

What We Heard Report

Discrimination and Harassment Policy Review

From September 15th to October 15th, Equity and Human Rights carried out a campus wide consultation in support of the review of the Discrimination and Harassment Policy. This engagement phase included:

- An online survey (442 complete and incomplete responses)
- Consultation meetings with key groups (e.g., staff, faculty and student unions)
- Consultation Cafés (self organized consultation discussions)

All collected feedback was considered to support the review. Survey data was analysed and the most consistent suggestions were themed. Community consultation themes were reviewed by a committee made up of staff, faculty and students who provided advice and recommendations to assist policy writers in integration feedback into the revised draft policy. Consultation meetings and consultation café feedback was reviewed for themes as well as specific policy suggestions. This report summarizes what we heard from the university community through this consultation and how we've responded in the draft policy.

Definitions

When asked to provide comments and suggestions on the drafted definitions of Direct Discrimination, Systemic Discrimination, Microaggression, Personal Harassment and Harassment based on a Protected Characteristic, the most common response across all definitions was no suggested changes. The following table outlines the most common themes among the feedback that was considered along with the quantitative information provided through scaled questions.

What we heard....	What we've done...
Protected Characteristics - We heard concern and critique about the definition of Protected Characteristic referenced in some of the drafted definitions.	Originally an abridged list of Protected Characteristics, we have updated the definition of Protected Characteristics to bring it fully in alignment with the British Columbia Human Rights Code.
Clarity of language - Responses highlighted concerns about the complexity of the language used in the policy definitions, as well as concern about the clarity of particular words or phrases used such as 'University-related activity', 'otherness' and 'commonplace.'	Overall, we have tried to remove unneeded words and use more plain language where possible throughout the definitions. Where particularly complex words or phrases could not be replaced or removed, we have ensured that definitions are included.
Provide examples – Participants suggested that providing examples would help support the definitions and clarify the differences between the various forms of Discrimination and Harassment.	While there will not be examples provided within the policy itself, we will be designing additional materials to support the implementation and communication of the revised Discrimination and Harassment Policy which will include examples.

<p>Recognition of harm - Several of the drafted definitions included a recognition of the harmful and negative impacts of Discrimination and Harassment. While the intention was to acknowledge within the policy the impact of Discrimination and Harassment, the feedback suggested that using the words ‘harm’ or ‘harmful’ raised concerns about who would be determining what constitutes harm and how much harm met the ‘bar’ of the definition (e.g. ‘significantly harmful’ vs. ‘harmful’).</p>	<p>To remove ambiguity or the perception that the amount of harm would be quantified within policy-related processes, we have clarified or removed this language. Instead, we’ve ensured that within the foundational statements of the policy there is an acknowledgement of the harm caused by Discrimination and Harassment.</p>
<p>Including intent - We received various comments across several of the definitions that it should be clarified that Direct Discrimination and Microaggressions do not need to be intentionally harmful to be problematic.</p>	<p>The relevant definitions have been updated to reflect that prohibited conduct can be either intentional or unintentional.</p>
<p>Related processes - In response to the definitions of systemic discrimination and microaggressions some participants raised concerns about how the University would respond to these occurrences and what process options might look like.</p>	<p>The full draft policy is now posted, so we hope to hear additional feedback in this round of consultation about the process options for microaggressions and systemic discrimination.</p>
<p>Reasonability - Some responses expressed concern about the use of the terms ‘reasonable’ and/or ‘reasonably.’ They questioned who ultimately would have the power to determine what is and is not reasonable and whether this may end up over protecting those in positions of more power.</p>	<p>Typically, reasonableness is determined using a legal standard, the reasonable person test. We are consulting with university council to see if it is possible to create principles within the procedures associate with this policy about how this test will be used.</p>

Awareness and prevention

University community members were asked about the specific commitments to preventing and raising awareness of discrimination and harassment they would like to see in the revised policy. Along those responses received, there was strong consistency across four broad themes:

What we heard....	What we’ve done...
<p>Mandatory education/training - Many participants suggested that education and training around topics related to discrimination and harassment (i.e., equity, diversity, inclusion, and anti-oppression) should be mandatory for all UVic community members (e.g., staff, faculty, students, etc.) to ensure a baseline level of</p>	<p>We have added to UVic’s commitment to education and awareness that the University may identify required education, awareness, and training programs for all or specific members of the University Community. The implementation plan for the policy will include the development of targeted education for various audiences and</p>

knowledge to prevent discrimination and harassment.	the recommendation to explore options for mandatory training for particular groups (e.g., those with supervisory responsibility).
Clear complaint processes —Responses suggested that for Discrimination and Harassment awareness and prevention be impactful, clear, unbiased, and transparent complaint processes are needed. Some also noted a need for consistency in processes (e.g., predictable timelines, process descriptions, etc.)	Importantly, because every complaint is different and the wants and needs of those bringing forward concerns can vary, it is important that processes offer flexibility. The updated policy and new associated procedures have attempted to provide clarity on how to disclose and report Discrimination and Harassment to the university as well as what might be involved in each of the different process options (e.g., voluntary processes procedures, investigation procedures, systemic discrimination procedures). After the policy takes effect, a more robust website will be built and it will include accessible information sheets.
Assessments/reviews of organizational culture - Some participants suggested that gathering data on organizational culture would be helpful when working to raise awareness connected to the policy. Assessment or reviews could identify shortcomings to inform further action and education.	We have updated the process for Environmental Assessments which are designed to assess the working and/or learning environment of a unit or department following the receipt of a pattern of concerns or allegations related to discrimination and/or harassment. The policy’s implementation plan will also include continued work to advance the Equity Review process as a proactive strategy to review of the current status of equity in a unit and to develop recommendations for key areas of work to advance equity.
Accountability mechanisms for units —A few responses focused on the need for accountability mechanisms for units in which discrimination and harassment are prevalent. Some suggested that tying funding and future performance of a unit to efforts to prevent and respond to Discrimination would help establish awareness of the policy.	To encourage action across the university to prevent and respond to discrimination and harassment, we have clarified and updated the responsibilities of those with supervisory responsibility and those who receive the findings of investigations.

Accountability

University community members were also invited to share their thoughts around accountability – what it means in relation to the policy and what actions/steps/obligations are necessary for accountability. Many of responses shared some points of overlap with the responses concerning awareness and prevention, in particular references to education and training and transparent complaint processes. With that said, there were some distinct themes on accountability that were observed:

What we heard....	What we've done...
<p>Publicly available annual reporting—Many participants highlighted the need for more transparent and accessible annual reporting, including summary statistics of complaints.</p>	<p>While Equity and Human Rights currently posts publicly available annual reports on policy related complaints, we have updated the policy to include more reporting requirements to ensure accountability and consistency of information included. The policy's implementation plan will include plans to increase the visibility of the report on the EQHR website.</p>
<p>Escalating discipline – some responses suggested that for the university and others to be accountable to the policy there needs to be consistent, severe and escalating consequences for those that breach the policy.</p>	<p>Outcomes, including but not limited to discipline, fall outside the scope of the policy as they are determined based on the employee's previous behaviour and other factors in their employee file and under the relevant Collective Agreement. Feedback received related to outcomes has been given to the appropriate University offices.</p>
<p>Individual accountability - Because participants were asked what accountability meant to them, some took the opportunity to highlight how they and others could be accountable to the policy. Common examples included:</p> <ul style="list-style-type: none"> (a) Engaging in education/training and working to confront our own biases/assumptions. (b) Gaining sufficient knowledge about the various support resources on campus to be able to direct students, staff, and faculty when required. (c) Calling out discrimination and harassment when you witness it. 	<p>These examples of individual accountability will be taken into consideration when building out policy-related education.</p>