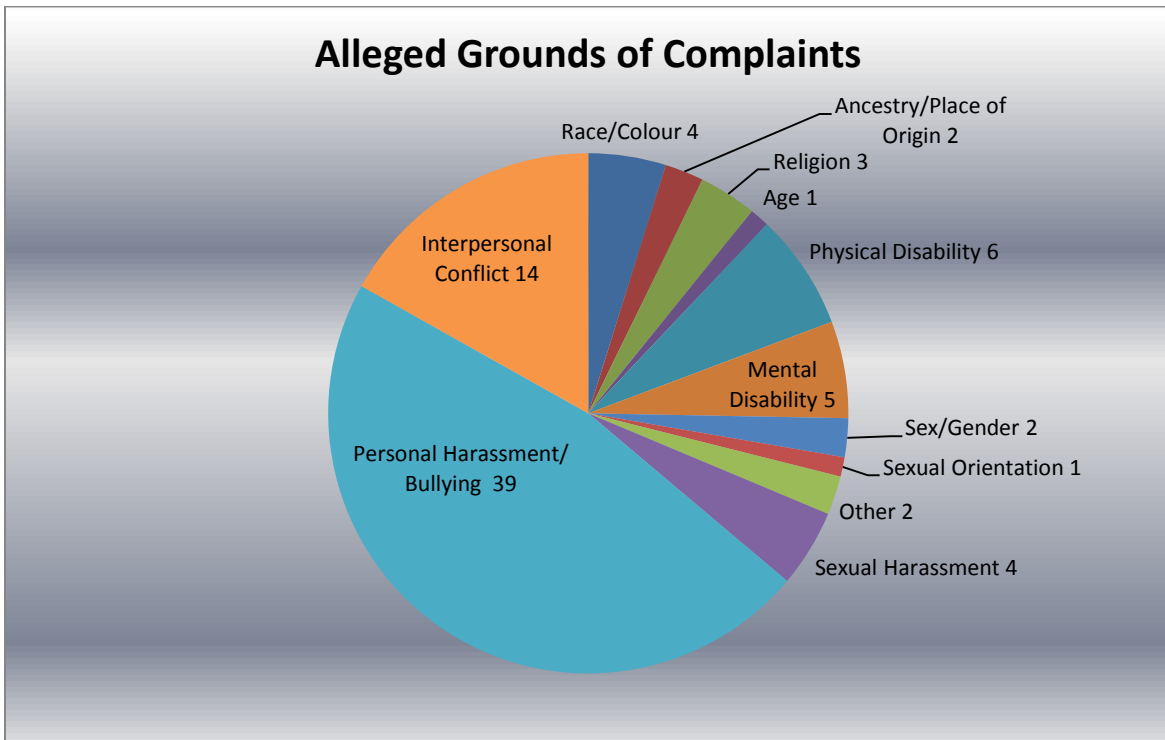
Close to half of the concerns reported to the HRRWO related to bullying and harassment. Once again, this shows an increased awareness within the University community, although further clarification on what comments and conduct actually may fit within the definition of bullying and harassment is needed. As the relevant law in British Columbia is very recent, case law interpreting the pertinent legislative and policy provisions and offering clarification will continue to develop over the next few years. In the interim, the University's focus needs to remain on informal and conciliatory dispute resolution procedures, as these empower parties to a dispute to manage conflict in a mutually satisfactory manner and tend to bring about long lasting improvements in working relationships.

It is noteworthy that even informal matters require extensive HRRWO involvement. For most of these matters, the time spent in preliminary investigation, mediation, facilitation, conciliation, referrals, meetings, interviews and administration exceeds 40 hours per file.

In the area of discrimination, physical and mental disability dominated the categories of protected grounds.

2012-2013 Reporting Period Data

	Alleged Grounds of Complaints	2012-2013
Discrimination	Race/Colour	4
	Ancestry/Place of Origin	2
	Religion	3
	Age	1
	Physical Disability	6
	Mental Disability	5
	Sex/Gender	2
	Sexual Orientation	1
	Other	2
Harassment	Sexual Harassment	4
	Personal Harassment/ Bullying	39
Interpersonal Conflict	Interpersonal Conflict	14
TOTAL		83



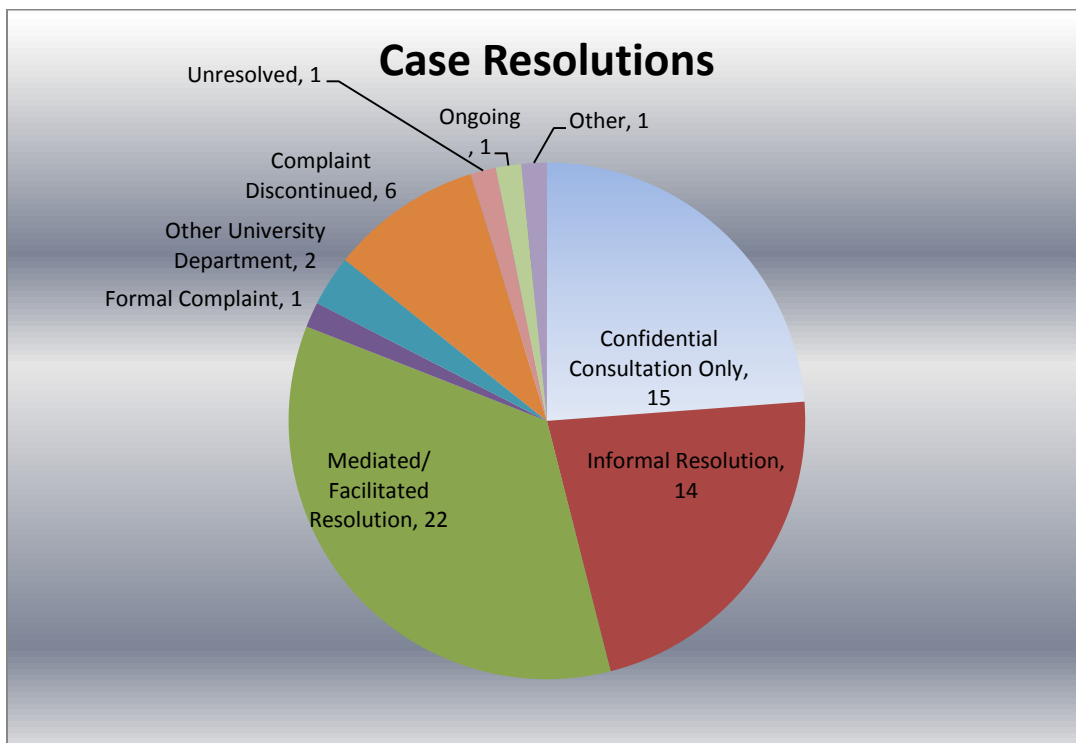
Note: Some complaints had multiple grounds which accounts for the discrepancy between the categories of complaints (83) and the number of files (63). The categories under “Other” include stalking and privacy concerns.

CASE RESOLUTIONS

The HRRWO experienced a major increase in requests for third-party intervention. While the HRRWO strongly advocates for negotiated outcomes and is pleased to assist parties to a dispute in their dialogues, this rate and level of intervention cannot be sustained by the HRRWO with the present level of staffing and resources.

2012-2013 Reporting Period Data

Case Resolutions	2012-2013
Confidential consultation only	15
Informal resolution	14
Mediated/facilitated resolution	22
Formal complaint denied	1
Other University department	2
Complaint discontinued	6
Outside jurisdiction of HRRWO	0
Unresolved	1
Ongoing	1
Other	1
TOTAL	63



Note: The categories under “Other” include stalking and privacy concerns and appropriate resolutions.

CROSS-TABULATION OF COMPLAINANTS BY RESPONDENTS

The table below illustrates the data on who is making complaints against whom and is categorized by constituency group. For example, in the row titled “Student”, there were 2 student complaints against CUPE members, 5 against BCGEU members, 15 against VIUFA members, 3 against other students, and 1 against the category “Other”.

2012-2013 Reporting Period Data

		Categories of Respondents						TOTAL Complainants
		CUPE	BCGEU	VIUFA	Admin	Student	Other	
Categories of Complainants	CUPE	9	1	0	3	0	1	14
	BCGEU	0	1	0	0	1	1	3
	VIUFA	0	0	9	0	1	0	10
	Admin	0	0	1	4	0	0	5
	Student	2	5	15	0	3	1	26
	Other	0	0	0	0	3	2	5
TOTAL Respondents		11	7	25	7	8	5	63

Note: “Other” includes external parties.

CONCLUDING REMARKS

The work of the HRRWO is part of maintaining good working relationships with and among all University Stakeholders. These relationships are critical to the well-being of the University and the University community.

The HRRWO provides leadership and strategic direction on the relevant laws and policies to the University. The implementation of legal and policy requirements is a responsibility that is shared by the whole University community.

Management can model and integrate appropriate communications, conflict management and dispute resolution procedures within their departments. Employees might utilize a direct approach and intra-departmental or faculty resolution options before seeking third-party intervention by the HRRWO.

The HRRWO is currently on a journey of renewal and transition. Over the course of the next year, we will be amending the Human Rights and Personal Harassment Policies and Procedures as part of our effort to re-examine how we can best serve the University community across all areas of academic, work and campus life.

We request your patience during this time and welcome your feedback and ideas for providing effective leadership toward our goals of embracing our differences, mutual respect and equity.

For more information about the role and activities of the HRRWO please contact Michelle Champagne, Administrative Coordinator at 250-740-6440 or via email at Michelle.Champagne@viu.ca or Katrin Roth von Szepesbála, Director at 250-740-6430 or via email: humanrights@viu.ca.

Please visit our website at <http://www.viu.ca/humanrights/>.