

Thompson Rivers University

Annual Report of the Human Rights Officer

2017-18

H. MacInnes



2017-18

THOMPSON RIVERS  UNIVERSITY

November 27, 2018

Mr. Jim Thomson
Chair, Board of Governors
Thompson Rivers University

Dr. Christine Bovis-Cnossen
Interim President and Vice-Chancellor
Thompson Rivers University

John Sparks, LL.M.
General Counsel and Corporate Secretary
Thompson Rivers University

Dear Mr. Thomson, Dr. Bovis-Cnossen, and Mr. Sparks:

Please find attached my Annual Report, in accordance with article 14 of the Thompson Rivers University Policy on *Respectful Workplace and Harassment Prevention* for the academic year of 2017-2018.

Sincerely,



Hugh MacInnes
Human Rights Officer

Introduction

This is the Annual Report of the Human Rights Officer of Thompson Rivers University for the Academic Year of 2017-2018. This is my eighth annual report. To assist those who regularly follow this report, I use a similar form of report year over year.

This report is made in response to the requirement in section 14 of the University's Policy on Respectful Workplace and Harassment Prevention (the "**Policy**"). A copy of the Policy is attached as Appendix "A".

The Policy was adopted on May 28, 2009 after a review of the prior policy led by the University's then Associate Vice-President of Human Relations and Planning. Content of the Policy was heavily influenced by Simon Fraser University's policy and SFU's experience and expertise in dealing with harassment and human rights matters. TRU acknowledged the use, with permission, of SFU's work by express acknowledgment in the Policy. Implementation of the Policy began in the summer of 2009. I was appointed Acting Human Rights Officer in August 2009 and appointed Human Rights Officer in January 2011.

The Human Rights Officer has several specific duties under the Policy including:

- (i) receiving complaints from members of the University community who believe they have been bullied or harassed or subjected to discrimination at the University during University-related activities;
- (ii) facilitating the administration of the Policy; and
- (iii) coordinating a training and education strategy to prevent harassment and discrimination at the University or during University-related activities.

These activities take place under the supervision of the University's General Counsel.

Section 14 of the Regulations under the Policy requires the Human Rights Officer to prepare and distribute an annual report. The purpose of the Annual Report is to:

- (i) summarize the activities of the Human Rights Officer in administering the Policy in the past academic year;
- (ii) provide information on the number of complaints and resolutions through informal procedures, mediation and investigations; and

(iii) report on the progress in educating employees and students in regard to preventing harassment and discrimination.

Protecting the identity and confidentiality of the personal information of both those who report allegations of harassment or discrimination (complainants) and those against whom the allegations (respondents) are made is an important consideration when administering the Policy and carrying out its purposes. In recognition of this need for confidentiality, the information in this Annual Report is provided in summary form without disclosing the identity or personal information of complainants and respondents.

Complaints in 2017-2018

Table 1 (below) provides the number of complaints and resolutions which involved my office, and lists whether the resolutions were achieved through informal procedures, mediation or investigations. Table 1 also sets out comparative information for 2010 and 2011 calendar years and academic years 2012-13 through 2017-18. (In 2010 and 2011, the reporting period of the Annual Report was the preceding calendar year. To align the Annual Report with the academic year at the University, the 2012 - 2013 Annual Report converted the reporting period to the academic year by reporting on the activities in both the calendar year of 2012 and the University's Spring Term in 2013).

Complaints involving members of the Thompson Rivers University Faculty Association, whether made by or against a member, are governed by the collective agreement between the University and TRUFA. The contents of the TRUFA collective agreement are generally consistent with the Policy with the exception of the informal resolution procedures in section 6 of the Policy. The collective agreement has no corresponding provision. In recognition of the existence of the terms of the collective agreement, persons who consult me about potential complaints against TRUFA members are referred to the University's human resources department or, in cases of complaints by TRUFA members, to TRUFA.

During the reporting period, I was consulted 9 times by persons seeking help in understanding whether or not bullying, harassment or discrimination had occurred, how to avoid bullying, harassment and discrimination, and how to address possible instances of bullying, harassment and discrimination. There were 12 such consultations in 2016-17. I was asked to respond to 2 Freedom of Information (FOI) investigations and I received a comprehensive, complex complaint involving hundreds of pages of documents.

Complaints brought to Chairs, Directors and Deans or other members of the University community and which are addressed by them without involving me as the Human Rights Officer are not reflected in this Report.

The continuing decreases in the number of consultations over previous years is seen by me as positive. I consider the decrease as a product of the improved knowledge about bullying, harassment and discrimination resulting from the training during the past 6 academic years and from the use of TRU’s online training materials.

The Policy places responsibility on all members of the University community to ensure the University’s working and learning environments are free from bullying, harassment and discrimination. Chairs, Directors, and Deans “bear the primary responsibility for maintaining a working and learning environment free from discrimination, bullying, and harassment”.

Table 1

	2010	2011	2012 -13	2013 -14	2014 -15	2015 -16	2016 -17	2017 -18
Complaints	11	7	21	22	10	16	12	9
Informal Resolutions	10	4	8	7	1	10	7	3
Complaints which were not harassment	1	2	4	4	0	0	1	2
Mediations	0	0	1	0	0	0	0	0
Investigations	0	0	0	0	0	0	0	0
Taken to the Human Rights Tribunal	0	1	2	1	0	0	0	0
TRUFA matters referred to human resources or TRUFA	NR	NR	6	10	9	6	4	4

Section 17 of the Policy recognizes that, if a complaint brought under the Policy might involve a possible violation of the BC *Human Rights Code*, the complainant may, at any time, take the complaint to the Human Rights Tribunal. The Policy further provides that if a complainant complains to the Tribunal, the University will, at the request of the

respondent, cease its processes under the Policy. While the practice of my office is to seek to deal with complaints under the Policy, at the same time, I do not actively seek to dissuade complainants from going to the Human Rights Tribunal.

Education

Under the Policy, the Human Rights Officer is responsible for coordinating a training and education strategy for students and employees on harassment and discrimination prevention. Table 2 sets out the education provided in 2017-18 along with comparative information from prior years.

Since 2012-13, the University has been offering the University community a broad and comprehensive program of education regarding harassment, bullying and discrimination. The education was presented primarily by Ms. Corinn Bell, Q.C. LL.B, LL.M. Ms. Bell is a leading expert in human rights law and human rights training. Her educational program was developed with input from the University's General Counsel and me. In addition to Ms. Bell, education sessions have been presented by the University's General Counsel and me.

In May 2014, an online training package for education of members of the University's community was launched through the University's internal website. The training program was prepared by the office of the University's General Counsel, with input from Ms. Bell and me. The training program is available to all members of the University community. All new employees of the University must take the course when they start their employment. As a result of the success in this online training, the human resources department ceased inviting me to provide in-person training and orientation sessions for new employees in October 2017. Prior to then, I regularly presented a harassment seminar at orientation sessions for new employees.

As noted above on page 2 in this report and as noted in the analysis/conclusions, the downward trend in the number of complaints being presented to me are seen as a result of the improved knowledge about bullying, harassment and discrimination achieved by Ms. Bell's training sessions and the online training. While education on harassment and discrimination remains a priority for me, I do not expect to provide many in-person training sessions in the next year. I will continue to monitor efforts at education in coming years and to be available to present seminars or other training when needed.

Table 2, shows a decrease in the number of seminars and private consultations provided by me in the reporting period. The decrease in the numbers in table 2, in my view, demonstrates the ongoing positive impact of and results from the past and current education being provided by the University.

Table 2

	2010	2011	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Seminars presented by me	3	4	14	29	4	3	1	1
Private discussions and counseling	6	12	10	6	10	5	0	0
Seminars presented by Corinn Bell	0	0	6	1	9	1	7	6

Review and Revision of Policy

A review and re-write of the Policy is in progress. The Policy has been reviewed and suggested revisions obtained from the University's General Counsel, a university law expert retained by the University and me. As part of my proposed revisions, I made comments and suggestions which I collected during my work as the HRO.

In addition, the revisions to the Policy include considerations arising from a comprehensive review of the Policy by an employment and human rights law specialist who was retained by the University's General Counsel to conduct a gap analysis on the Policy to ensure the Policy met the requirements of WorkSafeBC's policies implemented in 2015 regarding harassment and bullying.

Analysis and Conclusions

There were three fewer complaints in 2017-2018 than in 2016-2017. Similarly, the number of complaints in 2017-2018 decreased from the average of the past four academic years (15). The number of informal resolutions (3) was lower than in the prior year (7), and slightly below the average of the past four years (6.25).

As noted above, in my view the decrease in the number of complaints at the same time as a decrease in the number of in-person training sessions suggest that the in-person training provided by Ms. Bell and the online training is being successful in educating the University community regarding harassment and discrimination and in promoting informal resolutions.

A properly functioning policy with regard to bullying, harassment and discrimination is a key requirement at a university in order to facilitate the maintenance of a respectful and productive place to learn and work. From my perspective, as Human Rights Officer, I remain of the view that there is now much greater familiarity by members of the University community with the principles set out in the Policy and understanding of what is and what is not bullying, harassment, and discrimination, all of which were achieved by the educational training program and the online training undertaken by the University.

Appendix "A" Policy