

Thompson Rivers University

# Annual Report of the Human Rights Officer

2023-24

H. MacInnes



2023-24



# THOMPSON RIVERS UNIVERSITY

June 4, 2024

Hee-Young Chung  
Chair, Board of Governors  
Thompson Rivers University

Dr. Brett Fairbairn  
President and Vice-Chancellor  
Thompson Rivers University

Mr. John Sparks  
General Counsel and Corporate Secretary  
Thompson Rivers University

Dear Mr. Chung, Dr. Fairbairn and Mr. Sparks:

Please find attached my Annual Report, in accordance with article 13 of the Thompson Rivers University Policy on *Respectful Workplace and Harassment Prevention* for 2023-2024.

Please note, the reporting period for my report is July 1, 2023 to March 31, 2024 in response to a request for an interim report to align with the end of the University's fiscal year. Henceforth, the reporting period for my annual reports will be the University's fiscal year.

Sincerely,

Hugh MacInnes  
Human Rights Officer

## Introduction

This is the Annual Report of the Human Rights Officer of Thompson Rivers University for the first 9 months (July 1 to March 31) of the Academic Year of 2023-2024. This interim report is used to align the reporting period of my report with the fiscal year of the University. The data cited in this report is cited for the 9 month reporting period and, in some cases, the data is annualized to create an estimate of the data for a 12 month reporting period by extrapolating the data from the 9 month reporting period over 12 months.

This is my fourteenth annual report. To assist those who regularly follow this report, I use a similar form of report year after year.

This report is made in response to the requirement in section 13 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. The 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.

The Policy was substantially updated on March 26, 2021.

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 or who believe they witnessed discrimination or harassment 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 13 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 (called complainants) and those against whom the allegations (called 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 2023-2024

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 2021-22. In 2010 and 2011, the reporting period of the Annual Report was the 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. As noted above, henceforth the reporting period of the Annual Report will be the University's fiscal year.

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 harassment and discrimination provisions 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 People and Culture Department or the University's Office of Student Affairs or, in cases of complaints by TRUFA members, to TRUFA.

During the 9-month reporting period, I was consulted 26 times (35 in annualized terms) 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 21 such consultations in 2021-22, and 24 in 2022-23.

The Policy places responsibility on all members of the University community to ensure the University's working and learning environments are free from harassment and discrimination. Chairs, Directors, and Deans "bear the primary responsibility for maintaining a working and learning environment free from discrimination, and harassment" (section 2.8 of the Policy).

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.

There was an increase of 2 (from 24 to 26) and an increase of 11 (from 24 to 35) in annualized terms in the number of consultations from 2022-23. Of note in 2023-24, 12 (16 annualized) or 46% of the consultations were not pursued. This is the same as last year and similar to the average of 47% in the 5 years of tracking the number of consultations that were not pursued. The number of total consultations 26 (35 annualized) is higher than the average number of total consultations in the past 5 years (17.2) and 10 years (15.5). The number of pursued consultations 14 (18.67 annualized) is higher than the average number of consultations pursued in the past 3 years (10.33) for which we have data.

The overall trend of increases continues in the number of consultations over 2012-13 and 2013-14 prior to the program of education presented by Corinn Bell and myself (described below). I consider this overall trend to be a product of the improved knowledge about bullying, harassment and discrimination resulting from the training provided and from the use of TRU's online training materials.

Table 1

	2010	2011	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22*	2022-23	2023-24 (9mo s.)
Complaints	11	7	21	22	10	16	12	9	17	13	11	21	<b>24</b>	<b>26</b>
Informal Resolutions	10	4	8	7	1	10	7	3	9	2	3	0	4	0
Complaints which were not harassment	1	2	4	4	0	0	1	2	1	2	2	2	0	4
Mediations	0	0	1	0	0	0	0	0	0	0	0	0	0	0
Investigations	0	0	0	0	0	0	0	0	0	0	2	5	7	9
Taken to the Human Rights Tribunal	0	1	2	1	0	0	0	0	1	0	0	0	0	0
TRUFA matters referred to People & Culture or TRUFA	NR	NR	6	10	9	6	4	4	4	1	1	3	2	1
Ongoing	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	2	0	0	0	0	0
Not pursued	-	-	-	-	-	-	-	-	-	8	3	11	11	12

\*1 complaint in 2021-22 was referred for handling under the University's Sexualized Violence Policy.

\*2 complaints in 2021-22 were directed by me to others due to possible conflict of interest in my involvement.

Section 16 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 2022-23 along with comparative information from prior years.

In 2012-13 to 2014-15, the University presented the University community with a broad and comprehensive program of education regarding harassment, bullying and discrimination. The education was presented primarily by Ms. Corinn Bell, K.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. All new employees of the University must take the course when they start their employment. The training program is available to all members of the University community to refresh their knowledge or respond to questions or address situations arising in the usual course of the University's activities.

As a result of the success in this online training, the People and Culture 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.

In-person training and education was curtailed in 2020 to 2022 due to the COVID-19 pandemic. This curtailment was offset by the introduction and use of the University's online training which is seen as useful and positive.

Generally, where there has been an increase in training taken, there is a correlated increase in the number of complaints. In my opinion, this is likely due to an increased understanding of what constitutes harassment and bullying, and how to pursue a complaint, both of which likely increase the chances of a person filing a complaint. It is more likely that a person will file a complaint if they feel there are responsive systems in place to support them.

That the number of complaints increased again after the University's online training was provided suggests it is reaching viewers effectively.

Table 2

Activity	2010	2011	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Seminars presented by me	3	4	14	29	4	3	1	1	0	0	0	0	0	0
Private discussions and counseling	6	12	10	6	10	5	0	0	0	0	1	3	0	0
Seminars presented by Corinn Bell	0	0	6	1	9	1	7	6	2	1	0	0	0	0

## Analysis and Conclusions

While there was 1 more complaint pursued in 2023-2024 than in 2022-2023 (14 versus 13) and 5.67 more in annualized terms (18.67 versus 13). This is more than the 13-year average of 12.38 complaints being pursued.

The number of complaints in 2023-24, without considering the complaints withdrawn or not pursued, is the highest number of complaints received since records were kept; higher than the average of the past five academic years (17.2) and higher than the average number since records were kept (14.92).

In my view, the increase in the number of complaints since in the past two years shows an increased awareness of the Policy as a possible avenue to address harassment and discrimination.

A properly functioning policy with regard to 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 enhanced by the educational training program and the online training undertaken by the University.

Appendix "A"

Respectful Workplace and Harassment Prevention Policy

- see following pages -