

Annual Report

May 1, 2022, to April 30, 2023

Submitted by : The Human Rights Office

Bureau des droits de la personne
Human Rights Office

www.uottawa.ca/about-us/respect



uOttawa

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About the Human Rights Office

The Human Rights Office (HRO) supports the University of Ottawa in maintaining a learning environment that fosters understanding and respect for the dignity of the University community, is free from harassment, discrimination, and sexual violence, and is inclusive and accessible. The mandate of the HRO is:

To provide leadership and expert advice regarding the creation, implementation and evaluation of policies, procedures and practices on inclusion, employment equity, accessibility, prevention of harassment and discrimination, sexual violence, and on the rights and responsible conduct of students.

The Human Rights Office (HRO) is a neutral and impartial office responsible for receiving and responding to complaints related to human rights from all University community members. The HRO also provides education and training and offers guidance and consultation to all community members on these matters.

The advice provided by the HRO is guided by a number of laws and regulations, including the [Human Rights Code](#), the [Occupational Health and Safety Act](#), the [Accessibility for Ontarians with Disabilities Act](#), and the [Ministry of Training, Colleges and Universities Act](#).

The HRO can only receive and process complaints covered by [Policy 67a – Prevention of Harassment and Discrimination](#), [Policy 67b – Prevention of Sexual Violence](#), and [Policy 130 - Student Rights and Responsible Conduct](#).

For more information, see the [HRO website](#).

Snapshot : Highlights and concerns



For the fifth year in a row, the number of complaints and consultations related to discrimination on the basis of disability increased, a trend seen in other Ontario Universities.



We updated Policy 67b – Prevention of Sexual Violence to make it more consistent with new legislation on sexual misconduct by employees against students.



In just five months, uOttawa's rate of compliance for web accessibility rose from 59% to 75%.



Service delivery by the Human Rights Office has been significantly affected by a steep increase in the volume of complaints, causing delays.



Given certain delays in progress, the University of Ottawa is reevaluating the 2019-2024 Multi-Year Accessibility Plan to focus on meeting its obligations under the *Accessibility for Ontarians with Disabilities Act*.



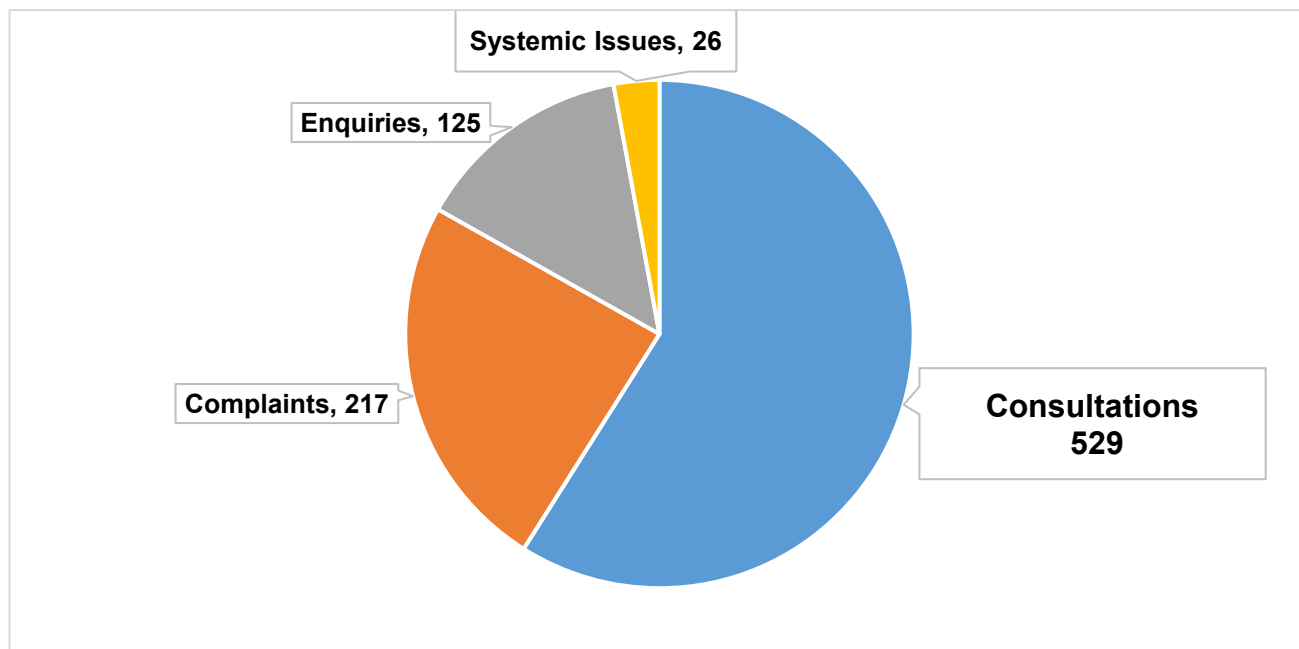
A new EDI Community of Practice (COP) is under development by a COP working group.

Overview of HRO requests

Number of requests

The HRO manages four categories of requests:

- **Complaint:** The requestor has indicated a desire to have the HRO take some action on the person's behalf (i.e. to process a complaint, advocate on their behalf, intervene in some way). The only exceptions are certain accommodations for sexual violence survivors, which are captured under consultation/guidance.
- **Consultation:** The requestor indicates that they just want to meet to discuss their situation and options or to get the HRO's recommendations on what they should do. This category is also used where a survivor wants accommodations but does not wish to make a formal complaint.
- **Enquiry:** A request for information for which a response will take no more than two hours of work.
- **Systemic Issue:** The requestor indicates that the matter involves systemic or institutional discrimination.

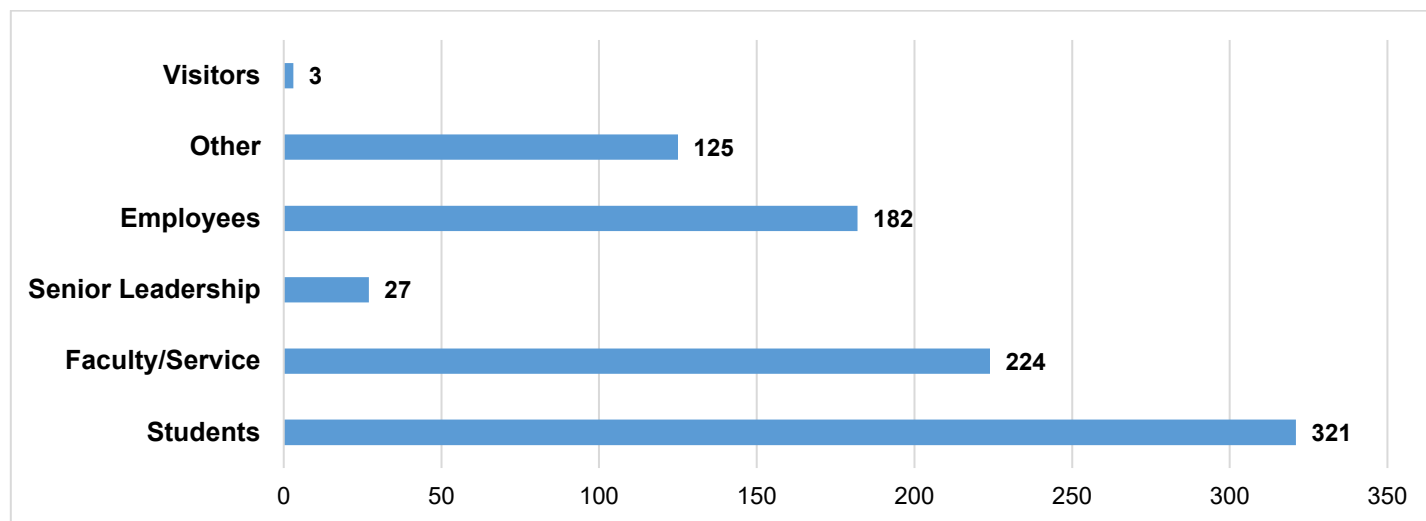


Of the 897 requests received by the HRO across all sections of activity (accessibility, harassment and discrimination, sexual violence, equity, diversity and inclusion, student code of conduct breaches), 529 involved requests for consultation, 125 were requests for information and 217 involved complaints. In addition, 26 of the requests involved systemic issues.

Composition of requestors

Over 321 students and 182 employees requested HRO Services for themselves, while 27 members of senior leadership and 224 representatives of faculties/services contacted the Office for information on managing issues within their sectors.

Of particular interest are the 125 requests falling within the “other” category, which is used to capture requests from individuals who are not members of the University community at all. Despite the fact that the HRO has no mandate to advise or support individuals external to the University, except for some limited ability to receive external complaints of sexual violence, faculties and services frequently refer individuals who are not uOttawa community members to the HRO. Responding to these non-mandate requests increases the workload of the Office and taxes the HRO’s limited resources.

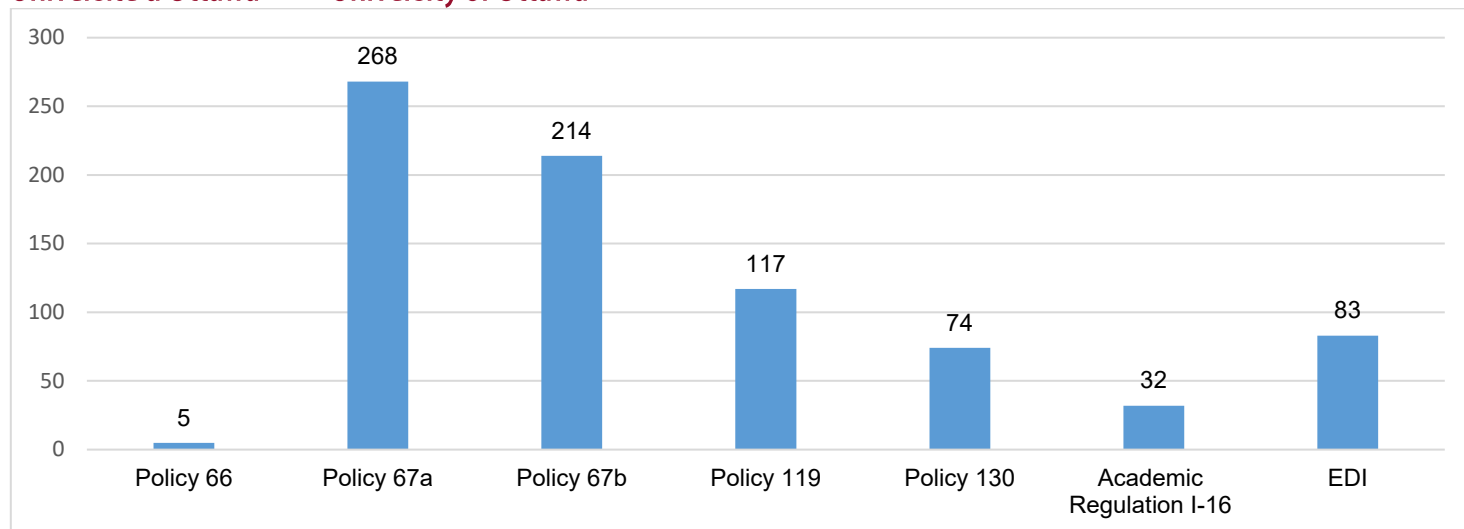


Requests by policy

Of the requests received by the HRO during the reporting year, the requests that fell within the scope of the HRO’s mandate focused on the following policies:

- 268 concerned Policy 67a — Prevention of Harassment and Discrimination
- 214 concerned Policy 67b — Prevention of Sexual Violence
- 117 concerned Policy 119 — Accessibility
- 74 concerned Policy 130 – Student Rights and Responsible Conduct
- 32 concerned Academic Regulation I-16 — Academic Accommodations (now known as Academic Regulation A-6)
- 5 concerned Policy 66 – Workplace Violence

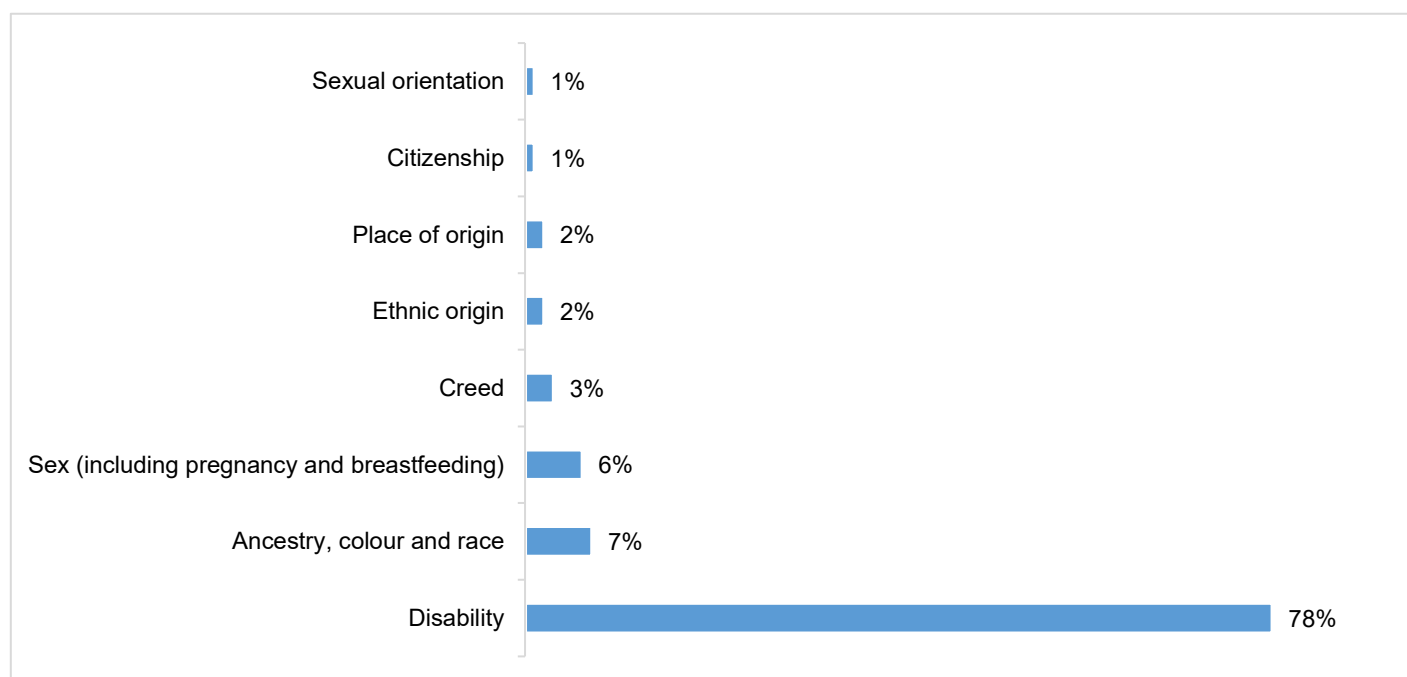
The HRO also received 83 requests that fell within the office’s mandate with respect to equity, diversity and inclusion.



Of note, over 112 requests were completely outside of the scope of the HRO's mandate: they involved matters such as requests for advocacy or intervention in ongoing appeal processes, complaints about uOttawa student/employee conduct on personal social media accounts, and requests for assistance related to accessing financial aid, getting admitted, or receiving academic or other accommodations other than under Policy 67b.

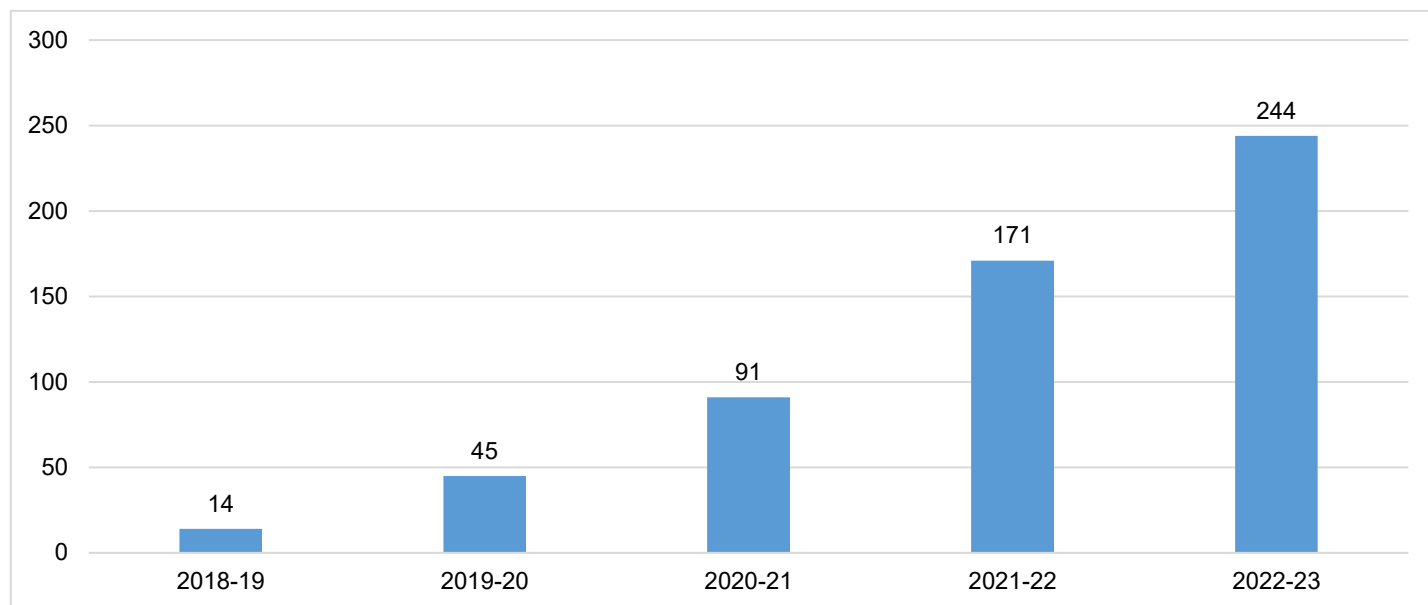
Requests by Human Rights Code grounds

With respect to requests related to discrimination or discriminatory harassment under Ontario's Human Rights Code, most of the requests involved discrimination or harassment on the basis of disability, namely 186 out of 244 total such requests, representing 78% of requests. 7% concerned ancestry, color and race, 5% sex (including pregnancy and breastfeeding), 3% creed, 2% ethnic origin and place of origin, and 1% citizenship and sexual orientation.



Given the disproportionate representation of disability-related requests, the HRO then reviewed the reports for the past five years. Not only has disability been the Code ground most frequently leading to requests over the past five years, but it has also risen steeply since 2018. For the 2018-2019 year there were 14 requests, 45 requests in 2019-2020, 91 in 2020-2021, 171 requests in 2021-2022 and finally 244 requests for the 2022-2023 period.

Disability-related requests over the past five years



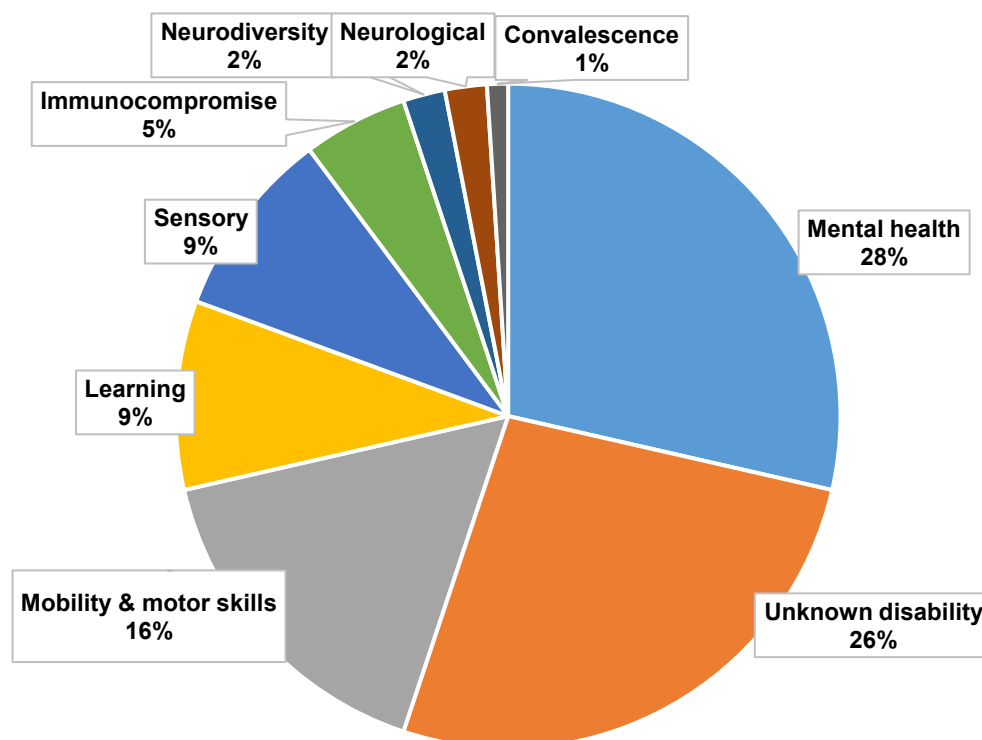
To assist the HRO in developing plans and programs to help the University community address the underlying reasons for receiving a disproportionate number of complaints and consultations related to disability, the HRO initiated a detailed review of all complaints and consultation files involving disability. The project is quite time-consuming, and the difficulty of this effort is exacerbated by the lack of a case management system.

Despite these barriers, the Senior Advisor, Accessibility Policy and Compliance was able to compile some detailed information related to the 2022-2023 reporting year.

These statistics should be considered in light of the fact that, based on the HRO's research and participation in various networks of Ontario Universities, other Ontario Universities have seen similar trends with respect to an increase in discrimination and disability-related cases.

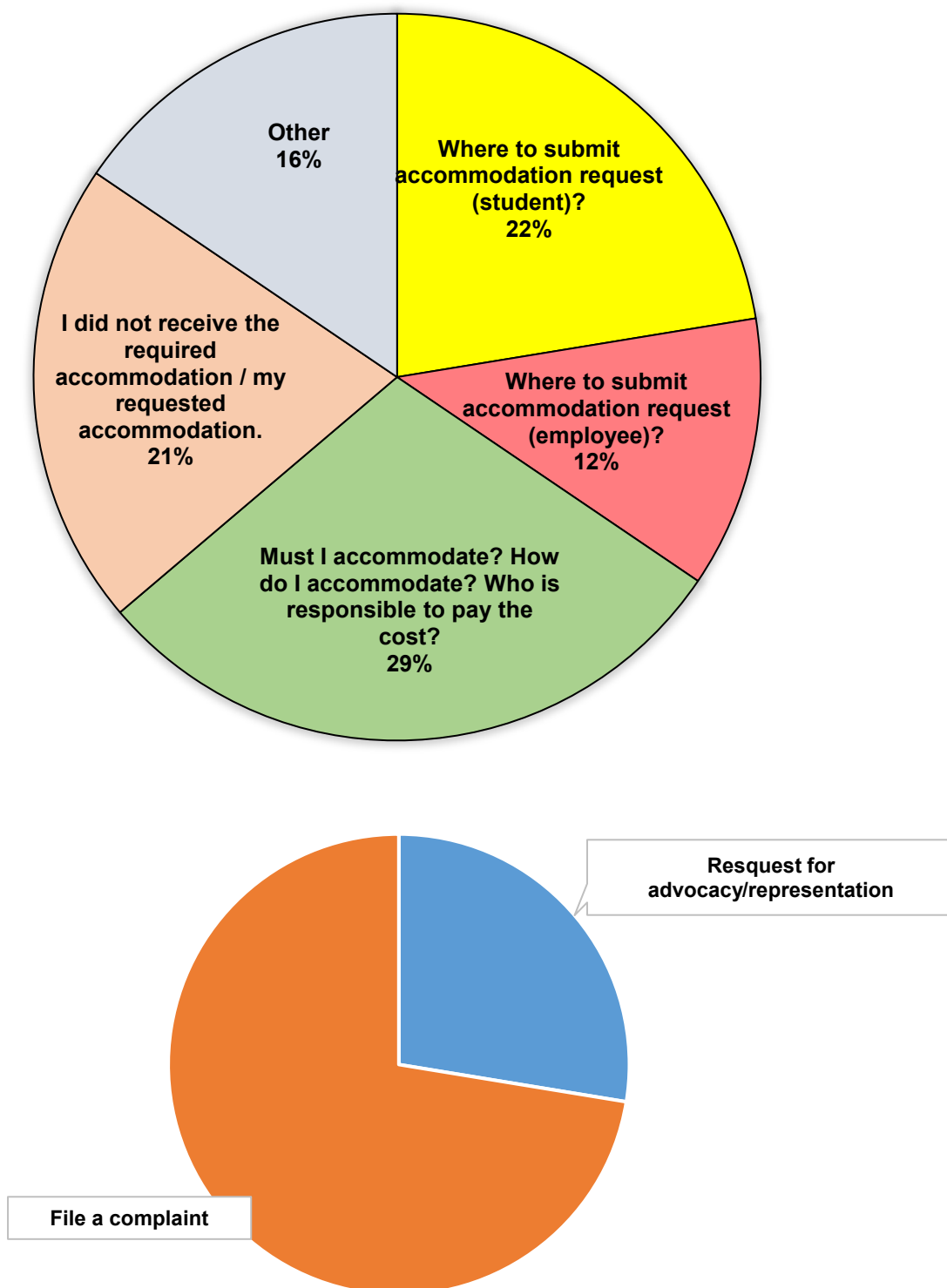
Type of disability - complaints and consultations

Requests related to mental health disability far outnumber all the other identified areas of disability, accounting for 28% of requests. 26% are related to unknown disabilities, 16% mobility and motor skills, 9% to learning difficulties, 9% sensory, 5% immunocompromise, 2% neurodiversity and neurological, and 1% to convalescence.



Requests outcome – complaints

Nearly one-third of individuals who contacted the HRO for reasons related to filing a disability-related discrimination complaint had no interest in proceeding with the formal or informal complaint process. Rather, they were looking for someone to advocate for them with respect to an ongoing University process related to their disability, which is not part of the HRO mandate.



Over one-third of the disability-related consultations involved students or employees looking for the appropriate place to submit their request for accommodations. Even more concerning, nearly another third of the requests involved individuals not understanding their duty to accommodate, despite the requirement for all University employees, including academic staff, to complete mandatory online training related to the Ontario

Human Rights Code and the Accessibility for Ontarians with Disabilities Act. 29% were looking for the following information: must I accommodate? How do I accommodate? Who is responsible to pay the cost? 22% of requests made by students were concerned about who to contact to obtain an accommodation. For employees, this same question represented 12%, 21% highlighted the fact that the requested accommodation had not been obtained, while the remaining 16% fell into the other category.

Comments and Recommendations

After reviewing this year's data, evaluating the requests, and consulting with leaders within the uOttawa community, the HRO prepared the following comments and recommendations. The HRO will use these comments and recommendations to guide its work during the 2023-2024 reporting period and to bring certain highlights and concerns to the attention of uOttawa community members.

Human Rights Office (HRO) Operations

Lack of understanding of the role of the HRO

As noted above, a significant proportion of the requests received by the HRO fall outside the Office's mandate, and many of these requests come from individuals who were referred to the HRO by professors, faculty representatives, supervisors or managers. The out-of-scope requests frequently involve requests for advocacy/representation, requests for assistance in resolving low-level workplace conflict, or requests for intervention in accommodations processes – none of which are actions the HRO is mandated or resourced to do.

The problem is exacerbated by the fact that if an individual conducts an online search using the terms "uOttawa" and "complaint", 7 out of the 10 first results lead to the HRO. This problem no doubt contributed to the fact that 125 requests were from individuals outside the University community who, for the most part, have no access to HRO services. **Recommendations**

The HRO is developing a communications plan that aims to improve knowledge of the services the Office does, and does not, offer. The Office will also seek the assistance of Central Communications in ensuring that individuals conducting online searches for the purpose of transmitting general complaints or feedback about uOttawa services land on the [uOttawa Satisfaction main page](#), which offers a helpful list of all of the feedback/complaint pages for uOttawa's services.

Service Delays

Between the 2021-2022 and 2022-2023 reporting periods, the number of complaints received by the HRO doubled, rising from 108 to 217. The management of informal and formal complaints is resource-intensive and demanding, and the dramatic increase in complaints has contributed to an increase in wait time for requestors to have their matters considered by an advisor.

The Office has implemented a triage process to prioritize requests involving serious safety concerns, but the non-urgent files regularly wait six-to-eight weeks before an advisor is assigned. Further, the increased requirement to manage complaint processes has led to an increase in the need to contract external investigators rather than conduct investigations internally. As external investigations routinely cost between \$20,000 and \$30,000 each, this significantly affects the University during a period of fiscal constraint.

Recommendation

The HRO has reduced administrative inefficiencies where possible by implementing online request forms and eliminating non-essential activities within the complaint processes. The University's Languages Services has also reduced the workload associated with the five reports the HRO is required to produce this reporting year by offering editing services, incorporating inclusive language, and ensuring that the reports were translated in time for review/approval by the Administration Committee, Senate and Board of Governors. However, the administrative burden associated with the HRO's data collection, reporting and record management would be greatly reduced if the Office had an appropriate case management system, such as that in use by the Office of

The HRO strongly recommends that the scope of the current contract for case management systems be extended to incorporate the HRO. Not only would this improve HRO efficiency, but also the cost of the additional system licenses would be offset by conducting the workplace investigations internally. Further, adding the HRO to the current system would improve the University's ability to track information and tasks related to types of cases, to share specific information within and external to the institution, and to report on specific performance metrics by investigators over the investigation lifecycle.

Accessibility

During the reporting period, the Lead Advisor, Accessibility Policy and Compliance received 111 consultation requests from faculties and services; these were mostly related to compliance with the *Accessibility for Ontarians with Disabilities Act* (AODA) standards. For further detail on the requirements of the AODA, please see the uOttawa [Status Reports on Accessibility](#).

Many of the requests received demonstrated that there can be some overlap or confusion between AODA obligations and the duty to accommodate under the *Human Rights Code*. The following requirements flow from the AODA and the standards under the AODA:

- the provision of alternative formats in timely manner.
- the requirement to provide access to service animals unless unsafe to do so.
- the obligation to inform employees and applicants of the ability to access accommodations.
- the obligation to provide notice of service disruptions and when they will be resolved.

Multi-year Accessibility Plan

The principal concern with respect to accessibility at uOttawa relates to the University's performance to date with respect to the 2019-2024 Multi-year Accessibility Plan. In 2019, after a series of consultations with key University services, the HRO produced uOttawa's Multi-year Accessibility Plan. The plan outlined specific commitments to be completed and evaluated annually from 2019 to 2024. However, most of these commitments, including several relatively basic commitments (such as the establishment of roles and responsibilities), have not been achieved. Please see the 2021-2023 Accessibility Status Report for more details.

Based on the HRO's consultations, one critical factor that contributes to the inability of many services to meet the commitments made in the 2019-2024 Multi-year Accessibility Plan is that the commitments are not considered during development of uOttawa priorities or the annual budget. The lack of strategic prioritization and funding for accessibility may be linked to uOttawa's position that governments do not adequately fund support for students with disabilities or special needs, mental health, or efforts to promote equity, diversity, and inclusion.¹ However, the HRO has noted that several of the unmet commitments do not require funding; rather, they require effort and attention. The HRO intends to assist the University in focusing its efforts over the next year on meeting the core commitments, particularly those that impact the University's compliance with the *Accessibility for Ontarians with Disabilities Act*.

Communications Highlights – IT, Facilities, Communications

The HRO has seen progress at the operational level in terms of ensuring that accessibility is considered during project implementation. For example, the Information Technology team has implemented an interim process to verify whether technology purchases are accessible. In addition, Facilities has developed a guide to help construction and renovation project managers ensure that key services receive updates on service interruptions and accessible detours.

¹ uOttawa Budget Book 2022-23, Office of the Provost and Vice-President, Academic Affairs, p. 12.

The HRO would also like to highlight the impressive work undertaken by the Communications team on web-compliance under the AODA. In February 2023, a review of uOttawa's websites showed that the University's level of web-compliance was 59.3%; in other words, we were far below the threshold that could be deemed compliant under the AODA. At that time, the Communications office made a commitment to the Ontario Ministry for Seniors and Accessibility that the University's web-compliance rate would increase to at least 80% by December 2023. As of July 28, 2023, the rate is approximately 75%. This impressive increase demonstrates the team's commitment to meeting the Ministry's AODA requirements.

Recommendation

The HRO continues to make itself available to strategic-level decision-making bodies and committees who would benefit from the presence of those able to highlight opportunities to incorporate accessibility considerations into University processes.

In addition, the HRO recommends that where deemed appropriate, an HRO representative should sit on governance/decision-making bodies (e.g. the Building Inventory Improvement Plan, the University Information Governance Council). Alternatively, these bodies should incorporate a decision-making checklist that explicitly includes accessibility factors, such as the obligation to consider the accessibility of the goods/services being evaluated for potential procurement and the requirement to incorporate accessible design and features where possible.

Equity, Diversity and Inclusion (EDI)

Count Me In Questionnaire

uOttawa collects self-identification data from members of the University community through the [Count me in](#) questionnaire. The information falls under four federally designated groups (Aboriginal persons, persons with disabilities, women, and racialized persons) and other equity seeking groups, such as members of the 2SLGBTQIA+ community.

The purposes of the collection are to guide the implementation of EDI initiatives at uOttawa and to meet certain government obligations, such as employment equity through the [Federal Contractors Program](#). Reliable data is of paramount importance. However, the overall response rates to date are quite low, at 8.5% for students and 19.5% for employees (academic and support).

High response rates allow us to better understand the true composition of our community and to identify areas of inequity (e.g. are employee promotions equitable?). By identifying areas of weakness, the HRO can better advise faculties and services on EDI practices and help address barriers to equity and inclusion. Therefore, HRO is focusing on identifying the reasons for low response rates and developing strategies to increase response rates, in collaboration with the offices of the Vice-Provost EDI, the Vice-Provost Faculty Relations, and Human Resources.

Recommendation

We invite all members of the uOttawa community to complete or update the [Count me in](#) questionnaire, and recommend that University leaders and managers encourage their respective teams and faculties to complete the questionnaire. The HRO remains available to respond to any questions related to the questionnaire and potential uses of the data collected.

Highlight - Community of Practice for EDI practitioners

The number of EDI positions at uOttawa has grown significantly since the pandemic. Together, the HRO and the Office of the Vice-President, EDI have identified 49 dedicated EDI positions, in which the incumbents either work full time as EDI practitioners or have dedicated EDI responsibilities as part of their job description.

In light of this growth and given that EDI work can be challenging and isolating, the HRO is collaborating with the Library and the faculties of Science and Health Sciences to create a Community of Practice (COP) where

EDI practitioners can come together in a safe place to share learning, discuss challenges and support one another. The COP working group is currently establishing the parameters of how the COP will function and will reach out to other EDI practitioners and begin meeting in the fall of 2023.

Sexual violence

The HRO received 201 service requests from the University community related to sexual violence. Of these requests, 99 were from students, 78 were from employees, and 24 were from other individuals. These requests can be broken down into 142 consultations, 68 requests for accommodations, 29 requests for information about supports and resources, and 30 complaints.

For details on the HRO's sexual violence prevention statistics and activities, see the 2022–2023 Annual Report of the Standing Committee on the Prevention of Sexual Violence and the 2022-2023 HRO Sexual Violence Prevention Update, available on the HRO website under [Reports on Sexual Violence Prevention](#).

Highlight – Policy 67b Update

The *Ministry of Training, Colleges and Universities Act* was recently amended to add a new section on sexual misconduct toward students by employees of publicly assisted universities and colleges. As such, the HRO updated [Policy 67b – Prevention of Sexual Violence](#) to ensure compliance and consistency with the amended legislation.

Recommendation

It is important to note that certain collective agreements that apply to some uOttawa staff members rely on outdated versions of Policy 67b and may fail to reflect the current law as it applies to academic, administrative and support staff. All collective agreements should be reviewed to ensure that they are consistent with the new version of the legislation.

Off-campus support services

For over four years, the HRO has made arrangements with two off-campus services that specialize in support to survivors of sexual violence. The arrangements involve uOttawa paying for individual counselling for up to five student or employee survivors for a maximum of 10-to-12 sessions. The benefit of this arrangement is that uOttawa students and employees have access to shorter waitlists (two-to-three weeks) than they would face if the arrangement was not in place (up to six months). The two organizations currently providing such off-campus services are [CALACS francophone d'Ottawa](#) and the [Centre for the Treatment of Sexual Abuse and Childhood Trauma \(CTSACT\)](#). Over this reporting period, 90% of the referrals to these support services involved student survivors.

Due to an increase in the number of complaints received by the HRO over the past few years and the fact that the direct provision of counselling support to survivors is outside the HRO's mandate, the HRO has recommended that the University reassign the task of managing these external contracts to another service. The University is evaluating which service should be responsible for managing these contracts moving forward.

Harassment and Discrimination

Discrimination based on disability – academic accommodations

The detailed review of disability-related complaints and consultations throughout the reporting period demonstrated that despite the availability of mandatory training on accessibility and on duty to accommodate for academic and support staff, there remains a significant lack of understanding with respect to the duty to accommodate in the academic context. Professors and faculties need more specific training on the duty to accommodate and duty to inquire obligations under the *Ontario Human Rights Code*, as well as training related to the obligation to maintain confidentiality over medical/personal information provided in support of accommodation requests.

The fact that disability discrimination has consistently been the main Code ground raised at the HRO over the last five years, and that the number of disability discrimination claims has quadrupled since 2020, demonstrates the importance of addressing this issue. As such, the HRO is developing a new online training course, specifically designed for academic staff, on accessibility law and the duty to accommodate. This training will include scenarios drawn from situations most often encountered in our Office.

Highlight – Academic Accommodations Service

The HRO has noted that accommodations organized and administered by the Academic Accommodation Service are far less likely to be the subject of complaints than accommodation requests that students directly address to professors or faculties. Moreover, the Academic Accommodations Service has the means to securely store student medical and personal information without risking a breach of confidentiality, and the learning specialists within the Service recognize their obligation to protect the confidentiality of accommodation-related information.

Given that centralizing the academic accommodation process clearly benefits both students and to the University, the HRO would like to highlight the work of the Academic Accommodations Service as essential to supporting an improved academic experience for uOttawa students.

Student Rights and Responsible Conduct

[Policy 130 - Student Rights and Responsible Conduct](#) came into effect on May 1, 2022, and the HRO received 74 requests related to Policy 130 over the reporting period. While the number of requests demonstrates that awareness of the policy is increasing rapidly, the HRO notes that many of the requests that purported to be under Policy 130 were out of the policy's scope because the subject matter of fell within another University policy or procedure.

The HRO plans to update its website to more clearly outline the subject matter that can and cannot be addressed under Policy 130.