

Policy Name:	Human Rights Policy
Originating/Responsible Department:	Equity and Inclusive Communities (EIC)
Approval Authority:	Senior Management Committee
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Contact:	Associate Vice President, Equity and Inclusive Communities

POLICY STATEMENT:

All members of the Carleton University community (“University Community”) have a right to a learning, teaching, working, and living environment that is free of discrimination and harassment as prohibited under the [Ontario Human Rights Code](#) (hereinafter referred to as “the Code”).

The University aims to create a climate of mutual respect and understanding of the dignity and worth of each University Community member. The University recognizes that supporting an environment free of discrimination and harassment is important for the well-being and dignity of individuals as well as for the overall climate and welfare of the University Community. Accordingly, the University is committed to providing the policies, resources, and organizational structures required to support an environment free from Human Rights related discrimination and harassment including, but not limited to, anti-Indigenous racism, anti-Black racism, antisemitism, and Islamophobia.

As part of this commitment, the University provides a range of educational and community-building activities that foster an understanding of human rights issues and of the harm incurred by their violation, and communicate the expectation of, and support for, a learning, teaching, working, and living environment free from discrimination and harassment.

When a complaint process is initiated, the University is committed to providing an intake and investigation process that is timely (within one year) and follows the principles of procedural fairness. The University has a responsibility to address complaints of discrimination and harassment, to enable accessible processes for resolution, and to provide support to all University Community members involved in such processes. Where systemic discrimination and/or harassment is identified, the University may also respond in addressing these issues.

1. PURPOSE

1.1 The University recognizes the dignity and worth of every University Community member and seeks to provide equitable rights and opportunities without discrimination that is contrary to law.

1.2 The University aims to create a climate of understanding and mutual respect to recognize the dignity and worth of each University Community member so that each person feels they are a part of the University, and able to contribute fully to the development and well-being of the University Community.

1.3 The purpose of this Policy is to:

- a) articulate the University's commitment to discrimination and harassment prevention and response; and
- b) explain the complaint and reporting options, supports, and accommodations that are available to all University Community members who experience discrimination and/or harassment.

2. SCOPE AND APPLICATION

2.1 The *Human Rights Policy* (hereinafter "this Policy") applies to all University Community members in the University's learning, teaching, working or living environment, on or off campus or interacting through social or other electronic media. Unless otherwise specified, the Policy and its provisions apply where the University has the jurisdiction to pursue or take steps to safeguard the University Community.

2.2 The University affirms its commitment to human rights, and, in particular, to the principle that every University Community member has a right to equitable treatment in services (including education and facilities), housing, contracts, employment, and vocational associations without harassment or discrimination related to any one or more of the grounds prohibited under the *Code*.

2.3 A University Community member who infringes on a right of any other University Community member which is protected by the *Code*, shall be subject to complaint procedures, remedies, and sanctions set out in the University's policies, codes, regulations, and collective agreements, and may be subject to discipline (up to and including suspension, expulsion, discharge, or termination) or other remedies as may be appropriate.

2.4 This policy applies to:

a. Those persons involved in conducting University affairs including:

- i. All registered Carleton University students;
- ii. Carleton University student groups and their members;
- iii. Carleton University employees (academic staff and professional services staff), adjuncts and retirees holding honorary appointments;
- iv. Volunteers;
- v. Contract workers;
- vi. Members of the Board of Governors and the Senate; and
- vii. Employees of organizations representing the University on or off the University's premises.

b. This Policy applies in the following contexts:

- i. where a University Community member experiences the infringement of a right under this Policy that is alleged to have occurred either on University premises or at a University-related event, on or off University premises; and
- ii. to virtual environments such as any form of electronic or social media where there is a substantial connection to University programs or activities.

c. Visitors, Guests.

3. DEFINITIONS

In this Policy,

“Accommodations” under this Policy are provided when an individual (e.g., employee or student) identify limitations and/or restrictions based on a Prohibited Ground of Discrimination that require an accommodation in relation to services, employment or housing provided by the University. In such cases, the University is required to provide a reasonable accommodation up to the point of undue hardship based on an individual’s functional limitations and/or restrictions.

“Academic Freedom” is outlined in applicable [Collective Agreements](#) and the *Student Rights and Responsibilities Policy*.

A **“Complainant”** is an individual who had filed a complaint pursuant to this Policy.

A **“Contractor”** is an organization, partnership, or individual engaged by Carleton University to provide services to the University, either personally or with the assistance of other individuals. Contractor includes the Contractor’s employees or subcontractors.

“Discrimination” is a practice or action, whether intentional or not, and based on one or more of the Prohibited Grounds of Discrimination, that has the effect of imposing burdens, obligations or disadvantages on an individual or group that are not imposed on others, or which withholds or limits access to opportunities, benefits and advantages available to other University Community members. The definition of discrimination from the *Code* applies to University Community members in respect of services, employment, housing and vocational associations.

“Freedom of speech and expression” is defined in the *Policy on Freedom of Speech*.

“Harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome/unwanted that is based on one or more Prohibited Grounds of Discrimination. A single act of sufficient severity may also be found to constitute harassment when the incident is sufficiently serious and severe. The definition of harassment from the *Code* applies to University Community members in respect of services, housing, employment and vocational associations.

Online Harassment is harassment that uses the internet, social media, or other web-related technology, such as email, text messages, and apps.

“Hate speech” is defined under sections 318 and 319 of the [Criminal Code of Canada R.S.C., 1985, c. C-46](#). Allegations of Hate Speech will be referred to the Campus Safety Services and/or the Ottawa Police Service.

“Poisoned Environment” A poisoned environment is a form of discrimination and can arise from even a single incident. It may be created by the comments or actions of any person, regardless of their status. The comments or conduct do not have to be directed at a particular individual but are related to any of the applicable Prohibited Grounds of Discrimination.

“Prohibited Grounds of Discrimination” are those generally immutable personal characteristics, group memberships, or identities, upon which basis it is prohibited to treat University Community members in an inequitable way and/or to harass University Community members, as listed in the *Code*:

- a. Services, Goods, Facilities

race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability;

b. Employment

race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability;

c. Housing

race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability, or the receipt of public assistance;

d. Vocational associations (unions, professional associations)

race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or disability.

A “**Respondent**” is any person who is a University Community member (including any employee whether covered by a collective agreement with the University or employed under an individual contract of employment, a student, guest, visitor, or any person who is a volunteer), who is alleged to have engaged in Harassment and/or Discrimination as defined above.

“**Sexual harassment**” is defined and prohibited by the University’s Policy on Sexual Violence. Sexual harassment is also defined and prohibited by the *Code* and the [Occupational Health and Safety Act R.S.O. 1990, c. O.1.](#)

“**The Code**”: means the Ontario *Human Rights Code R.S.O. 1990*, as amended from time to time.

“**University Community member**” means all individuals who have a relationship with or to the University (or had at the time of the incident), including but not limited to:

- Students, meaning individuals registered as students at the University, whether full-time or part-time (including special students), at the non-credit, undergraduate- or graduate-level;
- All employees and faculty, including all unionized and non-unionized academic and professional staff as well as those whose salary is paid through sources other than the University’s operating funds, such as grants, research grants, and external contracts;
- Persons with an academic appointment including but not limited to adjunct, visiting and emeritus professors, post-doctoral or clinical fellows, and research trainees;
- Contractors, consultants, suppliers or other entities engaged by the University to provide services or goods when on University property, or while acting in a capacity defined by their relationship to the University;
- Members of the Board of Governors, of the Senate, and any of their respective committees, as well as members of any advisory committee formed to help the University achieve its goals; and,
- Employees of both unionized and non-unionized employee and student groups when on University property or while acting in a capacity defined by their relationship to the University.

“**Visitor or Guest**” means any person who is not Faculty, Staff, Student, or Contractor who has occasion for any reason to visit the University campus.

4. POLICY

4.1 Services

a. University Community members have the right to equitable treatment with respect to services (including education and facilities) offered by the University without discrimination or harassment related to any of the applicable Prohibited Grounds of Discrimination.

4.2 Housing

a. University Community members who are eligible for University housing have the right to equitable treatment with respect to such housing without discrimination on any of the applicable Prohibited Grounds of Discrimination.

b. University Community members who occupy housing provided by the University also have a right to freedom from harassment by the University or by an occupant of the same building on any of the applicable Prohibited Grounds of Discrimination.

4.3 Employment

a. University Community members have the right to equitable treatment with respect to employment at the University without discrimination related to any of the applicable Prohibited Grounds of Discrimination.

b. University Community members who are employees also have the right to be free from harassment in the workplace by the employer or agent of the employer or by another employee because of any of the applicable Prohibited Grounds of Discrimination.

4.4 Vocational Associations

a. University Community members have the right belong to a union, professional association or other vocational association without discrimination related to any of the applicable Prohibited Grounds of Discrimination.

4.5 Sexual Harassment

See the *Sexual Violence Policy*

4.6. Prohibitions and Complaints

a. No University Community member, guest or visitor shall infringe (directly or indirectly), a right of any other University Community member under this Policy, or the *Code*. This Policy prohibits discrimination and/or harassment related to the Prohibited Grounds listed in the *Code* including age; ancestry; colour; race; citizenship; ethnic origin; place of origin; creed; disability; family status; marital status; gender identity, gender expression; sex and sexual orientation.

b. This Policy expressly prohibits any discriminatory or harassing action and/or conduct, verbal or non-verbal, direct or indirect, at or about, a University Community member, that creates a poisoned environment which interferes with academic or work performance.

c. Every University Community member has a right to enforce their rights under this Policy by filing a complaint as set out below or other appropriate proceedings without reprisal or threat of reprisal.

d. Where a complaint is filed that involves behaviour prohibited by this Policy, as well as behaviour more appropriately dealt with under the Sexual Violence Policy, the Complaint will be processed under the Sexual Violence Policy. However, any proceedings related to the complaint will determine if there has been a violation of the Sexual Violence Policy, in addition to any findings related to this Policy. The decision regarding which policy or policies are most appropriate to process a complaint will be made by the University.

4.7 Special Programs

A right under this Policy is not infringed by the implementation of a special program which is designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equitable opportunity, or that is likely to contribute to the elimination of the infringement of rights under this Policy.

4.8 Enforcing Rights

a. A University Community member may seek to enforce their rights under this Policy against any other University Community member through the procedures as outlined in Appendix I.

c. University Community members who make a complaint against another University Community member in bad faith or for a vexatious purpose may be subject to disciplinary action.

5. PROCEDURES:

See Appendix I

6. ROLES AND RESPONSIBILITIES

6.1 The Provost and Vice-President (Academic) or their delegate is authorized to establish and amend procedures, protocols, or guidelines pursuant to this Policy.

6.2 The Associate Vice-President, Equity and Inclusive Communities will implement and apply such procedures, protocols, or guidelines as are amended from time to time. The review and amendment process will be led by the Associate Vice-President, Equity and Inclusive Communities and will include wide consultations with the University community.

6.3 Each year, a report will be prepared by the Department of Equity and Inclusive Communities and made available to the University Community. The report will include the number, type, and disposition of cases as well as the *Code* grounds. In addition, the report will include information about educational and other activities related to the Policy.

Senior Management

6.4 The Senior Academic and Administrative management have overarching responsibility for maintaining a university environment in which discrimination and harassment are unacceptable, and for providing the resources required to support such an environment.

6.5 In addition, the Senior Academic and Administrative management are responsible for enabling University Community members to function with the highest standards of integrity, accountability, and responsibility. Activities may include disseminating information about the University's expectations and

providing education to University Community on issues related to the prevention of discrimination and harassment.

Equity and Inclusive Communities (EIC)

6.6. EIC, with the support of the Senior Academic and Administrative management, is responsible for coordinating the University's educational and training initiatives and programs, which include educational initiatives for the University community on the prevention of discrimination and/or harassment related to this Policy. Prevention through education is a fundamental aspect of the University's commitment to addressing discrimination and harassment. These sessions support dialogue, early intervention, and de-escalation.

Managers/Supervisors

6.7 All Managers/Supervisors are responsible for:

- a) modelling acceptable standards of behaviour and being aware of their roles and responsibilities;
- b) supporting any employee or student who, in good faith, reports a potential violation of the Policy;
- c) contacting EIC for guidance and advice to address the matter as appropriate, and cooperating during investigations, and/or in the implementation of Interim Measures, and/or sanctions.

University Community Members

6.8 All University Community members are responsible for contributing to and maintaining an environment that is free of Discrimination and Harassment.

7. CONTACTS:

Associate Vice-President, Equity and Inclusive Communities

8. RELATED POLICIES:

Academic Accommodation Appeal Process for Students with Disabilities
Academic Consideration Policy for Students in Medical or Other Extenuating Circumstances
Academic Staff Hiring at Carleton University
Access to Information and Privacy Policy
Accessibility for Persons with Disabilities
Freedom of Speech Policy
Hiring Policy for Positions Limited to Indigenous Candidates
Professional Services Staff Hiring Policy
Sexual Violence Policy
Student Rights and Responsibilities Policy
Workplace Harassment Prevention Policy
Workplace Violence Prevention Policy

APPENDIX I - PROCEDURES

5. PROCEDURES

5.1 PURPOSE

The purpose of these Procedures is to establish a process for all complaints of harassment and/or discrimination pursuant to the University's Human Rights Policy. These Procedures do not prevent and are not intended to discourage an individual from filing an application with the Ontario Human Rights Tribunal within the deadlines set out in the [Ontario Human Rights Code](#) or an individual's right to pursue any other external legal recourse that may be available including with the Ombudsman Ontario.

These Procedures support the University's commitment to provide an expeditious and procedurally fair and just internal dispute resolution process for human rights complaints.

5.2 PRINCIPLES

These procedures are to be interpreted, administered, and applied in conformity with the principles of procedural fairness and natural justice.

The University has a duty of procedural fairness to the parties with respect to the process by which investigations and decisions are made that may result in findings of harassment and/or discrimination and may potentially impose serious consequences against a member of the University community who has engaged in such conduct. The basic requirement of procedural fairness is that a person against whom allegations are made must know the allegations and evidence against them and must be given the opportunity to respond to the allegations prior to a decision being made. The University reserves the right to adjust the complaint process to ensure procedural fairness in accordance with the circumstances of the individual case. In the event of a conflict of interest, appropriate alternative measures will be taken.

5.3 SUPPORT

All parties are entitled to support and assistance during these procedures.

- a) Where the Respondent is a unionized employee, the employee shall have all applicable rights to union representation in accordance with their collective agreement and the University will ensure compliance with the applicable collective agreement. In accordance with the applicable collective agreement, the Director, Staff and Labour Relations (Professional Services) or the Director, Labour Relations (Academic) also will inform the appropriate Manager/Supervisor of the Respondent of the investigation.
- b) Parties may be accompanied by a support person or a union representative. It is the responsibility of each party to ensure that their support person, if any, attends scheduled meetings.
- c) Complainants or Respondents who incur costs related to support are responsible for their own costs.

5.4 PARTICIPATION IN RESOLUTION/INVESTIGATION OF COMPLAINTS

Members of the University community are required to cooperate in the Human Rights complaint

Procedures to facilitate full inquiry and fair, appropriate, and expeditious resolution of complaints.

5.5 TIMELINES

The University considers action to resolve human rights problems and complaints to be a matter of administrative priority.

The Intake Office may set out reasonable deadlines for submission or responses in relation to the complaint process and take appropriate action with respect to the complainant's and/or respondent's failure to meet a deadline or unjustified delay.

It can be impossible to determine appropriate timelines for the resolution, investigation or final decision with respect to a complaint. Therefore, inquiries and investigations will be conducted in a timely manner as expeditiously as possible in light of the nature and complexity of the circumstances of the complaint and in light of other circumstances that may arise during the complaint process. Notwithstanding the above, the total estimated time for resolution of a complaint should be no longer than twelve (12) months from the time that the complaint was received.

5.6 CONFIDENTIALITY

The University recognizes the importance of confidentiality both for individuals coming forward with a complaint and for individuals subject to a complaint and will take steps to protect the confidentiality of both parties to the extent permitted by its legal obligations and applicable law.

All reports and disclosures made in the course of action taken pursuant to these procedures shall be considered to be confidential in accordance with the [Freedom of Information and Protection of Privacy Act \(FIPPA\)](#), the provisions of applicable collective agreements and applicable law. All members of the University community who receive a report or disclosure of discrimination or harassment, who are involved in addressing or investigating it, must keep the matter confidential.

Information obtained about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating, taking corrective action with respect to the incident or complaint, or is otherwise required by law.

Subject to FIPPA and any other applicable law, a summary of the investigative findings will be provided to the Complainant and the Respondent in writing.

5.7 COMPLAINT PROCEDURES

5.7.1. General Provisions

Intake Office

The Intake Office to receive the complaint is:

The Director, Labour Relations (Academic), Office of the Deputy Provost (or designate) for academic employees;

The Director, Staff and Labour Relations (Professional Services), Human Resources (or designate) for

professional services employees; or

The Office of Student Affairs for students.

After receiving a complaint, the Intake Office should confer with the Department of Equity and Inclusive Communities and/or General Counsel about next steps.

In cases in which:

- a) the Respondent is a Vice-President, the President will be the Intake Office to receive the complaint.
- b) the Respondent is the President, the Chair of the Board of Governors will be the Intake Office to receive the complaint.
- c) the Respondent is a University contractor, visitor, guest or volunteer, the Department of Human Resources will be the Intake Office to receive the complaint.

In cases where there is a conflict of interest or a reasonable apprehension of bias, another person will be named as the Intake Office.

5.7.2 Intake: Initial Contact, Information and Advice

When a concern arises that may relate to a human rights issue, individuals are strongly encouraged to seek information and advice from an Equity Advisor in the Department of Equity and Inclusive Communities. An individual seeking advice may also contact the Office of the Deputy Provost for academic employees, the Office of Student Affairs for students, or the Department of Human Resources for professional services employees.

When initially consulted, the role of the contact is to provide assistance in considering the applicability of the human rights policy and options, to clarify allegations and their related consequences, and to make referrals as appropriate to other services and offices of the University. The contact person should also provide a copy of the *Human Rights Policy* and these Procedures or a referral to them on the University website.

5.7.3 Complaints

Where an individual who is directly affected by the conduct or behaviour at issue wishes to pursue resolution of the complaint under this policy, they must contact the appropriate Intake Office. An initial response to the complaint will be made as soon as reasonably practicable in compliance with applicable legislation and collective agreements and, in any event, within thirty (30) calendar days. In the first instance, an effort will be made to reach an informal resolution. Mediation will also be available with the consent of both parties and the approval from the Intake Office.

A complaint should be made no later than twelve (12) months after the alleged incident of discrimination or harassment; or where there is ongoing discrimination or harassment, twelve (12) months after the last incident of discrimination or harassment. If satisfied that there are exceptional circumstances justifying a delay in making a complaint, the Intake Office may grant an extension of the twelve (12) month deadline.

A complaint may be made in relation to activities or interaction related to the functioning of the University (whether on or off campus, during or after University hours) or that take place on the property of the University. Any member of the University community, any person whose place of employment is at the University, or any person who is visiting the University may make a complaint against any member of the University community or any person whose place of employment is at the University.

Before proceeding on an individual's complaint, the Intake Office, in consultation with the Department of Equity and Inclusive Communities and/or General Counsel, will assess and consider:

- (i) the timeliness of the complaint;
- (ii) the jurisdiction of the University;
- (iii) the intersection of principles including academic freedom and freedom of expression;
- (iv) whether the complaint, if true, would be a breach of this *Human Rights Policy*; and
- (v) whether the complaint is frivolous, vexatious, or made in bad faith.

A determination not to proceed is to be communicated in writing to the individual concerned (and to the Respondent if they have been informed of the complaint) with referral as appropriate to other relevant University offices or services. Such a determination may be appealed in writing within fifteen (15) calendar days.

The Intake Office will also consider whether the complaint arises from a systemic problem or is part of a pattern of incidents or conduct, and, if so, will seek the advice of the Department of Equity and Inclusive Communities.

A frivolous complaint is one that is trivial and without serious content. A vexatious complaint is one that is primarily intended to vex, harass or harm the Respondent rather than secure a remedy. A frivolous or vexatious complaint does not refer to a complaint that primarily appears to be made in good faith and in the belief of truth. Individuals who make a complaint against another person in bad faith or for a vexatious purpose may be subject to disciplinary action.

A person making a formal complaint under these procedures may withdraw their complaint at any time, subject to provisions related to remedies or discipline where a complaint is withdrawn. A complaint that is not resolved by informal resolution or mediation and that does not proceed to formal complaint is considered withdrawn at the end of twelve (12) months' inactivity. The University may, at its discretion, decide to continue or initiate a complaint as specified below.

5.7.4 Interim Measures

At any stage, it may be necessary to implement interim administrative measures, which are temporary measures put in place to protect the parties and the community during the complaint process. Such measures may be implemented prior to and/or during the formal complaint process and pending the final disposition of the complaint. Where interim measures are necessary, the University will seek to implement the least disruptive measures that still promote safety and security.

In determining the appropriate interim measures, the Intake Office will consult the Associate Vice-President (Human Resources), the Deputy Provost (Academic Operations and Planning), or the Vice-President (Students and Enrolment), as appropriate and/or other University officials as relevant.

Interim measures are without prejudice to the ultimate outcome of the complaint process and are not disciplinary in nature. A non-exhaustive list of examples of such interim measures include:

- Restrictions to access campus or part of campus;
- No contact/communication orders;
- Administrative non-disciplinary leave with pay;
- Employment/workplace restrictions;
- Changes to class and/or section enrolments;
- Changes within university housing if parties are residents.

Non-compliance with the interim measures may result in additional measures and/or discipline being imposed. The Parties will be advised of interim measures imposed for health and safety reasons, where permitted by FIPPA.

5.7.5 Informal Resolution/ Mediation

In appropriate circumstances, a Complainant may be willing to resolve the matter before an investigation is commenced or completed prior to their formal complaint being filed. The Intake Office which receives or is advised of a complaint of discrimination may seek to determine if the matter is resolvable through informal resolution and may seek the assistance of the Department of Equity and Inclusive Communities to facilitate the process.

Examples of alternative resolution include mediation/facilitation, restorative justice, education, or similar methods:

- Efforts at informal resolution are a shared responsibility and should include individual meetings with the parties as appropriate (i.e., Complainant and Respondent). The parties may decide to meet as a group or meet separately to discuss the issue.
- If desired, the parties at the meeting may invite representatives of their union(s).
- The Intake Office shall consider if any interim measures are required during the informal resolution process. The Intake Office may decide as to what additional interim measures, if any, are required.
- If the complaint is resolved informally, the file is then closed. Closure of the file involves the following:
 - Providing a written summary of the Informal Resolution to both the Complainant and the Respondent. This may be shared with the appropriate union, at the individual's request. If there is a failure to comply with the terms of a resolution, the complaint may be moved to a formal process. Where appropriate, a summary of the Informal Resolution may be shared with the employee's supervisor or a student's Dean.
- At any stage during the process, either the Complainant or the Respondent may indicate they would like the complaint to move to or resume the investigation and decision-making process.
- If the complaint is not resolved at this stage, then the matter will proceed through the investigation process.
- If an informal resolution is not possible, the Intake Office shall proceed with the formal investigation.

No information generated in a mediation process is admissible in any subsequent University proceedings unless authorized by both the Complainant and Respondent. Similarly inadmissible is any disclosure in such proceedings of what took place during a mediation, the terms of a mediation agreement, or the fact of whether a person agreed or refused to participate in a mediation, unless authorized by the Complainant and Respondent. Mediators cannot be called as witnesses in any formal proceeding.

5.7.6 Formal Complaint

A formal complaint can be filed if the Respondent is a member of the University Community and was a member of the University Community at the time of the incidents alleged in the formal complaint.

Jurisdictional or other legal considerations may arise where the University does not have jurisdiction to address allegations made against a person who is not a member of the University Community such as Visitors or Guests. However, in the event of such allegations, the University will provide support to the Complainants and may be able to take measures such as restricting access to campus by the person against whom the allegations are made.

A formal written complaint must disclose the identity of the person making the complaint (the Complainant) and the person whose conduct or action is complained about (the Respondent). It must provide a full and detailed account of the conduct, action or incident that forms the factual basis of the complaint and include a statement about desired resolution. Additional allegations not contained in the original formal complaint may only be made in writing to the Intake Office; the Respondent must be informed of the allegations and be given an opportunity to respond to them.

Following receipt of a formal complaint, the Intake Office will notify the Respondent in writing of the complaint and provide them with the allegations made, the identity of the Complainant, and a copy of the Human Rights Policy as soon as practicable. The Respondent has a right (but is not obliged) to respond in writing to the complaint and should do so no later than fourteen (14) calendar days after being notified. The Respondent may acknowledge or deny the validity of the allegations in whole or in part, provide new information, or propose a resolution of the complaint to the Intake Office.

Following receipt of a written response by the Respondent, the Intake Office will forward it to the Complainant. The Complainant has a right (but is not obliged) to respond and should do so in writing no later than seven (7) calendar days after receiving it, to the Intake Office. They may accept the response as a full resolution to the complaint, request additional efforts at informal resolution or mediation with the assistance of an Equity Advisor with the Department of Equity and Inclusive Communities, affirm all or some of the allegations made in the complaint, or provide new information. Following receipt of a Complainant's response, the Respondent will be provided with the Complainant's response.

Once the exchange of documentation is completed, or, in the absence of responses or resolution, the Intake Office will assess the file and determine whether the complaint should be investigated, and communicate this decision, in writing, to the parties.

If a decision is made not to investigate a complaint, the complaint is considered dismissed, and the file closed. The decision not to investigate can be appealed in writing within fifteen (15) calendar days.

5.7.7 Investigation of a Formal Complaint

- a) When the complaint falls within the scope of the Policy, the Intake Office will appoint an Investigator to investigate the complaint.
- b) Written notice to the Respondent and the Complainant, informing both of the formal complaint process, will be provided and they will be informed of the name of the Investigator as soon as practicable.

- c) The Investigator will interview the Complainant and Respondent, examine the information submitted by the parties as well as any other information gathered during the investigation, meet with relevant witnesses, as necessary, and conduct all interviews in a fair, impartial, and professional manner.
- d) The Investigator will remind the individuals of the requirement to protect and keep confidential the personal information of the persons involved in the investigation.
- e) The Investigator will keep the Intake Office informed on the status of the investigation at regular intervals or at the request of the Intake Office.
- f) The Investigator will prepare a draft report. The Complainant and Respondent will be provided with a copy of the draft report or findings as appropriate and will be invited to provide their comments.
- g) Upon completion of the investigation, the Investigator will send a written confidential report containing the facts and information gathered during the investigation to the Intake Office including any responses provided by the Respondent and Complainant. The Investigator will provide in their report the facts and findings and determine whether there is:
 - i) sufficient evidence to substantiate a finding of a violation of the Policy, or
 - ii) insufficient or lack of credible evidence to substantiate the alleged violation of the Policy, or
 - iii) no violation of the Policy.

5.7.8 Decision on a Formal Complaint

The Intake Office will transmit the final investigation report to the Complainant and to the Respondent with a reminder of the need to protect and keep confidential the personal information of those involved in the investigation and to avoid acts of reprisal. The University considers reprisal at any stage to be a serious offence. A breach of confidentiality by any person with respect to a complaint may also constitute reprisal. The Intake Office reviews the final investigation report and, based on the findings and determinations contained in the report, they shall determine whether discipline or further action is warranted, in consultation with the Associate Vice-President (Human Resources), the Deputy Provost (Academic Operations and Planning), or the Vice-President (Students and Enrolment), as appropriate and/or other University officials as relevant.

Consequences resulting from harassment and/or discrimination will depend on circumstances, on the seriousness of the conduct, on any mitigating factors and on applicable collective agreements or other University policies. If a complaint is substantiated, consideration should be given to prevent the harassment and/or discrimination from recurring in the future, to correct the negative impact of the incident on the Complainant and discipline the Respondent. The following list provides examples of consequences/remedial measures and is not meant to be exhaustive nor necessarily represents a progression of sanctions or measures:

- A letter of apology
- Attendance at educational sessions on harassment and/or discrimination
- Attendance at coaching sessions to improve communication or conflict resolution skills
- Attendance at sessions to address any residual matters, conflicts or disputes
- Prohibited or restricted access to University campuses

- Disciplinary measures such as reprimand, suspension, expulsion, dismissal, termination

Once the investigative process has been completed and corrective actions, if any, are implemented, the file will be closed.

Subject to FIPPA requirements, the Complainant and the Respondent will be informed of the results of the investigation.

Where a complaint is lodged by more than one Complainant or is against more than one Respondent, the Complainant or Respondent, as the case may be, shall receive only the portions of findings applicable to their specific complaint/response.

5.7.9 University Initiated or Continuation of Action or Complaint

The University may become aware of situations in which a University-initiated investigation may be warranted, including but not limited to circumstances where the University has a legal obligation to investigate.

The University, through the Intake Office, may initiate these procedures or continue them even if the complaint has been withdrawn or the parties have reached a resolution through informal processes or mediation. This decision is taken in consultation with the Associate Vice-President (Equity and Inclusive Communities) or General Counsel as appropriate.

The University will normally initiate or continue action or a complaint only where the alleged discrimination or harassment may have had a serious impact on the parties, where the case is important to the goals of the University, where the Respondent has previously been the subject of substantiated complaint(s) of discrimination or harassment, or where concerns about a pattern of conduct exist as established from University records.

Where the University initiates or continues these procedures, the Intake Office becomes the notional Complainant and any rights or responsibilities assigned to them by these procedures are assumed by the individual to whom they report.

Once a University-initiated complaint is brought forward for investigation, it shall follow the established procedures.

5.8 SYSTEMIC DISCRIMINATION

Systemic discrimination can be described as patterns of behaviour, policies or practices that are part of the structures of an organization, and which create or perpetuate disadvantage for persons belonging to one or more of the protected grounds under the *Ontario Human Rights Code*.

The informal and formal processes set out in these Procedures shall apply, with necessary modifications, to the treatment of an allegation of systemic discrimination. The Provost and Vice-President (Academic) shall act as the Intake Office.

5.9 ANONYMOUS COMPLAINTS

The Department of Equity and Inclusive Communities will manage an anonymous online form that University Community members may access. Anonymous complaints under the Human Rights Policy will be assessed as to what, if any, appropriate action is to be taken, including an investigation. Where no action is warranted, the information will be reviewed and will be used as an important input in creating an inclusive campus

culture.

5.10 REPRISAL, RETALIATION, OR OBSTRUCTION

The University considers reprisal, retaliation, or threat of retaliation to be a serious offence because it prevents potential Complainants, witnesses, and administrators from acting on their concerns.

Threats or other safety concerns should be reported immediately to an Equity Advisor, a member of Campus Safety Services, the Office of the Deputy Provost, the Department of Human Resources or the Office of Student Affairs. When appropriate, an order may be made for the behaviour to stop and/or preventive interim, administrative, disciplinary, and/or remedial measures may be taken.

Any person whose action or inaction obstructs the application of these procedures or who breaks an undertaking of agreement may be subject to discipline. No one shall suffer reprisal for bringing forward, in good faith, a complaint or concern about discrimination or harassment or for refusing to violate University Human Rights Policy. Any person who engages in retaliation or threat of retaliation may be subject to discipline in accordance with applicable collective agreements or applicable policies.

5.11 APPEALS

A final decision by the Intake Office regarding a complaint under this Policy may be appealed by the Complainant or Respondent to the University Secretary within fifteen (15) calendar days of the decision being communicated.

The appeal must be made in writing and specify, in detail, the grounds for appeal. Any other party/parties to the decision will be given an opportunity to respond to the appeal.

The only permissible grounds of appeal are:

- i. The process was procedurally unfair;
- ii. The Investigator or Adjudicator was demonstrably biased or partial; or
- iii. New evidence is now available that could not reasonably have been provided or considered in the investigation process.

There is no appeal from any interim or procedural decision made under this policy.