

Complaint Resolution Procedure

Purpose:

This procedure outlines the step-by-step process involved in reporting, investigating and resolving harassment and discrimination complaints (by employees, students or members of the College community) and the responsibility of Humber College staff in all processes.

This procedure works in conjunction with Humber's Human Rights Policy (the "Policy").

Definitions:

See Appendix A.

Procedures:

1. Complaints and Incidents

1.1 Step 1 – Addressing the Issue (Informal Process)

1.1 (a) If an individual feels that they are experiencing discrimination, harassment or any inappropriate behaviour as outlined in the Policy, the individual (the "Complainant") should make an effort, if possible, to advise the person who is the source of the behaviour (the "Respondent"), either verbally or in writing, that the conduct is unwelcome.

1.1 (b) If an individual observes or becomes aware of discrimination, harassment or any inappropriate behaviour as outlined in the Policy, the individual (the "Complainant") should make an effort, if possible, to advise the person who is the source of the behaviour (the "Respondent"), either verbally or in writing, that the conduct is unwelcome.

1.1 (c) The Complainant may contact the Director, Centre for Human Rights, Equity & Diversity (DHR) (ext. 4425) for information about this procedure. Alternatively, they may

speak to a "contact" person (See Section 1.2). The DHR does not play an advisory role to either the Complainant or Respondent except to the limited extent of providing information about this procedure.

1.1 (d) The Complainant should keep a detailed record of the behaviour including date(s), time(s), location(s) and witness(es). This information may be of assistance when/if the concern is pursued.

1.2 Step 2 – Reporting

1.2 (a) If the behaviour continues and/or the Complainant is unable or unwilling to approach the Respondent, or if a member of the College community becomes aware that discrimination or harassment may be occurring in possible violation of the Policy, even where the individual is not the subject or target of the behaviour, the individual or the Complainant should contact one of the following to report the behaviour and seek advice and assistance. The name(s) of Respondent(s) need not be disclosed at this stage:

- Student Complainants or students reporting incidents should speak to a "contact" person - i.e.: the Program Coordinator, the Associate Dean, a nurse or a counsellor at the Student Wellness & Accessibility Centre, or the DHR.
- Employee Complainants or employees reporting incidents should contact their Supervisor, Manager, Director, Dean, Human Resources Consultant, or the DHR.

Anyone who receives a complaint or is notified of an incident pursuant to the procedure is expected to report this information to the DHR.

1.2 (b) Upon receipt of the information about the incident or complaint, the DHR will make a determination as to whether the matter reported involves behaviour which is covered by the Policy. If it does, the DHR will make a decision as to the appropriate next steps, which may

include suggesting mediation (see 1.3), initiating a formal investigation (see 1.4) or some other process. If the complaint or incident is deemed not to be covered by the Policy, the Complainant will be informed of other College procedures that may apply.

1.2 (c) Employees covered by a Collective Agreement are entitled to be accompanied by union representation at all meetings which take place pursuant to this procedure.

1.2 (d) Timeliness in reporting incidents of discrimination or harassment are critical, as a delay in bringing forward such an issue can have a negative impact on student academic success and can also negatively impact the ability of the College to investigate the issue, as evidence may become stale or irretrievable in cases where there is a delay. It is strongly recommended that all members of the College community report incidents of discrimination or harassment within five (5) working days of its occurrence or knowledge of its occurrence. In any event, complaints pursuant to this procedure must be addressed within **six (6)** months of the occurrence of the event(s), although the DHR may extend this deadline in cases where the DHR determines that there is a reasonable explanation for the delay in reporting and that the delay would not prejudice the Respondent or preclude them from being able to adequately respond to the complaint. The DHR may also extend reporting deadlines in special circumstances such as:

- the investigation of systemic discrimination complaints;
- serious infractions of the law or College policies, procedures or practices;
- a complaint being investigated by an external agency.

1.2 (e) The College maintains the right to choose to investigate all information which comes to its attention suggesting that an incident of discrimination or harassment pursuant to the Policy has occurred. The DHR will decide what form of investigation is appropriate in the circumstances, including a formal investigation, as set out in 1.4 below.

1.2 (f) Withdrawal of Complaint - The Complainant may withdraw his/her complaint at any point during this procedure. In the event that a Complainant decides not to pursue their complaint through the process described in this procedure, the College may determine, nevertheless, that the matter should be pursued and, if necessary, addressed. In this event, the College will determine the process it will use to pursue the matter.

1.2(g) In some circumstances a decision may be made not to investigate (e.g. a frivolous, vexatious complaint, or a failure to establish a *prima facie* case). The decision will be communicated in writing, with reasons, to the parties by the appropriate investigator.

1.3. Step 3 - Mediation

1.3 (a) Mediation can often lead to successful resolution of a complaint. The DHR may recommend mediation to the parties at any stage in the process. Further, the Complainant or Respondent may request mediation; however, both must agree to participate.

1.3 (b) If the Respondent has not yet been informed of the complaint, the DHR will advise the Respondent of the complaint and of the Complainant's request for a mediated resolution. The DHR will also provide information to the Respondent about the process.

1.3 (c) Once there is agreement on proceeding with the process of mediation, the DHR will recommend a mediator. Mediators may be members of the College community trained in mediation skills or external mediators the DHR chooses to contract. Both the Complainant and the Respondent must agree on the mediator. If the parties fail to agree on a mediator, the complaint procedure will proceed directly to Step 4.

1.3 (d) The mandate of the mediator is to bring the Complainant and the Respondent together to explore each other's point of view and to assist the parties in reaching a solution. The mediator will not make decisions, recommendations nor act as an advocate for either party.

The mediation process will be "without prejudice" unless the parties specifically agree to the contrary, provided that any settlement reached will be on record and will be disclosed to the DHR.

1.3 (e) Mediation is terminated when:

- The Complainant and Respondent reach a mutual agreement to resolve the complaint; or
- The Complainant or the Respondent decides not to pursue mediation any further; or
- The mediator determines that the mediation process has been exhausted.

1.4. Step 4 – Investigating the Complaint (Formal Process)

1.4 (a) The DHR will decide when it is appropriate to conduct a formal investigation into an incident or complaint involving alleged behaviour or conduct which falls under the Policy. The DHR will make this decision as a means of determining the most appropriate process to investigate the information which has been received and work towards identifying whether the alleged behaviour has occurred or is occurring.

1.4 (b) The DHR will decide whether the investigation is to be conducted by the DHR, or other investigators who work at the Centre for Human Rights, Equity & Diversity, who in either case must be independent of the issues requiring investigation and who must have the necessary skills and experience to conduct the investigation. The DHR may also decide to hire an external third party investigator (referred to for the balance of this procedure as the “investigator”).

1.4 (c) The Complainant or the individual who brought forward the information will be expected to meet with the investigator to document the allegations and to review any submitted documents. The Complainant shall be informed that they will be identified to the Respondent and that the allegations will be shared with the Respondent.

1.4 (d) The DHR will advise the Respondent of the complaint and provide the Respondent with a copy of the allegations. The Respondent may provide a written response to the investigator within a maximum of **five (5)** working days. The Respondent will be requested to meet with the investigator to review the responses and ensure there is a response to all allegations.

1.4 (e) In exceptional cases, the investigator may defer informing the Respondent of the complaint for a reasonable period of time, pending further investigation under special circumstances, including but not limited to: lack of clarity about the nature of the complaint; concern for the safety, well-being, employment or academic status of the parties involved; or if the complaint appears to be unclear, unfounded, vexatious or made in bad faith.

1.4 (f) If the Respondent fails to provide a written response or attend an interview with the investigator within the time period prescribed by the investigator, the investigator may nonetheless proceed with the investigation and make factual findings in the absence of the Respondent's participation.

1.4 (g) The investigator will complete the investigation before any sanction (beyond a reminder about the Policy, or a temporary removal of one or both parties from the classroom/workplace/campus pending the completion of the investigation) is applied to either party. The investigation of a complaint will normally include meeting with the Complainant, Respondent and relevant witnesses, collecting and reviewing documentation such as the report of the incident or complaint, the Respondent's reply, witness statements or records of interviews, and any other relevant documents.

1.4 (h) The investigator will ensure that the information and documentation collected in the course of the investigation will be kept confidential, including identifying information about any

individuals involved, unless disclosure is necessary for the purposes of conducting the investigation, taking corrective action, or otherwise required by law.

1.4 (i) The investigator will make factual findings based on all of the evidence and submit a written report to the DHR or the Director Human Resources within **forty seven (47)** working days from the beginning of the investigation or as soon as reasonably possible.

1.4 (j) The investigator's findings as to whether the events being investigated have occurred will be based upon a review of the evidence provided by the parties and witnesses, gathered by the investigator and assessed upon the standard of balance of probabilities (see definition in Appendix A).

1.4 (k) All interviews with the Complainant, Respondent and witnesses conducted by an internal investigator will be audiotaped. You will receive a copy of the transcript of the meeting. The audio file will not be provided.

1.4 (l) The Human Resources Manager or Business Partner responsible for the unit(s) in which the Complainant, Respondent and Witnesses belong will be copied on all correspondences related to the investigation.

1.5. Step 5 – The Final Decision

1.5 (a) The DHR or the Director of Human Resources will review the investigator's report and findings and make a decision within **three (3)** working days of receiving the report as to whether the factual findings outlined in the investigator's report constitute a violation of the Policy (the "Decision"). The investigator will advise the Complainant and Respondent of the Decision in writing within **ten (10)** working days of receiving a copy of the decision. If the investigator is the DHR the Director of Human Resources or designee will review the findings in the report and make a decision.

1.5 (b) The Decision may be appealed, in writing, within **ten (10)** working days, by submitting a letter outlining the grounds for appeal to the College President or such person as the President may designate. If either party appeals, a copy of the letter initiating the appeal will be given to the other party to allow an opportunity to respond in writing within **five (5)** working days of receipt of the letter of appeal (except as indicated otherwise below).

1.5 (c) The following are the only available grounds for appeal:

- i. that the investigation was conducted in an unfair or biased manner;
- ii. in the case of the Respondent, that the findings of fact contained in the investigation report are insufficient to support the determination that a Policy violation has been established;
- iii. in the case of the Complainant, that the findings of fact contained in the investigation report ought to have resulted in the determination that a Policy violation has been established; or
- iv. a Complainant may also appeal the decision not to deal with his or her complaint pursuant to this procedure. In such a case, the Respondent shall not be provided with a copy of the letter of appeal and shall not be entitled to participate in any hearing associated with the appeal.

1.5 (d) The President or designee shall review the investigation report, the Director of HR Services' Decision, the letter of appeal, and any written response. If the President or designee decides to hold a hearing, they will advise the parties of a date for an appeal hearing to take place. That hearing will be presided over by the President or designee. Otherwise, the President or designee will make a final decision based on the written materials referred to herein.

1.5 (e) At the appeal hearing, the parties will be given the opportunity to state their positions. They may also present any relevant evidence not already provided through the investigative process that may inform the hearing of the events in question. The President or designee may ask for information to be provided by anyone they feel may provide helpful information and may adjourn the hearing to permit this to occur. Cross-examination will not be permitted at the hearing, except in exceptional circumstances as determined by the President or designee. The procedure at this hearing is intended to be informal and, consequently, lawyers will not normally be permitted to represent either party at the hearing, although each party may bring one support person. The President or designee will determine the procedure to be followed at the hearing. A final decision will be made following this hearing.

1.5 (f) The President or designee will provide a written decision to the parties as soon as reasonably possible, but in any event no later than **twenty (20)** working days of the final day of the appeal hearing (or, in the absence of a hearing, the expiration of the time period for submission of written materials), other than in exceptional circumstances. The parties will also be informed of any remedial actions to be taken, if appropriate. This decision is final and cannot be appealed.

1.6 Corrective Action

1.6 (a) Decisions regarding corrective action flowing from the investigator's report, the Decision and/or any appeal relating to an incident reported or a complaint will be made by the College's HR (Human Resources) Department.

1.6 (b) The HR Department will advise the Complainant and Respondent in writing of any applicable information related to corrective action taken as a result of the incident reported or complaint filed pursuant to this procedure.

1.7 Discretion of the College President

The College President or designee may take action which diverges from the procedures outlined above when they are of the view that:

- i. the safety of College community members is at risk;
- ii. the potential violation of the Policy is deemed to be so serious that it is imperative that immediate action be taken; or
- iii. other forms of action will be necessary to ensure that the College meets its legal obligations.

2. Record Retention

2.1 Notes, records or documents (whether handwritten, typed, electronic or otherwise) created during the course of an internal College investigation will be dated and signed and included in the investigation file along with any evidence collected.

2.2 All notes and documentation taken and collected in the course of an internal College investigation, along with the signed resolution agreement if applicable, will be submitted to the DHR upon resolution of the complaint.

2.3 All information will be treated confidentially, in accordance with the Freedom of Information and Protection of Privacy Act. Records of all complaints will be maintained and secured by the DHR separately from other employee and student records or files.

2.4 The DHR will retain these notes in a confidential file for a period of **seven (7)** years from the date of resolution after which time all records shall be destroyed. If there is a recurrence of the incident, or the resolution is breached, or outside action is taken such as a human rights complaint or court action, the **seven (7)** year period will be extended as required.

2.5 The DHR will prepare and submit statistical reports to the College annually. Copies of the records may also be requested and subject to reproduction under the grievance/arbitration process, federal and/or provincial legislation requirements, and/or legal court action.

3. Timelines

Timelines set out in this procedure are subject to extension by the College official who is the prime decision maker; however, extensions will be granted only in circumstances where the request for the extension is made in good faith/without prejudice to the other party or the College.

4. Use of Another Forum by the Complainant

In the event that the complainant decides to pursue their complaint in another forum (e.g. Human Rights Tribunal, grievance or court), the College may decide, in its discretion, to terminate or suspend the processing of the complaint under this Policy at any point thereafter.



References:

[Humber's Human Rights Policy](#)

[The Ontario Human Rights Code](#)

[Occupational Health and Safety Act](#)

[The Freedom of Information and Protection of Privacy Act](#)

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APPENDICES

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APPENDIX A

Definitions

Balance of Probabilities: The standard is met if the proposition is more likely to be true than not true. Effectively, the standard is satisfied if there is more than a 50% chance the proposition is true. Simply stated as "more probable than not", this is the standard that must be met in order to demonstrate that there has been a contravention of this Policy.

Complainant: Person(s) who allege(s) a violation of Humber's Human Rights Policy.

Directing Mind: In general terms, an employee who performs management duties is considered a "directing mind". Employees with only supervisory authority may be viewed as a "directing mind" if they function, or are seen to function, as representatives of the organization. Non-supervisors may be considered part of the "directing mind" if they have assumed supervisory authority or have significant responsibility for guiding employees. For example, a member of the bargaining unit who acts as a lead-hand may be considered a "directing mind."

Disability:

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog, wheelchair, or other remedial appliance or device;
- b) a condition of mental impairment or a developmental disability;

- c) a learning disability or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- d) a mental disorder; or
- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*.

Discrimination: Every member of the College community in receipt of services from the College or in employment has the right to equal treatment without discrimination as set out in the Ontario *Human Rights Code*. Direct discrimination occurs when an individual is subjected to differential treatment as a result of their identification by a prohibited ground of discrimination or their association with a group who are identified by a prohibited ground of discrimination. Some examples of direct discrimination are:

- refusal to provide goods, services or facilities to persons because of membership in a protected group;
- refusal to hire or teach someone because of membership in a protected group.

Harassment: Harassment in section 10(1) of the Ontario *Human Rights Code* and Workplace Harassment (personal/psychological harassment) in section 1(1)(a) of the *Occupational Health and Safety Act* are defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. The College interprets this to include any behaviour that is known or ought reasonably to be known to be offensive, embarrassing or humiliating to other individuals. Such conduct may or may not be based on any of the prohibited grounds identified in the Ontario *Human Rights Code*, and includes visual representations, electronic messages including emails and social media posts, written messages, and verbal and/or physical conduct. Some examples of harassment are:

- unwelcome remarks, jokes, slurs, innuendoes or taunting;
- hazing, stalking or shunning;
- the repeated mistreatment of one employee or student, targeted by one or more employees or students with a malicious mix of humiliation, intimidation and sabotage of performance (bullying);
- displaying derogatory or offensive pictures, graffiti or materials either through printed copy or personal computer;
- verbal abuse;
- insulting gestures or practical jokes which cause embarrassment or awkwardness;
- unauthorized and/or unnecessary physical contact;
- an impassioned, collective campaign by co-workers to exclude, punish and humiliate a targeted worker.

Note: Harassment or Workplace Harassment (Personal/Psychological Harassment) does not occur where a supervisor gives legitimate directions or instructions to an employee in the course of employment or conducts performance reviews in accordance with the College's Faculty Evaluation Procedure, or its equivalent.

Learning/Working/Living Environment: Wherever a member of the College community attends for the purpose of learning, working and living, involving activities sanctioned by the College, including a virtual or cyberspace environment.

Personal/Psychological Harassment (Workplace Harassment): Behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's or student's dignity or psychological or physical integrity, and that results in a harmful learning, working or living environment for an employee or student. It includes and is not limited to behaviours defined as bullying, mobbing, victimization, emotional abuse,

psychological abuse, and psychological violence. A single serious incident of such behaviour that has a lasting harmful effect may constitute psychological harassment. It must be demonstrated that this behaviour affects the person's dignity or physical or psychological integrity and/or that it results in a harmful environment for members of the College community.

Poisoned Learning, Living and Working Environment: Occurs when conduct that constitutes Discrimination, Harassment and/or Workplace Harassment (Personal/Psychological Harassment) as defined within this policy unreasonably interferes with an individual's ability to learn, live and/or work by creating an intimidating, hostile, offensive or threatening environment. Depending on the impact of such conduct on the individual, one instance may be sufficient to create a poisoned environment for the individual or group. A poisoned environment can create unequal conditions of living and/or employment for the person or persons affected, interfere with an individual's learning, living and/or work performance and cause emotional or psychological stress not experienced by other individuals.

An individual does not have to be the person targeted by such conduct to experience a poisoned environment. A person who is subjected to overhearing racial slurs or sexually or racially offensive jokes, or viewing racially offensive cartoons or sexually explicit, suggestive or demeaning pictures may view the behaviour as poisoning the environment.

Some examples of poisoning the environment are:

- displaying graffiti, signs, pictures or cartoons which would qualify as prohibited harassment, either through print or computers, including social media;
- making derogatory remarks about a particular gender or sexual orientation, race or religion in the classroom or the workplace;
- The repeated mistreatment of one employee, targeted by one or more employees with a malicious mix of humiliation, intimidation and sabotage of performance (bullying);

- Insulting gestures or practical jokes that cause embarrassment or awkwardness.

Prima Facie: A prima facie case is one where “the complainant establishes facts which are complete and sufficient to justify a finding of discrimination in the absence of a response or defence from the respondent” (Supreme Court of Canada).

Prohibited Grounds: The prohibited grounds in the Ontario *Human Rights Code* include: ancestry, race, disability, place of origin, age, family status, sex, ethnic origin, citizenship, colour, sexual orientation, gender identity, gender expression, religion/creed, marital status, receipt of public assistance, record of offences (i.e. pardoned federal offences or record of provincial offences). The extent of the protection from discrimination on the grounds of receipt of public assistance or pardoned federal offences or record of offences shall be that as provided by the Code.

Racial/Ethno-cultural/Religious Harassment: Is prohibited by the Ontario *Human Rights Code* and generally involves written, verbal and/or physical actions which express negative attitudes, derogation, and/or hate for a person or group of persons based on their race, ancestry, place of origin, colour, ethnic origin, citizenship or creed. Racial/ethno-cultural/religious harassment may include, but is not limited to, the following behaviours:

- demeaning comments, unwelcome remarks, jokes, innuendoes or taunting about a person's or group of persons' race, ancestry, place of origin, colour, ethnic origin, citizenship, creed;
- displaying racist, derogatory or offensive pictures or sexually explicit materials, either through printed copy or personal computer;
- denial of normal co-operation with members of the College community because of the individual's racial or ethnic background;

- insulting gestures or practical jokes based on racial or ethnic grounds which cause embarrassment or awkwardness;
- demeaning remarks about a racial/cultural group in the presence of any individual (not necessarily a member of the group mentioned) that creates a poisoned learning, working and living environment;
- using pejorative names based on race or ethnic origin.

Record of offences: is a conviction for:

- an offence in respect of which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked; or
- an offence in respect of any provincial enactment.

Reprisal: A reprisal is an action, or threat, that is intended as retaliation for claiming or enforcing a right under the Ontario *Human Rights Code* and *Occupational Health and Safety Act*.

Respondent: An individual, group or organization against whom allegation(s) of a violation of the Human Rights Policy is brought with the expectation that the individual, group or organization will respond to the allegation(s).

Sexual Harassment: Sexual Harassment is a form of sexual violence prohibited by the Ontario *Human Rights Code*. Sexual harassment is defined as a course of vexatious comment or conduct based on an individual's sex and/or gender that is known or ought to be known as unwelcome. Under *Ontario's Occupational Health and Safety Act (OHSA)*, workplace harassment has been expanded to include workplace sexual harassment, which may or may not include:

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity (including transgender) or gender expression, where the course of comments or conduct is known or ought reasonably to be known to be unwelcome; or
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Examples of behaviors of sexual harassment includes but is not limited to:

- any deliberate and unsolicited sexual comment, suggestion or physical contact that creates an uncomfortable learning, working and living environment for the recipient and is made by a person who knows or ought reasonably to know that such action is unwelcome;
- a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person;
- unwelcome remarks, jokes, sexual innuendoes or taunting about a person's body, attire, sex, personal or social life;
- practical jokes of a sexual nature which cause awkwardness or embarrassment;
- displaying and/or distributing pornographic pictures or other offensive material of a sexual nature, either in print or electronic form;
- leering (suggestive staring) or other gestures;
- unnecessary physical contact such as touching, patting or pinching;
- expressions of gender bias which may include remarks that are discriminatory, degrading or derogatory and create a poisoned work environment;

- requests for sexual favours; and/or
- sexual assault.

NOTE 1: Romantic and sexual relationships between consenting adults that are voluntary and based on mutual attraction do not constitute sexual harassment. If, for example, one of the parties has communicated to the other that they wish for the relationship to end and the other thereafter engages in conduct which is harassing in nature, this would constitute sexual harassment.

NOTE 2: Romantic and sexual relationships between faculty members and students, even if they are between consenting adults, voluntary and based on mutual attraction, are inappropriate because of the power differential that exists within the relationship. This power differential casts doubt on the validity of the consent to such relationships, creates a perception of bias in the eyes of the institution, faculty and other students, and constitutes a breach of trust in one's employment with the College as a faculty member or supervisor. Individually or together, such consequences of the inherent imbalance of power within these relationships create a poisoned learning, working, and living environment.

Systemic Discrimination (Indirect Discrimination): Describes a type of discrimination that occurs indirectly as a result of the application of a factor, requirement or qualification (which includes any policies, practices, procedures, actions or inactions) that does not directly discriminate, but has the effect of negatively impacting or giving preference to a group identified on a prohibited ground under the Ontario *Human Rights Code*. However, the Code also provides that a factor, requirement or qualification that would otherwise be found to be indirect discrimination will be permitted if it is reasonable and bona fide in the circumstances

and cannot be accommodated without undue hardship. Some examples of indirect discrimination are:

- imposition of minimum height or weight requirements as a precondition where such requirements are not necessary for the performance of a job;
- failure to provide reasonable access to buildings and premises for members of the College community with disabilities;
- an exam schedule that conflicts with an important religious holiday. The exam may have been scheduled without due consideration of the religious holiday. In this case, the schedule is discriminatory because of its adverse effect on a particular religious group. Since an alternate day can be scheduled for a student whose religious observance would be interfered with, accommodation without undue hardship is possible.

Without Prejudice: The course of mediation and/or conversations will not be tendered as evidence in court.

APPENDIX B

Consequences of Policy Violation Redress and Sanctions/Corrective Action

Documented and substantiated complaints or complaints found to be made maliciously or vexatiously may result in discipline of an employee or student. In the event that the College makes a finding of discrimination or harassment, it has the right to determine sanctions to be imposed. Determination of appropriate discipline will be made in the context of the seriousness of the violation and the student's or employee's history with the College, along with a consideration of the deterrent effect of such discipline on the person being disciplined and on the College community.

Redress:

In redressing a victim of discrimination or harassment, the College will take into account the individual circumstances of the victim in each case and will devise an appropriate remedy.

Redress may include, but is not limited to, remedies such as:

- increased safety surveillance
- receipt of written apology
- cessation of offending behavior
- offer of a course
- review of academic standing and/or marking
- ongoing counseling
- offers of employment or reinstatement

Sanctions/Corrective Action:

Disciplinary action/sanctions will take into account the severity of the breach of the Policy and on the individual circumstances of the respondent. Corrective actions or sanctions may include, but are not limited to, the following:

- non-disciplinary counseling/education/correction
- reprimand and warning (verbal or written)
- job or program transfer
- requirement to provide an apology to the victim (verbal or written)
- behavioral contract which specifies certain behaviour with which the party must comply
- demotion, suspension
- dismissal (i.e. termination or expulsion)
- barring contractors from future bids
- a “no trespass” notice

If the complaint is related to work, all discipline will conform to generally acceptable standards of employee discipline and, in the case of employees represented by the Union, be consistent with the Collective Agreement in force at the time.



APPENDIX C

Role of Director of the Centre for Human Rights, Equity & Diversity (DHR)

The role of the DHR is to:

1. Promote awareness in the College Community of the Human Rights Policy and procedure and its implementation;
2. Provide information (to any member of the College Community) and act as a College resource on matters related to the Human Rights Policy, the complaints procedure, and the Ontario Human Rights Code;
3. Identify the areas in College policies and practices impacted by the Human Rights Policy;
4. Recommend policy and procedure changes when in conflict with the Human Rights Policy;
5. Ensure members of the College community involved in the human rights complaints procedure are provided with appropriate training;
6. Ensure reports relating to harassment and discrimination are developed and filed, as appropriate; and
7. Recommend future initiatives that need to be undertaken to achieve the purpose of the Policy.

Where the DHR does not act as an advisor to or advocate for a Complainant or Respondent the DHR will still be available to inform the Complainant and/or the Respondent of:

- Rights and obligations under the Freedom of Information and Protection of Privacy Act
- The options for informal resolution of the complaint which may include mediation (see section 1.3)
- The availability of counseling and other support services

- The right to withdraw from any further action in connection with the complaint at any stage of the investigation, even though the College may continue to investigate the complaint
- Other avenues of recourse such as the right to file a complaint with the Ontario Human Rights Commission or, where applicable, under the Criminal Code of Canada.

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