



UNIVERSITY
OF MANITOBA

**Minutes of the
OPEN Session of the Board of Governors
November 21, 2017**

Present: J. Lieberman, Chair
J. Leclerc, Secretary

J. Anderson	D. Barnard	J. Beddoes	S. Connelly	A. Kilgour	J. Knysh
H. Kroeker	K. Lee	J. Linden	J. MacKenzie	H. Maxted	R. Mohammed
M. Mollot	M. Moshiri	T. Nagra	C. Neumann	K. Osiowy	H. Secter
J. Taylor					

Assessors Present: M. Hudson S. Woloschuk

Officials Present: S. Foster J. Kearsey J. Ristock L. Zapshala-Kelln

Regrets: S. Demmings L. Hyde M. Silicz

Guests: N. Andrew J. Gruber G. Juliano M. Versace

1. **ANNOUNCEMENTS**

The Chair welcomed John Kearsey to the meeting, noting that this was his first meeting since returning from an extended absence.

The Chair thanked Board members for attending the Board Recognition Dinner and expressed his appreciation to the staff who organized the event.

2. **PRESENTATION**

The Chair invited Ms. Zapshala-Kelln to comment before the presentation. She said that this presentation was an answer to a learning opportunity for members of the Board of Governors. She introduced the presenters: Naomi Andrew, General Counsel; Jackie Gruber, Human Rights and Conflict Manager; Greg Juliano, Associate Vice-President (Human Resources); and Maria Versace, Legal Counsel.

Ms. Andrew stated that the purpose of the presentation is to:

1. provide an overview of the processes outlined in the Respectful Work and Learning Environment and Sexual Assault policy and procedure; and
2. To describe the role of the Office of Human Rights and Conflict Management with respect to policy implementation and training; and

3. To describe the proposed steps to take in the coming months to consult with the community and review and revise the policies.

Ms. Andrew said that over the 2015-2016 academic year, the University undertook a review of the Respectful Work and Learning Environment policy in conjunction with a review of the University's other behavioural policies, such as the Student Discipline Bylaw, the Inappropriate and Disruptive Student Behaviour Policy, and the Violent and Threatening Behaviour Policy. She explained that, through this review, a number of policies were consolidated and a new sexual assault policy was drafted to be a stand-alone policy that would focus on providing support to students affected by sexual assault. She noted that the current policy came into effect September 1, 2016.

Ms. Andrew reviewed the extensive consultation process used in revising these policies. She said there was a working group which met regularly throughout 2014 to 2016 and carried out the community consultation process through the following mechanisms:

- Website
- Anonymous feedback button
- University communications
- Multiple presentations to various groups, including the employee groups, Provost Council, Associate Deans Undergraduate, the University Discipline Committee, UMSU Council, the Board of Student Sticks, UMGSA, the Student Experience Group, the Sexual Assault Working Group, and the President's Advisory Committee on Respect
- Public consultations on both campuses
- Articles in UMToday

Ms. Gruber stated that the mission of the Office of Human Rights and Conflict Management is to promote a respectful work and learning environment in which individuals are treated equitably and diversity is valued. She said that the University is committed to building and maintaining a culture of consent, respect, trust, and inclusivity, while ensuring the safety of its community. She added that the RWLE and Sexual Assault policies are critical to fulfilling this commitment. Ms. Gruber said that the Office of Human Rights and Conflict Management administers the RWLE and Sexual Assault policy for the University and is responsible for the University's compliance with the *Accessibility for Manitobans Act*.

Ms. Gruber explained that all members of the University community are bound by the *Manitoba Human Rights Code* and Workplace Safety and Health Legislation. She noted that this is reflected in the RWLE policy which covers human rights discrimination or harassment, sexual harassment, and personal harassment.

Ms. Gruber explained that the review process resulted in a number of revisions to the RWLE policy, including:

- The policy corresponds with regulatory and legislative requirements;
- Protected characteristics were updated to reflect current legislation;



- Confidentiality and protection of identity have been modified to align with regulatory requirements under the Workplace Safety and Health Regulation;
- The policy provides clear definitions which clarify for students, staff and faculty what their individual and collective rights and responsibilities are with respect to harassment, discrimination, and sexual assault;
- It stipulates that a preliminary assessment of formal complaints will be completed by the Human Rights and Conflict Management Officer (HRCMO);
- It establishes a Human Rights Advisory Committee to hear appeals of Preliminary Assessment decisions and to make recommendations regarding policy change;
- The University will have the ability to appoint an internal investigator to conduct an investigation, if appropriate. She noted that this does not preclude the use of external investigators if circumstances warrant.

Ms. Gruber described the Sexual Assault Policy, noting the following:

- The policy applies to all members of the University community;
- Sexual Assault is defined as sexual touching of another person with any object or body part without consent or by force;
- The policy is intended to be more supportive and to provide guidance for responding to disclosure of sexual assault;
- The policy recognizes that the individual who experiences sexual assault is the final decision-maker about their own interests, subject to the limits of confidentiality;
- The policy outlines who in the University will be consulted, and stipulates that consultation is intended for the purpose of support and triage, not for investigation and discipline;
- It speaks to the issue of disclosures – the sharing of information regarding an incident or reporting formally to the authorities both within or outside the University community;
- The policy provides for academic/work accommodations and safety plans to individuals affected by sexual assault and guidance around the supports available;
- The policy identifies clear reporting protocols to provide guidance to those who receive a disclosure, thereby helping to ensure consistent response;
- The policy enshrines the responsibility of the University to maintain a website to support those affected by sexual assault, those who receive a disclosure, and also to educate the broader community.

Ms. Gruber showed the Board the website dedicated to the behavioural policies, a resource to the University community to explain changes to the RWLE and the Sexual Assault policy. She added that provides information on how to get and give support as well as describing the internal and external resources that can be accessed. She said that four workshops on responding to disclosures have been held and all have been full.

Ms. Gruber explained that the complaint and resolutions processes and procedures are informal and participant-driven. She explained that the Respectful Work and Learning Environment Policy and the Sexual Assault Policy both feed into one procedure called the RWLE and Sexual Assault Procedure. She added that there is a formal complaint procedure and an informal

resolution process. Ms. Gruber explained that a formal complaint would be submitted to her office in writing and a preliminary assessment would begin to determine, in part, whether the complaint would be considered a university matter as defined in the policy. She added that, in the absence of a formal complaint, the Vice President (Administration) may direct that an investigation take place. Ms. Gruber noted that there are other avenues both inside and outside of the University that could be used to deal with these behaviours, and stressed that individuals are advised of their right to pursue other/further actions that are external to the University.

Ms. Versace said that aside from the processes available under the Respectful Work and Learning Environment policy, matters may be dealt with by the Dean or Director of the Faculty or Department under the Student Non-Academic Misconduct Procedure for complaints against students, and through employee management with respect to complaints against faculty and staff. She said that each of these processes allows an opportunity to address the issue informally or formally, with appeal mechanisms available to a respondent if discipline ensues.

Ms. Versace stated that the University's policies encourage consultation with the Student/Staff Threat Assessment Triage Intervention and Support Team (STATIS), with Human Resources, and with the Office of Fair Practice and Legal Affairs, to get advice on which process will most comprehensively deal with the issue and get to an effective result. She noted that STATIS consists of the Vice-Provost (Students), the Associate Vice-President (Human Resources), the Executive Director of Student Support, the Director of Security Services, a Student Support Case Manager, and Legal Counsel. She added that it is formally defined under the Sexual Assault policy, under the Violent or Threatening Behaviour policy, and under the Student Non-Academic Misconduct and Concerning Behaviour Procedure. She said that, through STATIS, the University can coordinate resources and supports for deans and directors, for faculty and staff, and for students as appropriate to the issue and their relationship to that issue, whether as complainant, respondent, witness, or administrator. She said that individuals are also encouraged to consult with their student advocate or union representative for advice on the different processes and supports available to them.

Ms. Versace explained that STATIS can also assist in addressing issues through a broader, more educational approach, and in fact many of the presentations and support materials that have been created over the last few years by the Office of Fair Practice, Human Resources, and the Provost Office, were prompted by issues having been brought to the attention of STATIS and a collective determination that the issue needed to be addressed on an institutional basis.

Ms. Andrew explained that complainants are advised of other processes that they can pursue separately or concurrently, including:

- Discrimination and harassment complaints can be made to the Manitoba Human Rights Commission (MHRC) of all matters under the Code. The MHRC attempts to resolve human rights complaints before they proceed to investigation. This can be a lengthy process; if a matter proceeds to adjudication, which is a public hearing, cross-examination of involved parties.



- Crimes can be reported to the police to be investigated independently. This process includes formal and public records, and burden of proof beyond all reasonable doubt before a sentence can be imposed. The criminal process is generally very slow and can take several years to complete.
- Issues relating to privacy can be brought to the Ombudsman.
- Complaints by employees can be brought to Employment Standards and Workplace Safety and Health
- A lawsuit (civil claim) can be filed for compensation by a complainant whose rights have been violated. This process can be lengthy, includes public records and the cross-examination of involved parties.

Ms. Andrew reiterated that complainants are encouraged to consult with representatives such as student advocacy or their union in determining appropriate avenues to pursue.

Ms. Gruber said that the University's policies scored above-average in a recent review conducted by student groups, however this is an evolving societal issue and the current policies have only been in place just over a year. She added that through writing a policy and working under it she has realized that there are areas for improvement. She reminded the Board that legislation has also come out since these policies were approved by the Board of Governors in June 2016. She explained that the new legislation, *Bill 15: The Sexual Violence and Awareness and Prevention Act*, provides for regulations although none have been made as yet. She said that the Manitoba government has provided a policy guide which suggests that the Sexual Assault policy and RWLE and Sexual Assault procedure are in line with the legislation, however there will be some changes required to the University's current policy, as follows:

1. The legislation includes a definition of "sexual violence", whereas the University's policy deals with "sexual assault". There is no definition in the legislation, but the supporting materials from the government suggests that the term is intended to be quite broad and includes "sexual harassment", which is currently covered under the RWLE, as well as "stalking", "indecent exposure", "voyeurism" and "sexual exploitation", which currently could be dealt with under the Student Discipline and Violent or Threatening Behaviour policies. The legislation seems to instruct that should be covered by one policy. We will have to address this in any revision to the policy.
2. The legislation requires that the policy be "culturally sensitive". The University will need to acknowledge and articulate populations that are most vulnerable to sexual violence within the policy and offer different disclosure options to accommodate vulnerable populations. Cultural sensitivity training must be a part of the sexual violence training program.
3. It allows for the minister to make regulations that have not yet been made governing issues that must be addressed and content that must be included in the policy, processes to be followed and consultations that must be carried out in updating the policy, and the form, manner and frequency in which activities engaged in and results achieved under the policy are to be reported to the public.



4. It requires that any policy be developed in consultation with students, and that students and others in the institution's educational community are informed of the services and procedures in place under the policy to prevent and respond to sexual violence.

Regarding the consultation process, Ms. Andrew noted that the current review process for RWLE and Sexual Assault policies require a review by September 2019. She said it is extremely important to engage students in the review process, so a working group will be struck and terms of reference written with invitations going out to both the undergraduate and graduate students' associations. She added that the University values its relationship with UMSU and GSA and look forward to the continued relationship with UMSU's University policies working group.

Mr. Juliano reviewed the training that has been provided to date and will be provided going forward. He said the general approach has been to invest heavily in training faculty, staff and students on how to create or maintain a respectful work and learning environment. He noted that the Office of Human Rights and Conflict Management was created in 2010 with education as a major part of its mandate. He added that in 2014 Human Resources in conjunction with the Provost's Office began a major reform of leadership programs at the University, with emphasis on creating a positive environment. Mr. Juliano stated that new specialized training opportunities were launched in 2016 and 2017, included training opportunities related to sexual assault. He noted that Ms. Gruber delivered 94 presentations last year, the majority of which were related to the RWLE and Sexual Assault policies.

Mr. Juliano listed just some of the training opportunities made available to the University community, including:

- Responding to Sexual Assault Disclosures
- Bringing in the Bystander
- New Faculty and Academic Administrators annual presentations
- Respect in the Workplace – Tips for Supervisors
- Mental Health First Aid
- Accessibility for Manitobans Act
- Ally Training
- University of Manitoba Leaders Learning Program
- Supervisory Excellence Program
- Academic Leadership Program
- Senior Leaders Retreat
- Customized presentations available on request

Mr. Mohammed asked how long an investigation into a complaint takes. Ms. Gruber said that they are allowed 90 days with a 30 working day extension available if applied for and warranted. She noted that the University's time to completion is much quicker than for external processes. Mr. Juliano noted that there are cases where an investigation is not warranted so issues are treated as a disciplinary matter.



Ms. Kilgour asked why there is a filing deadline of one year when it is known that individuals sometimes take a long time to come forward. Ms. Andrew said that the one year deadline flows from the *Human Rights Code*. She explained that the main reason for the deadline is due process. She said that students and staff often leave the university environment so there is no authority to interview them which can prevent a proper investigation. She added that the University does have discretion to extend the deadline past one year and may do so if all parties remain associated with the University. She said that the intent of the University's policy is restorative and this could not be honoured if the necessary people are no longer here.

Dr. Barnard remarked that it is clear that this has been a fairly dynamic area and a lot of work has been done. He added that the University owes this team a great deal for their hard work on these difficult issues. He said they really care about the individuals involved and about the institution and their work is informed by a deep humanity.

The Chair thanked the presenters for their work on this presentation.

FOR ACTION

3. APPROVAL OF THE AGENDA

It was moved by Mr. Mohammed and seconded by Ms. Nagra:

THAT the agenda for the November 21, 2017 meeting be approved as circulated.

CARRIED

4. MINUTES (Open) Session

4.1 Approval of the Minutes of the September 26, 2017 Open Session as circulated or amended

Mr. Leclerc said that some changes have been made to the minutes since they were distributed. He explained that these were noted by a Board member who had attended the meeting but was not recorded as being present.

It was moved by Ms. Nagra and seconded by Mr. Knysh:

THAT the minutes of the September 26, 2017 Open session be approved as circulated.

CARRIED

4.2 Business Arising - none

5. UNANIMOUS CONSENT AGENDA



The Chair reminded members that this part of the agenda is used to approve routine matters that are not controversial and do not normally generate much discussion and said that if any member of the Board wants to ask a question, discuss, or oppose an item on the consent agenda, they can request that in advance through the Secretary's Office or ask that it be removed before the Chair calls for a mover and seconder for the motion.

It was moved by Ms. Connelly and seconded by Dr. Mollot:

THAT the Board of Governors approve nine new offers, sixteen amended offers, and the withdrawal of two offers, as set out in Appendix A of the Report of the Senate Committee on Awards [dated August 24, 2017].

THAT the Board of Governors approve seven new offers and five amended offers, as set out in Appendix A of the Report of the Senate Committee on Awards – Part B [dated June 26, 2017].

THAT the Board of Governors approve three new offers, eight amended offers, and the withdrawal of three offers, as set out in Appendix A of the Report of the Senate Committee on Awards – Part A [dated September 22, 2017].

THAT the Board of Governors approve one new offer, as set out in Appendix A of the Report of the Senate Committee on Awards – Part B [dated September 22, 2017].

THAT the Board of Governors approve a proposal to revise the name of the Department of English, Film, and Theatre, to the "Department of English, Theatre, Film & Media" [as recommended by Senate on November 1, 2017].

THAT the Board of Governors approve a proposal to revise the name of the Department of Sociology, to the "Department of Sociology and Criminology" [as recommended by Senate on November 1, 2017].

THAT the Board of Governors approve a proposal to revise the name of the Department of Anesthesia to the "Department of Anesthesiology, Perioperative and Pain Medicine," [as recommended by Senate on October 4, 2017].

The Board received for information the following items:

- 5.2.1 Report of the Senate Committee on Academic Review*
- 5.2.2 Implementation of the M.Sc. in Prosthodontics*
- 5.2.3 Closure of Bachelor of Human Ecology (General)*
- 5.2.4 Temporary Suspension of Admissions to Integrated Bachelor of Music/Bachelor of Education Program*
- 5.2.5 Extension of Suspension of Admissions to Undergraduate and Graduate Programs*
- 5.2.6 Temporary Increases to Admission Targets for the 2017/2018 Academic Year RE: I.H. Asper School of Business and Faculty of Kinesiology and Recreation Management*

CARRIED

FOR INFORMATION



5. Report from the President

The President stated that the search for members of the Board of Directors of UM Properties Ltd. is moving forward.

He informed the Board that the University had hosted a reconciliation forum the previous week. He noted that the University has attended the forum each year and this year in particular presented some difficult conversations.

Dr. Barnard stated that there would be a thank you dinner for the Fundraising Campaign Team that evening to celebrate a campaign milestone. He expressed his thanks to John Kearsey and his team for conceptualizing the campaign as it is now clear that the goal is achievable. He noted that this will have a major impact on the University.

Dr. Barnard stated that the annual University of Manitoba Students' Union (UMSU) Hamper Program is underway and, as in previous years, he will match every Board member's donation up to \$50. Mr. Leclerc said he would send an email to Board members to remind them of the need for donations. Ms. Kilgour, UMSU Vice-President Advocacy commented that the hamper drive is an important initiative and supports many students on campus.

6.2 UM Properties Board Search Update

Mr. Leclerc said that the Selection Committee for Directors of UM Properties has been meeting since September and will meet again tomorrow morning. He said that the candidate briefing document developed by the Committee was included in the meeting materials for the Board's information. He asked that Board members let him know if they are interested or they know someone who may be.

7. FROM SENATE

7.1 Report on the Review of the Academic Schedule

Mr. Leclerc explained that Todd Mondor, Dean of the Faculty of Graduate Studies and Vice-Provost (Graduate Education), and Neil Marnoch, Registrar, have been working on this review because of the addition of the fall term break. He said that start dates for winter term will change and the deadline date for adding or dropping classes in both terms will change in order to allow students who are on the waiting list for a class to register if a space becomes available as a result of students dropping that class.

FOR DISCUSSION/ADVICE



8. FROM SENATE

8.1 Suspension of Admissions to the Baccalaureate Program for Registered Nurses (BPRN)

The Chair noted that under policy the President is required to consult with Senate and the Board of Governors prior to approving the suspension of admissions to a program.

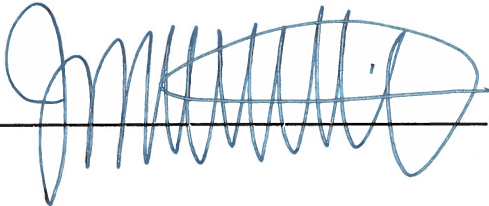
Dr. Barnard explained that the BPRN program was designed for registered nurses who received their certification through a college program rather than a degree program. He said that demand for this program has decreased significantly.

MOTION TO MOVE TO CLOSED AND CONFIDENTIAL

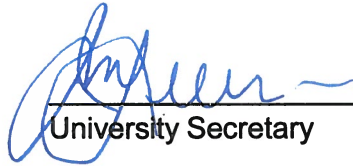
It was moved by Ms. Nagra and seconded by Dr. Mollot:
THAT the meeting move into Closed and Confidential Session.

CARRIED

Chair

A large, stylized handwritten signature in blue ink, written over a horizontal line.

University Secretary

A handwritten signature in blue ink, written over a horizontal line.A small, stylized handwritten mark or signature in blue ink at the bottom right corner of the page.