



VANCOUVER ISLAND
UNIVERSITY

HUMAN RIGHTS OFFICE

Annual Report

July 2007- June 2008

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*"We ALL have the Right
to Fairness and Respect!"*

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Executive Summary

As required under the Vancouver Island University's Human Rights Procedure this report provides "to the constituent groups and to the University information on the activities of the Human Rights Office, cases processed and resolution attained subject to confidentiality provisions." This report covers the period from July 2007 to June 2008.

The activities of the Human Rights Advisor that are highlighted in the report include:

- The provision of 38 educational sessions attended by 1,270 students and employees. These sessions include student orientations, new employee training on human rights and other workshops focusing on racism and conflict management.
- The continuation of the Positive Space Campaign and the initiation of a new education campaign called The Anti-Racism Project.
- The dissemination of a paper on *Creating an Equitable and Inclusive Institution* for discussion by Management Committee, Education Council, three employee unions and the Student Union. The paper outlines groups that are under represented in post-secondary education both as students and employees and then examines the benefits of increasing their participation.
- The development of an Access Committee under Facility Services and Campus Development to improve the accessibility of all of our facilities for people with disabilities. Consultants were hired to assist Vancouver Island University identify standards for all of our facilities that new and renovated facilities must meet for integration with the Master Plan.

A summary of the consultations and complaints received by the Human Rights Office is provided, with a comparison to previous years. Areas highlighted include:

- ↻ A reduction in the number of consultations/complaints received from students. This is a result of the Director of Student Services now addressing many student/student conflict issues and the development of a Student Advocate position by the student union.
- ↻ Disability becoming the most common ground for consulting with the Advisor.
- ↻ A summary of selected complaints to educate university members regarding the kinds of complaints being received by the office and employee/student rights and responsibilities.

Introduction

The Human Rights Office at Vancouver Island University is responsible for implementing the Human Rights and Personal Harassment Policies and Procedures. The office is staffed by the Human Rights Advisor (.8 FTE) and the Human Rights Clerk (.6 FTE).

The primary roles of the Human Rights Advisor are to provide education on human rights and harassment; to advise employees and students of options in responding to issues; to assist with conflict resolution; and to address complaints filed with the office. The Advisor provides impartial and confidential assistance to university members. The Advisor does not advocate for any individual but does advocate for the goals outlined in the two policies that guide the Advisor's role; Policy 21.03, Human Rights and Policy 21.05, Personal harassment.

The Human Rights Advisor works closely with the Human Rights Advisory Committee ~ an institutional committee with representation from administration, BC Government and Services Employees Union local 702, Canadian Union of Public Employees Union local 1858, Malaspina University-College Faculty Association, and the Malaspina Union on Human Rights. This committee has shared responsibilities with the Advisor in relation to organizing educational initiatives and monitoring the effectiveness of the Human Rights Policy and Procedure. The committee also serves as a vehicle for the various University constituencies to bring forward any concerns or endorsements in relation to human rights issues or initiatives.

The Advisor has historically reported either directly to the President or to a Vice-President. With the retirement of Patrick Ross, former Vice-President of Student Services, the Advisor has returned to reporting directly to the President on policy issues.

II. Education and Prevention

The Human Rights Office is active in providing opportunities for members of the University community to learn about human rights as well as organizing programs and activities that focus on the prevention of discrimination and harassment. These activities are key components of the institution's Human Rights and Personal Harassment Policies, which hold that education is the primary vehicle for preventing discrimination.

During the past year the following was accomplished:

✓ **Educational sessions and materials**

Thirty-eight educational sessions were offered to 1270 Vancouver Island University students and employees. Appendix 1 provides an overview of the office's educational activities. Brochures and posters on human rights and related areas, such as sexual assault awareness and dual relationships with students continue to be distributed by the office to students and employees.

✓ **Employee education**

Anti-Racism Response Training and Communication Skills for Difficult Situations have become regular components of the workshops offered through the office.

✓ **Positive Space Campaign**

The campaign, focused on creating inclusion on campus for students and faculty who are Bisexual, Transgendered, Gay or Lesbian, and organized by the Positive Space Alliance, continues to offer orientation sessions, a holiday gathering for employees and students, and special events. New initiatives this year were:

- ⇒ A panel discussion titled, *On Being a Queer Aboriginal*. Panelists Chuck Lafferty and Denise McKay helped participants learn about the challenges of having intersecting identities: being gay/lesbian and being of aboriginal ancestry. They spoke very powerfully about the personal challenges they have encountered, and facilitated an open discussion. Denise McKay also presented to two classes on the Cowichan campus.
- ⇒ The development of a student group named "Out on Campus". This student group helped organize a social event at the Student Union pub and became a formal club under the VIUSU. This is an important component of developing a welcoming community for GLBT students on campus.

✓ **Community Multicultural Dialogues**

As the Human Rights Advisor, I represented Vancouver Island University on the Planning Committee for Nanaimo's Community Dialogue on Multiculturalism. The event was co-sponsored by the Central Vancouver Island Multicultural Society, the City of Nanaimo, School District 68, and SFU Center for Dialogue and Vancouver Island University. The Dialogue was held in November and attended by approximately 60 invited guests from all sectors of the Nanaimo community. The Dialogue resulted in a report that makes suggestions to all of the sponsors on ways Nanaimo can become a more inclusive community. A similar dialogue was also co-sponsored in the Cowichan Valley and the institution was represented by Donna Kurulak, Coordinator of Student Services on the Cowichan Campus.

✓ **Setting the Record Straight about Islam**

As a result of student concerns regarding media presentation of Islam as a religion of "terrorism" and "Jihad", Doctor Salim Parker and Professor Yussuf Kly were invited to present on Islam, the Qu'ran and the Prophet Mohammed. The evening event was well attended and the discussion was lively.

✓ **Anti-Racism Project**

This project was started in response to a number of expressions of interest from employees. There have been three meetings of employees who wish to be active around issues of racism. While plans are still evolving they include offering educational events, anti-racism training and forums on specific issues. The first initiative will be to co-sponsor some films focused on racism as part of the Worldbridger Film Series.

III. Policy Issues

The Human Rights Advisor and Human Rights Advisory Committee are both active in identifying institutional issues as well as developing and revising institutional policy, as required. The following policy areas were addressed in this past year.

Creating an Equitable and Inclusive Institution

This paper was forwarded to the Executive Committee, Management Committee, Education Council and the Executive of the three employee unions as well as the Student Union for discussion. The paper outlines groups that are under represented in post-secondary education both as students and as employees and examines the benefits of increasing their participation. In the next year we hope to move forward the institutional consideration of the issues identified in the paper. The paper can be found on-line at www.viu.ca/humanrights/reports under Discussion Papers.

Accessibility of university facilities

Access for people with disabilities is a major challenge on the Nanaimo campus. The Advisor is working with Facility Services and Campus Development to improve the outcome for universal access when new buildings are built and existing facilities are renovated. An Access Committee has been formed under Facility Services and Campus Development to support an Access project. The goals of the project are to develop standards for access that all of our facilities must meet and to audit the Nanaimo Campus. A consultant company, Canadian Barrier Free Inc. has been hired to complete this work and these results will be integrated into the Campus Master Plan.

Accommodation of employees with disabilities

It was identified during this past year that our procedures for accommodating employees with disabilities were not well known or understood by both employees and supervisors. The examination of other institutions practices have shown that clear policy and effective education are key ingredients in successful accommodation of employees with disabilities. Next year, the Human Rights Office will be collaborating with the Human Resources Office to lead a process for the development of clear policy and procedures for the accommodation of employees with disabilities.

IV. Consultations / Complaints

Statistical Overview

The Advisor responded to 84 consultations in the past year, which resulted in the Advisor being asked to intervene informally in 26 situations and 2 formal complaints. Appendixes 2 and 3 provide a statistical overview on the consultations and issues addressed by the Advisor.

The biggest change in this year's activity is an estimated 14% decrease in consultations with the Advisor, the result of a significant decrease in consultations by students. The number of consultations by the other university constituencies (administration, BCGEU, CUPE and MFA) has remained constant or slightly increased over last year. This reduced use of the office by students is probably due to the following factors:

- ↳ Issues of student/student harassment that are not related to a human rights ground have previously been addressed by the Office and included in this report. These concerns fall under the Student Conduct Policy and are now being addressed by the Director of Student Services. While this is a shift for Vancouver Island University's operation it is common at other institutions that have a student judicial system for some harassment related issues to be dealt with under student conduct policies.
- ↳ Student complaints regarding educational or administrative fairness would often be brought to the Human Rights Advisor who then provided information on the steps the student could take to address their concern. The Student Union's assignment of a staff member as a student advocate has provided students with another avenue, and often more appropriate avenue, for gaining assistance in addressing concerns related to educational or administrative fairness.
- ↳ A second shift is that issues related to disability became the most common reason for students and employees consulting with the Advisor this year. This trend of increasing complaints regarding disability has been developing over five years, both provincially and at our institution. Concerns in this area have resulted in the Human Rights Advisor focusing institutional attention on our physical accessibility and on our procedures for accommodating employees, as outlined in Section III, Policy Issues.

Summary of Selected Complaints

As complaints made to the office are confidential the following selected information is provided to educate members of the University community regarding the kinds of issues that are brought to the office and employee/student rights and responsibilities.

Issues related to disability

The range of issues brought to the office related to disability is very broad. Common complaints from students relate to academic decisions, such as requests for late withdrawals from a course, withdrawal and re-admission to a program, and to the adequacy of the academic accommodation provided. Common concerns from employees are that their disability is having a negative impact on their working relationships and acceptance by co-workers and that the accommodation being provided is inadequate or does not meet the employee's needs. Common to both students and employees with disabilities are concerns related to physical accessibility of our facilities and, when the disability is related to mental health, the concern that disclosure of the disability will result in being stigmatized and being treated negatively.

Employee sexual relationships with students

A number of concerns were brought to the Advisor this past year which arose from employee's personal relationships with students. Examples include allegations of threats and harassment after relationships ended, a third party concern related to inappropriate public displays of affection between an employee and student, and a student concern about being treated negatively by co-workers of an employee after a relationship ended. It is important to note that sexual relationships between employees and students can be problematic not only when the employee is an instructor but also when the employee is a member of support staff or of administration. Whenever an employee breaches the trust of their employer to act in ways that are appropriate to their role or does not comply with institutional policy an employee can be disciplined. There is more information on this issue and related policies on the web at <http://www.viu.ca/humanrights/consensualrelations.asp> and in the brochure, *Managing Dual Relationships with Students*, this is available from the Human Rights Office.

Employer/employee working relationships

Many of the concerns brought to the office are the result of working relationships between employees breaking down. These problematic working relationships can be between peers or with a supervisor and subordinate. These concerns are typically not related to human rights but are dealt with by the Office under the Personal Harassment Policy. Mediation is often effective in improving these working relationships. Any employee experiencing a difficult working relationship is urged to take steps to improve the working relationship by either addressing it themselves or bringing the problem to their supervisor or the Human Rights Advisor. There is more information on managing workplace conflict on the web at <http://www.viu.ca/conflict/index.asp>

Inappropriate use of computer resources

A concern emerged this year related to the viewing of pornography on site. This is problematic in a number of ways:

- ⇒ If others are exposed to the material it is a form of sexual harassment, as unwelcome sexualized material inappropriately sexualizes the working or learning environment;
- ⇒ If institutional computer resources are being used it is inappropriate use of computer resources. There is more information on this in Policy 45.01, Use of Information Technology.
- ⇒ If the person is an employee and viewing the inappropriate material during work time it is also a misuse of work time.

It is important for student and employees to be aware that institutional computer resources belong to Vancouver Island University and are provided as learning or working tools. As such the institution has the right to set rules for how the resources will be used.

APPENDIX 1 - EDUCATIONAL SESSIONS

July 2007 ~ June 2008

Type of Educational Session	Constituency	Number of Sessions	Participation
Awareness of Policy & Office	Students	21	889
Prevention & Appropriate Response	Employees	04	152
	Students	06	105
Awareness of racism, sexism, homophobia, able-ism & other manifestations of prejudice	Employees	02	15
	Students	01	34
	Open	02	50
Conflict Management	Employees	02	25
Total		38	1270

APPENDIX 2 CONSULTATIONS & COMPLAINTS - July 2007- June 2008

CONSULTATIONS

Category	#	Source	#
Human Rights	52	First Party	52
Non-Human Rights	32	Third-party	32

PURPOSE OF CONSULTATION -- Third-Party

	#
Prevention of Discrimination	13
Response to Allegation or Incident	15
Advocacy on Behalf of Another	02
Request for Intervention / Assistance	10

DEMOGRAPHIC INFORMATION ~ Consultee / Complainant

Gender	#	Constituency	#
Male	24	Admin	17
Female	63	BCGEU	10
		CUPE	13
		MFA	23
		Student	20
		Group	00
		Non-member	04

DEMOGRAPHIC INFORMATION – Respondent

Gender	#	Constituency	#
Male	21	Admin	14
Female	24	BCGEU	08
Dept. or MUC	09	CUPE	07
Unknown	01	MFA	11
		Student	11
		Dept or MUC	08
		Non-member	05
		Unknown	01

GROUNDINGS FOR CONSULTATION – Human Rights	#
Race, Colour, Ancestry, Place of Origin	11
Sexual Harassment	12
Sexual Orientation	02
Other Form of Sex Discrimination	03
Disability	18
Marital or Family Status	00
Religion	04
Age	00
Other	02

GROUNDINGS FOR CONSULTATION – Non-Human Rights	#
Abuse of Power / Breach of Ethics	06
Administrative or Educational Fairness	04
Personal Harassment	09
Dispute or Conflict	11
Disruptive / Inappropriate Behaviour	02
Campus Safety	00

TYPE OF FILE	#	%
Consultation Only	54	64%
Complaint – Informal	28	33%
Complaint – Formal	02	02%

TYPE OF INTERVENTION	#
Fact Finding Only	07
Education / Discussion	09
Negotiation or Agreement	09
Formal Investigation	01
In Process	04

COMPLAINT RESOLUTION	#	%
Informal Procedure	28	93%
Formal Human Rights or Harassment Procedure	02	07%
Denial: Did Not Meet Complaint Guidelines		
Abandoned by Complainant		
Action Taken Under Another Policy / Procedure		

APPENDIX 3 ~ COMPARISON OF SELECTED STATISTICS –

Comparing the 2007/08 reporting period with the previous year

1. EDUCATIONAL SESSIONS

a) Total Educational Activity

EDUCATIONAL ACTIVITY	06/07	07/08
Total Sessions	51	38
Participant Breakdown:		
▶ Students	858	1075
▶ Employees	107	145
▶ Open Session	80	50
Total Participants	1045	1270

2. CONSULTATIONS / COMPLAINTS

The following statistics compare all consultations, both human rights and non-human rights related

a) Number of Consultations

CATEGORY	06/07	07/08
Human Rights	51	52
Non Human Rights	46	32
First Party	74	52
Third-party	23	32
TOTAL	97	84

b) Demographic Information: Consultee / Complainant

GENDER	06/07	07/08
Female	77	63
Male	22	24
CONSTITUENCY	06/07	07/08
Administration	10	17
BCGEU	12	10
CUPE	06	13
MFA	20	23
Student	45	20

APPENDIX 3, cont'd COMPARISON OF SELECTED STATISTICS

c) Top Three Grounds for Consultations / Complaints – Human Rights

TYPE OF GROUND	06/07	07/08
Disability	14	18
Sexual harassment	23	12
Race, Colour, Ancestry, Place of Origin	8	11

d) Human Rights or Harassment Complaints

TYPE OF OUTCOME	06/07	07/08
Consultations Resulting in Filing a Complaint	45	30
Addressed Informally	39	28
Addressed Using Formal Human Rights or Harassment Procedure	3	2
Addressed Under Another Formal Policy or Procedure	3	0

