



Minister's Anti-Racism/ Anti-Hate Directive

For Publicly-Assisted Colleges and Universities

September 2024

Issued pursuant to section 20 of the *Ministry of Training, Colleges and Universities Act*

Introduction

The *Strengthening Accountability and Student Supports Act, 2024* received Royal Assent on May 16, 2024. This legislation amended the *Ministry of Training, Colleges and Universities Act* (the “Act”) with new requirements for Ontario’s publicly-assisted colleges and universities to have policies and rules that describe how each institution will address and combat racism and hate, including but not limited to anti-Indigenous racism, anti-Black racism, antisemitism and Islamophobia.

The Act requires each institution to publish its policies and rules on its website and make a copy available to anyone who requests it. The institution must review its policies and rules at least once every five years and amend them as appropriate. Each institution must provide its Board of Governors with an annual report on the implementation and effectiveness of its anti-racism/ anti-hate policies and rules in the preceding year.

The Act also enables the Minister to issue a directive that specifies topics to be addressed or elements to be included in a college or university’s policies and rules and the date by which they must be addressed or included and to specify steps that the Minister intends to take if, in the opinion of the Minister, a college or university fails to comply with subsection of the Act or the directive.

This directive, issued by the Minister pursuant to subsection 20 (4) of the Act, is effective September 9, 2024 and all requirements must be implemented by January 31, 2025. It remains in effect until it is revoked or replaced.

Objectives

Recognizing each institution and campus community is diverse and unique, the objectives of this directive are to:

- Promote safe, inclusive and respectful campuses free from harassment and discrimination.
- Improve transparency and consistency in policies and response to incidents of racism and hate in postsecondary environments.
- Increase awareness of, and ease of access to, institutional policies and processes.
- Ensure complaints mechanisms are responsive, effective, and safe for complainants.
- Foster positive student experiences and thriving campus communities to support learning and optimize academic, and ultimately, labour market success.
- Preserve integrity and public trust in Ontario’s publicly-assisted postsecondary institutions.

Minimum Requirements

- All publicly-assisted colleges and universities are required to have policies and rules that describe how the institution will address and combat racism and hate at the institution. Policies can take many forms, including a dedicated stand-alone policy on

anti-racism/ anti-hate or embedded into existing policies and processes such as part of a harassment and discrimination policy or a code of conduct.

- At minimum, there must be a centralized platform available for the campus community to access all the necessary information in alignment with the legislative and directive requirements. Where anti-racism/ anti-hate policies and rules are embedded into other policies, the relevant sections of these policies must be identified.
- An institution's anti-racism/ anti-hate policies and rules must apply to students, faculty, staff, management and visitors, including guest speakers.

Ontario Human Rights Code

- To guide the development and review of anti-racism/ anti-hate policies, institutions must take a human rights approach in alignment with obligations under the *Ontario Human Rights Code* (the "Code").
- Under the Code, postsecondary institutions have an obligation to both proactively assess and address signs of systemic discrimination and respond to, investigate and remedy claims of discrimination or harassment that are raised.
 - An institution's response to acts of harassment or discrimination (including a poisoned environment) must be timely, effective and proportionate.

Key Elements

Each institution's policies and rules must:

- Outline institutional commitments to its campus community with respect to anti-racism/ anti-hate aimed to address all forms of racism and hate including but not limited to anti-Indigenous racism, anti-Black racism, antisemitism and Islamophobia.
- Identify intersections between related concepts such as academic freedom/ scholarly independence, freedom of speech and expression and anti-racism/ anti-hate and how these principles are operationalized.
- Identify how the institution is proactively creating an inclusive postsecondary environment free from discrimination and hate. This includes proactive measures such as practices to support dialogue, early intervention and de-escalation.

Complaints Mechanism

This complaints mechanism applies to complaints filed by members of the institutional community (e.g., students, faculty, staff).

Institutions may use existing complaints mechanisms provided they meet requirements as outlined in this directive.

All complaints mechanisms must:

- Consider the Ontario Human Rights Commission (OHRC) guidance on complaint processes.
- Reflect the needs and composition of the campus community including groups that may be targets of racism and hate.
- Protect privacy and confidentiality for individuals accessing the complaints mechanism and advance a culture of tolerance, inclusion, respect and dialogue that supports complaints without repercussions.
- Recognize that any complaint that is not addressed through institutional processes can be referred to the Ontario Ombudsman.

Policies must include a detailed outline of the complaints mechanism. This must include a step-by-step process for how complaints are handled at the institution, from intake to resolution. The process must encompass the following elements with examples and timelines as below:

- *Intake:* Outline the process for an individual to file a complaint alleging an incident(s) of racism, hate, discrimination or harassment including the information a complainant must provide when filing a complaint.

The complainant must receive initial communication from the designated department no more than 30 days from filing the complaint along with an outline of the process/ next steps and the estimated time for the issue to be addressed (including interim measures, where appropriate). The estimated time should be no longer than 12 months from the time the complaint was received.

- *Institutional Assessment:* The designated institutional department reviews the complaint to assess whether the allegation(s) would, if proven true, constitute a violation of institutional policies/ rules and determines next steps.
- *Complaint Review:* The designated institutional department assesses the complaint in more detail and may launch an investigation to gather more information where appropriate.
- *Interim Measures:* When allegations are of a serious nature, institutions may impose interim measures to ensure the safety and security of all parties during an ongoing investigation. The policy should include examples of potential interim measures.
- *Decision and Outcome:* A final decision is made on whether a violation of an institutional policy/rule has taken place and if so, the consequences. Include examples of the range of remedial/ corrective actions that may be considered including training, prohibited or restricted access to the campus and/or disciplinary measures such as reprimand, suspension, dismissal or expulsion. If institutional policies/rules have not been violated, no remedial measures are required.

Institutions are expected to address complaints promptly and efficiently, including imposing interim measures where applicable. The institutional decision and response

should be communicated to the parties no more than 12 months from when the complaint was received. It should also outline the appeals mechanism. In those cases where this timeframe cannot be met due to extenuating circumstances, this will need to be explained through the annual reporting process.

- *Appeals*: Outline the mechanisms for appeals and associated timing.

Anonymous complaints

- Institutions must provide an avenue to accept anonymous complaints about contraventions of the policies and rules of the institution, including the policies and rules made pursuant to this directive. Institutions are responsible for collecting and reviewing information and using the findings as an important input in creating an inclusive campus culture.

Process Requirements

In developing its policies and rules, institutions are required to:

- Review the current state (e.g., data, policies, services, programs, institutional websites) to support alignment, consistency and identify gaps/ needs. This review should be broad and consider policies deemed relevant by the institution, such as:
 - Student and employee codes of conduct or similar policies.
 - Freedom of speech policies.
 - Sexual misconduct and sexual violence policies.
 - Workplace harassment and discrimination policies and programs.
 - Equity, diversity, and inclusion policies and initiatives.
 - Guidance on activities (e.g., gatherings, events, and postering).
- Ensure a consultation process with stakeholders has taken place, including with students, to identify the needs and priorities of the institution with respect to anti-racism and anti-hate:
 - Input should consider a variety of perspectives, including members of groups who are frequently targets of racism and/or hate.
 - The consultation process should be transparent with clearly identified criteria for how groups were selected.
- Develop and implement strategies to address specific forms of hate as identified through data collection, current state review and/ or consultations.
- Consult best practice resources including:
 - [Policy and guidelines on racism and racial discrimination | Ontario Human Rights Commission \(ohrc.on.ca\)](#)
 - [Count me in! Collecting human rights-based data | Ontario Human Rights Commission \(ohrc.on.ca\)](#)
 - [Human Rights-Based Approach to Policy and Program Development | Ontario Human Rights Commission \(ohrc.on.ca\)](#)

Additional Measures

To support implementation, institutions are encouraged to:

- Consider alignment with Ontario's Anti-Racism Strategy and Data Standards for the Identification and Monitoring of Systemic Racism.
- Offer training to student groups, staff and faculty on policies and rules, including obligations and options in making complaints or reports of incidents, and related topics.
- Engage with student unions to encourage the adoption of policies that align with the institution's anti-racism/ anti-hate policies and rules.

Compliance, Data and Reporting

The ministry will monitor compliance with the Act and this directive.

Publicly-assisted colleges and universities are required to make their institutional anti-racism/ anti-hate policies and rules available on their websites by January 31, 2025.

As outlined in the Act, each publicly-assisted college and university is required to review its anti-racism/ anti-hate policies and rules at least once every five years and amend them as appropriate.

Annual Reporting

Each institution is required to report annually to its boards of governors on the implementation and effectiveness of its anti-racism/ anti-hate policies and rules.

The institution's policies shall specify the content of the annual report.

The report must be made publicly available on the dedicated webpage and submitted to the Minister by January 31st of each year, beginning January 31, 2026.

At a minimum, the publicly available report and the report submitted to the Minister must include the following information in a manner that protects the privacy of individuals:

- The number and type of complaints reported by students, faculty or staff including a general description/ categorization of the complaints (e.g., verbal, physical, property), including the number of complaints that do not proceed to a review.
- As applicable, the associated Code group (e.g., ethnicity, race, religion, sexual orientation) and the sub-category (e.g., anti-Black racism, anti-Indigenous racism, antisemitism and Islamophobia).
- Outcomes of these incidents including response and resolution timelines (e.g., the number of months to resolve a complaint), findings of investigations, disciplinary measures taken and any involvement of law enforcement.

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The reports made available to the public and submitted to the Minister should not contain personal information, information that would compromise personal privacy or that would otherwise reveal information that should properly remain confidential.

Reports are to be submitted to the Minister via psepolicy@ontario.ca.

The Minister may require a college or university to provide additional reports regarding the institution's activities to achieve the requirements and expectations outlined in this directive and the Act.

Compliance

The ministry will monitor compliance including adherence to accountabilities outlined in this directive.