



DRAFT

Policy on Discrimination & Harassment

Date: March 13, 2009

Version 5.0

PRE-AMBLE

Trent's policy aligns with the *Ontario Human Rights Code*, a provincial law flowing from the *Universal Declaration on Human Rights* designed to achieve equality by members of groups that historically have been disadvantaged in economic, political, social and institutional realms.

1. TRENT'S COMMITMENT

Trent University is fundamentally committed to the promotion of free inquiry and expression, and strives to provide a working, learning and on-campus residential environment that is supportive of study, scholarship, teaching and research.

Under the *Ontario Human Rights Code*, every person has the right to freedom from discrimination and harassment based on specified protected grounds. Discrimination and harassment may interfere with the exercise of free enquiry and expression, and Trent University prohibits any form of discrimination and harassment that constitutes a violation of a person's rights under the terms of this policy and the *Code*.

The University is committed to ensuring awareness of rights and responsibilities under this policy and to the goal of eliminating discriminatory barriers. Such an environment allows all students and employees to develop their potential, and fosters excellence in educational endeavours.

2. PROTECTED GROUNDS

Consistent with the *Ontario Human Rights Code* (hereafter "the Code"), this Policy prohibits discrimination and harassment on the basis of the following grounds as defined by the Code and precedents established through jurisprudence:

- Age
- Ancestry
- Citizenship
- Colour
- Creed (religion or system of beliefs)
- Disability (including mental, physical, developmental, and learning disabilities)
- Ethnic origin
- Family status (such as being in a parent-child relationship)
- Gender identity
- Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same sex or opposite sex relationship)

- Place of origin
- Race
- Receipt of public assistance (in housing only)
- Record of offences (criminal conviction for a provincial offence, or an offence for which a pardon has been received – in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation

Discrimination is often multi-dimensional with cumulative impacts on the grounds of race, gender, disability, and other identities. A complaint of discrimination or harassment may be based on multiple grounds (e.g., age and disability), and/or overlapping grounds (e.g., race and ethnic origin).

Members of the university community are also protected against discrimination and harassment due to association or relationship with a person identified by one of the protected grounds, as well as due to perception that a protected ground applies (for example, perception that a person has a mental disability).

3. ACADEMIC FREEDOM

Nothing in this policy shall limit or amend the provisions of collective agreements between Trent University and trade unions, including provisions of academic freedom.

4. DEFINITIONS

In accordance with the mission and values of a university community, this policy and its definitions do not apply to communication and expression of thought, opinion or belief which is protected by academic freedom and/or the *Canadian Charter of Rights and Freedoms*.

Discrimination: means any form of unequal treatment based on one or more prohibited grounds, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. Discrimination may take obvious forms or it may occur in very subtle ways. Where there are many factors affecting a decision or action, if discrimination is one factor, it is a violation of the *Ontario Human Rights Code* and, therefore, this policy. It is not discrimination or a contravention of this policy to plan, advertise, adopt or implement a program that has as its objective the amelioration of conditions of disadvantaged individuals or groups identified by the protected grounds.

Systemic (or constructive) discrimination: are rules, practices, procedures, and patterns of behaviour that appear neutral but have the effect of disadvantaging groups of people identified by the prohibited grounds. Systemic discrimination creates or perpetuates disadvantage for some groups and privilege for other groups, or for individuals on account of their group identity.

Harassment: means a course of vexatious comment or conduct that is based on a protected ground that is known, or ought reasonably to be known, as unwelcome. A single egregious incident may constitute harassment.

Sexual harassment: is a form of harassment based on gender that can include: comments about an individual's physical characteristics; demeaning remarks, threats or

taunting based on gender; demands for dates or sexual favours. A sexual solicitation or advance made by a person in a position to grant or deny a benefit or promotion, where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome, is prohibited. Further, a reprisal or threat of reprisal, for rejection of sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to grant or deny a benefit or promotion, is prohibited. This policy is not designed to inhibit social relationships amongst consenting adults. A person entering into or involved in a sexual relationship with an individual who will be or is the subject of evaluation or supervision will decline or terminate the supervisory or evaluative role, and inform the next-level supervisor (e.g. Chair, Dean, Director, Vice-President) who will make appropriate alternative arrangements for supervision and/or evaluation.

5. COVERAGE

This policy applies to all members of the Trent University community, including:

- ❖ employees (full-time, part-time, sessional, contract, temporary, casual and otherwise);
- ❖ students (full-time and part-time);
- ❖ members of the Board of Governors, advisory and ad hoc committees;
- ❖ volunteers, coaches, interns and contractors who provide products, services or research, while on campus;
- ❖ individuals who are located on campus while employed by another organization (e.g., employees of faculty/employee/student unions).

This policy and complaint procedures will apply in situations with a nexus to the University including those occurring:

- a) on University property;
- b) with the use of Trent's computer and telecommunications network, and in Trent or private vehicles being used for University business or for traveling between work and study locations;
- c) at a University-sponsored event including but not limited to off-site delivery and field trips.

Incidents occurring off campus or through electronic means outside the University network which have no or little likelihood of impact on the University work, study or on-campus residential environment generally are outside the jurisdiction of this policy and normally would be pursued through the Human Rights Tribunal of Ontario, police services, private legal action, or other processes.

Students on placement are covered by this policy and the *Ontario Human Rights Code*. Employees of placement agencies are not covered by this Policy. If an incident occurs on placement (including those outside Ontario and Canada), University representatives will engage in discussions with the student(s) and placement agency to take reasonable steps to address discrimination and harassment.

All contractual relationships entered into by the University will be governed by a standard clause stating the contractors must comply with the *Ontario Human Rights Code* and relevant University policies.

6. REPRISAL

Every individual has the right to raise an issue or complaint of discrimination or harassment, and to participate or cooperate in any role under the policy and/or procedures, without fear of retaliation or reprisal. Retaliation or reprisals will be treated as harassment and/or discrimination.

7. MALICIOUS/FRAUDULENT COMPLAINTS

A person who is the subject of a complaint who has reason to believe the complaint is vexatious, in bad faith, or itself a form of harassment, has the right to file a complaint. The University retains the right not to proceed where there is evidence any complaint is malicious or fraudulent and, in such case, may impose sanctions and remedies as appropriate.

8. PREVENTION, EDUCATION and AWARENESS OF THE POLICY

The University is committed to an education and training strategy to promote widespread understanding about what constitutes harassment and discrimination and, why, in their many forms, they are harmful to individuals and the community. This policy provides the conceptual framework for related educational initiatives in areas such as employment equity, disability accommodation, anti-oppression.

The University will promote awareness of the policy by:

- ❖ making the policy available to existing and new members of the University;
- ❖ offering training to persons with management, supervision, leadership and collegial decision-making responsibilities;
- ❖ conducting on-going awareness campaigns.

9. RESOLUTION PROCEDURES

The University will provide both informal and formal mechanisms to address issues that fall within the jurisdiction of this policy. These mechanisms are identified in the resolution procedures accompanying this policy

10. ROLES and RESPONSIBILITIES

All members of the Trent University community are expected to refrain from any form of harassment and discrimination, and co-operate in any resolution procedure if necessary. Persons in positions of authority have the additional responsibility to respond to allegations of discrimination or harassment in an appropriate and timely manner, consistent with this policy.



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Policy on Discrimination & Harassment - Resolution Procedures

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1.0 CONFIDENTIAL INFORMATION AND ADVICE

It is the University's intention that issues related to the protected grounds will be resolved in a respectful and timely manner. A person who has a complaint under the Code or under this policy is encouraged to initiate discussion with the person(s) whose action gave rise to the complaint. This allows an opportunity for the individual to inform the offending party(ies) of the nature of the distress experienced, the remedy requested, and to provide an opportunity for response and resolution of the issue.

Complainants are strongly encouraged to explain to the person(s) the negative impact of a decision, policy or behaviour, and that the conduct is unwelcome, but are not obliged to do so. Each situation is different. If addressing the person(s) could lead to escalation of discrimination or harassment, or create safety risks, or where a power differential limits the complainant's ability to express concerns, a complainant is not expected to interact directly with the person(s).

If a situation cannot be resolved by speaking to the person(s), a request may be made to initiate informal resolution, informal fact finding, or formal investigation procedures under this policy. Where alternative mechanisms are available (e.g.: complaint process under the Trent's Annual Access Plan for persons with disabilities; Ontario Teachers' Federation guidelines regarding harassment complaints that arise during practicum placements for students in Education programs), potential complainants are encouraged to seek resolution through those measures prior to accessing the resolution procedures under this policy.

Trent's Human Rights Advisor is available to any member of the University community to provide information about human rights and this policy and procedure. The Advisor will not act as an advocate for any person and will not provide legal advice, and will maintain the confidentiality of communications, unless required to disclose information under a legal obligation.

2.0 OVERVIEW OF RESOLUTION PROCEDURES

Where a situation cannot be resolved by speaking with the person(s), the objective of resolution procedures is to ensure human rights issues are brought to the attention of the University and addressed. The following mechanisms are available to members of the University community to raise human rights issues:

- informal resolution;
- informal fact finding;
- formal investigation;

- grievance procedures (unionized employees);
- Human Rights Tribunal of Ontario.

Deadline to file a complaint: Complainants are expected to file their complaint as soon as possible after incident(s) giving rise to the complaint occurred. A complaint that is filed more than 6 months after the last incident giving rise to the complaint will not be processed, unless the delay was incurred in good faith and no substantial prejudice exists such that proceeding with the complaint will deprive the respondent of a fair opportunity to respond to the complaint.

Confidentiality - The University and all parties to a complaint will treat all information as confidential except where disclosure is required to investigate and/or resolve a complaint consistent with this policy or otherwise is required by law or under Trent's Campus Violence policy.

Criminal Matters – Criminal matters occurring on University premises or via University-owned resources will be referred to Trent Security for response in accordance with established security procedures. The University also will take any appropriate steps consistent with this and relevant University policies to meet its mandate to provide a safe environment.

Independent Advice and Supportive Persons – Complainants and respondents may bring a supportive person (e.g., colleague, union member, student representative, parent/guardian, University counselor) to any meetings through the proceedings. Supportive persons are expected to uphold confidentiality and will not disrupt the process. A complainant or respondent may choose to seek independent counsel or advice at their own expense. Legal counsel may attend meetings as supportive persons but cannot act as legal representatives in resolution procedures under this policy.

Multiple Complaints: Two or more complaints alleging a violation of the policy by the same respondent, or having facts in common, may be dealt with in the same proceeding.

Interim Measures – Where there is a threat to personal health and safety, or to the ability to carry out duties and responsibilities, the University may separate the complainant and respondent in order to stabilize the situation before a resolution procedure is initiated or concluded. Where such measures are taken, a timeframe for review of the interim measures will be established.

Reprisal - Every individual has the right to file a complaint of discrimination or harassment, and to participate or cooperate in any role under the policy and/or procedures, without fear of retaliation or reprisal. Retaliation or reprisals will be treated as harassment and/or discrimination.

Malicious/Fraudulent Complaints: A person who is the subject of a complaint made under these procedures who has reason to believe that the complaint is vexatious, in bad faith, or itself a form of harassment, has the right to file a complaint. The University retains the right not to proceed where there is evidence a complaint is malicious or fraudulent, and may impose sanctions and remedies as appropriate.

Alternative Proceedings and Withdrawal – The University encourages the internal resolution of complaints, and therefore encourages complainants to make use of the

resolution procedure whenever it is possible to do so. However, this policy does not preclude a complainant from initiating an alternative complaint procedure (e.g., Human Rights Tribunal of Ontario, civil lawsuit, grievance). The complainant has the right to withdraw a complaint at any time during the process up to the conclusion of the formal appeal process. Upon written notification of alternative proceedings or withdrawal, a resolution procedure under this policy will stop subject to the University's responsibility for due diligence.

Due Diligence – On being made aware of potential infractions of this policy, a person in a position of authority is required to take appropriate and timely action to address the situation consistent with this policy and procedures. Information disclosed to University counselors, doctors or any position covered by the Personal Health Information Protection Act is privileged and will not be disclosed except as required by that Act.

Systemic Discrimination/Issues of Public Interest: In the event that a University policy, procedure or practice is the subject of a complaint of systemic discrimination based on the protected grounds, the complaint will be brought to the attention, orally or in writing, of the University administrator who is responsible for that policy, procedure or practice. The University administrator will engage in discussion, research, informal fact finding or formal investigation, whichever applies to the substance of the complaint, and will follow the principles and timelines as described in these procedures, noting that policy and procedural changes will require extended time for consultation and approval.

3.0 MAKING A COMPLAINT

Each party to a complaint is advised to keep written notes about the events at issue as well as maintain any relevant documentation.

A complaint will be made in writing including the following details:

- What happened – a description of the events or situation
- When it happened – dates and times of the events or incidents
- Where it happened
- Names of witnesses, if any
- Remedy(ies) sought

In addition to making a written complaint, the complainant will be expected to attend meetings with the Human Rights Advisor and/or University representatives who are responsible for informal resolution, fact-finding or investigative processes, and to provide any required additional information.

3.1 INFORMAL RESOLUTION

Any member of the University community may request assistance from the Human Rights Advisor to reach informal resolution of a complaint under this policy by initiating a Request for Informal Resolution. Informal Resolution is a voluntary option to help parties share their perspectives and settle disputes through mutually agreeable remedies. In some cases, complainants may be advised that their concerns can, should or need to be brought to the attention of some other official of the University for proper and full resolution. Upon assessment by the Human Rights Advisor that the Request for

Informal Resolution appears, on the face of it, to be eligible under the policy, the Advisor will:

- Contact the other party(ies) to determine willingness to participate;
- Provide a copy of the written complaint to the other party(ies);
- Make a good faith effort, through the use of any viable technique (e.g., discussion, consultation, conciliation, mediation), to bring about a mutually acceptable agreement.

Where appropriate and with the consent of all parties, informal resolution may involve the assistance of an independent mediator.

Because the process is voluntary, any party may withdraw from the Informal Resolution process at any time by providing written notice to the Advisor, subject to the University's responsibility for due diligence.

The endeavour to resolve the complaint through informal resolution will be completed within 3 weeks of all parties' agreement to participate. This timeframe may be extended by the Human Rights Advisor in exceptional and compelling circumstances where to do so is likely to result in an agreement. If the Human Rights Advisor determines there is no reasonable prospect to reach agreement, the Advisor will notify the parties in writing to conclude the process.

Any and all information that is created and maintained by the Human Rights Advisor during the informal resolution process is to remain strictly confidential in order to support the chances of successful resolution, except where disclosure is required by law or under Trent's Campus Violence policy. The Human Rights Advisor (and independent mediator, where applicable) will not be involved or called upon to act as a fact finder or witness in any informal fact finding or formal complaint process that may follow an inconclusive attempt at informal resolution.

3.2 INFORMAL FACT FINDING

If informal resolution is not successful or not suitable, a complainant may initiate a Request for Informal Fact Finding by submitting a written Request to the Human Rights Advisor. Upon assessment by the Human Rights Advisor that the Request for Informal Fact Finding appears, on the face of it, to be eligible under the policy, the Advisor will refer the Request to:

- the respondent's Supervisor if the respondent is an employee;
- the Dean of Arts and Science if the respondent is an undergraduate student;
- the Dean of Graduate Studies if the respondent is a graduate student.

Where the Dean is named as a respondent, the Request will be referred to the Vice-President Academic*; a complaint against a Vice-President will be referred to the President; a complaint against the President or a Governor will be referred to the Chair of the Board of Governors; and a complaint against the Chair of the Board of Governors will be referred to the Vice-Chair. In such cases, subsequent references to "Supervisor/Dean" will be substituted accordingly.

* In the current/temporary academic structure, the Vice-President Academic is a dual-mandate role held by the Dean of Arts and Science. In the event the Dean of Arts and Science is named as a respondent while this structure is in place, the Request will be referred to the Vice-President Administration.

The Supervisor/Dean will provide a copy of the complaint to the respondent. The fact finding process will be undertaken by the Supervisor/Dean or may be delegated to a trained individual. The Human Rights Advisor will not act as a fact finder, nor will any person currently or previously involved in the situation giving rise to the complaint.

Within ten (10) working days of receipt of the complaint, the fact finder will meet with the complainant and respondent (separately or together at the discretion of the fact finder) to determine the facts of the situation and attempt to obtain a satisfactory resolution. The complainant and respondent will be encouraged to be accompanied by a person of their choosing in a supportive capacity. The fact finder may request additional information or documentation, and may interview witnesses where relevant.

Based on all information provided, the fact finder will make a determination on whether the complaint is upheld. If the complaint is upheld, the Supervisor/Dean will make a determination of appropriate sanctions and/or remedies, if applicable, in accordance with Section 4.0 of these procedures.

The result of the fact finding process will be communicated in writing by the Supervisor/Dean to the parties and the Human Rights Advisor within twenty (20) working days of receipt of the complaint.

For unionized employees, any disciplinary action will be consistent with collective agreement provisions.

Timelines under this procedure may be extended in good faith by the Supervisor/Dean, and such extension will be communicated in writing to the parties and the Human Rights Advisor.

Where, as a result of an informal fact finding process, systemic discrimination is identified within any University policy, procedure or practice, the Supervisor/Dean will bring this to the attention, orally or in writing, to the University administrator who is responsible for that policy, procedure or practice (see section 2.0, sub-heading: "Systemic Discrimination/Issues of Public Interest").

3.2.1 APPEAL

Either the complainant or respondent, if dissatisfied with the outcome of an informal fact finding process may appeal in writing, within five (5) working days of receiving the decision, to the next level Supervisor (if the respondent is an employee) or the Vice-President Academic* (if the respondent is a student).

* In the current/temporary academic structure, the Vice-President Academic is a dual-mandate role held by the Dean of Arts and Science. An appeal of any fact finding decision made by the Dean of Arts and Science, while this structure is in place, will be referred to the Vice-President Administration.

Where the Vice-President Academic issued the decision for the fact finding process, the decision may be appealed to the Vice-President Administration.

The next level Supervisor/Vice-President will review the findings of the fact finding process and issue a decision within ten (10) working days of receipt of the appeal.

Timelines under this procedure may be extended in good faith by the Supervisor/Vice-President, and such extension will be communicated in writing to the appellant and the Human Rights Advisor.

3.3 FORMAL INVESTIGATION

Where informal resolution and/or informal fact finding are not successful or not suitable, a complainant may submit a Request for a Formal Investigation to the Human Rights Advisor. Upon assessment by the Human Rights Advisor that the complaint, on the face of it, appears eligible under this policy, it will be referred to:

- the Vice-President of the respondent's division if the respondent is an employee;
- the Vice-President Academic if the respondent is a student.

A complaint against a Vice-President will be filed with the President. A complaint against the President or a Governor will be filed with the Chair of the Board of Governors. A complaint against the Chair of the Board of Governors will be filed with the Vice-Chair. In such cases, subsequent references to "Vice-President" will be substituted accordingly.

In situations involving multiple respondents, the Vice-Presidents will determine who will oversee the formal investigation process based on the substance of the complaint. This responsibility may be delegated in which case references to "Vice-President" in this section will refer to that person's delegate.

In the event the Vice-President Administration or Academic* issued a decision on appeal of an informal fact finding process on the same factual matter, the complaint will be filed with the other Vice-President.

* In the current/temporary academic structure, the Vice-President Academic is a dual-mandate role held by the Dean of Arts and Science. A Request for a Formal Investigation involving the same or similar factual matter as a fact finding decision or appeal of a fact finding decision made previously by the Dean of Arts and Science, while this structure is in place, will be referred to the Vice-President Administration.

The results of any preceding informal fact finding and appeal process will be disclosed to the Vice-President charged with handling the formal investigation and to the investigator, who will not be bound by the decision.

The formal investigation procedure is set out in Appendix A.

3.4 HUMAN RIGHTS TRIBUNAL OF ONTARIO / GRIEVANCE PROCEDURE

The University encourages the internal resolution of complaints, and therefore encourages complainants to make use of the complaint procedure whenever it is

possible to do so. However, the provisions of this policy and procedures in no way affect the right of any person to exercise rights under the *Ontario Human Rights Code*, or grievance procedures for unionized employees within the time limits specified by each.

Upon written notification of grievance or Tribunal proceedings, a resolution procedure under this policy will stop subject to the University's responsibility for due diligence, having regard for its responsibility to respond appropriately to allegations of discrimination and harassment, police involvement (if any) and any other considerations applicable to the circumstances.

4.0 REMEDIES AND SANCTIONS

Remedies are intended to restore individuals to the position they would have experienced had the discrimination or harassment not occurred. Examples include but are not limited to an apology, reinstatement, compensation for actual losses, provision of services, adjustment of fees.

The intention of this policy is restorative and educative. Where necessary, sanctions are intended to ensure it is understood that violations of this policy and the Ontario Human Rights Code are taken seriously. Examples include but are not limited to verbal or written warning, loss of privileges, suspension, demotion, and expulsion (students) or dismissal (employees).

The following criteria will be considered to determine the appropriate level of remedy or sanction:

- seriousness/severity of the incident(s);
- reliability of the evidence;
- remedies sought by the complainant;
- any documented history of substantiated and related history on the part of the respondent, or on the part of the complainant in the case of malicious/fraudulent complaints.

For unionized employees, any disciplinary action will be consistent with collective agreement provisions.

5.0 RECORDS

Secure and confidential files will be maintained:

- for two (2) years beyond April 30 for confidential advice, informal resolution, and informal fact finding proceedings that conclude between May 1 and April 30 each year, after which time the contents will be destroyed;
- for seven (7) years beyond April 30 for formal investigation proceedings that conclude between May 1 and April 30 each year, after which time the contents will be destroyed.

The date of conclusion for any informal fact finding and formal investigation proceedings will be deemed to be the day after conclusion of the appeal process, where applicable.

Where an informal fact finding process or formal investigation results in sanctions for an employee beyond a verbal warning/reprimand, documentation will be placed in the personnel file, consistent with collective agreement provisions for unionized employees.

Where a complaint has not been substantiated, or in the event of Informal Resolution agreements, no reference will be placed in any personnel file.

Non-identifiable statistical information on the number, nature and type of complaints will be reported annually by the Human Rights Advisor to the Board of Governors, Presidential Advisory Committee on Human Rights, and the University community at large.

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FORMAL INVESTIGATION PROCEDURE

Pursuant to the Complaint Resolution procedures, a formal investigation will proceed as follows.

The Vice-President and Human Rights Advisor will meet with the respondent (and supportive person chosen by the respondent) to review the process and provide a copy of the written complaint. The respondent will have ten (10) working days to provide a written response, a copy of which will be provided to the complainant.

The Vice-President, in consultation with the Human Rights Advisor, will designate an investigator, who may be external to the Trent community, who possesses expertise in the following areas:

- human rights issues and principles;
- the requirements of the *Ontario Human Rights Code*;
- methods for conducting effective human rights investigations.

The investigator will be provided with a copy of the complaint, written response (if applicable), Trent’s Policy and Resolution Procedures, and any previously-issued decision resulting from a fact finding process and appeal (if applicable) on the same factual matter. The investigator will not be bound by any previously-issued decision.

The Human Rights Advisor will be available to the investigator, Vice-President, complainant and respondent to advise on the policy and procedures as necessary.

The investigation will be limited to the jurisdiction of this policy and to the complaint that has been filed. The investigator will meet with the complainant and respondent separately to obtain information relevant to the investigation. The respondent will be given a full and fair opportunity to respond to the complaint. The investigator will determine whether and which witnesses will be interviewed, and may request the production of documents that may be relevant to the investigation. Both the complainant and the respondent have the right and responsibility to provide information as accurately and promptly as possible.

The investigator may refer the complaint back to the Human Rights Advisor if informal resolution is possible.

During the investigation, the complainant and respondent will be strongly encouraged to be accompanied by a supportive person (e.g., colleague, union member, student

representative, parent/guardian, University counselor) to any meetings through the proceedings. Supportive persons are expected to uphold confidentiality and will not disrupt the process. A complainant or respondent may choose to seek independent counsel or advice at his/her own personal expense. Legal counsel may attend meetings as supportive persons but cannot act as legal representatives in complaint procedures under this policy.

The investigator will make every effort to complete the investigation within thirty (30) working days of receipt of the complaint by the investigator. At the conclusion of the investigation, the investigator will write a draft report.

The investigator will provide a copy of the draft report, on a confidential basis, to the complainant and the respondent who will have five (5) working days to notify the investigator, in writing, of any errors or omissions in the report or in the description of the facts or allegations provided by each of them to the investigator.

The investigator will consider any response from the parties and make any further enquiries or amendments as deemed appropriate by the investigator prior to preparing the final report, including a determination of whether the complaint is upheld and recommendations on remedies or sanctions if applicable. The final report will be completed within five (5) working days after the deadline for response, and will be submitted confidentially to the complainant, respondent, Vice-President and the Human Rights Advisor. The investigator's notes and transcripts (if applicable) will be turned over to the Human Rights Advisor to be maintained in a secure and confidential file.

The Vice-President will review the report. If the complaint was substantiated, or proven to be malicious or fraudulent, the Vice-President will determine appropriate remedies/sanctions, if applicable. The Vice-President's decision will be communicated in separate letters to the complainant and respondent to protect parties' privacy related to remedies/sanctions, under an obligation of confidentiality, within five (5) working days of receipt of the investigator's final report.

For unionized employees, any disciplinary action will be consistent with collective agreement provisions.

Timelines may be extended in good faith by the Vice-President, and such extension will be communicated in writing to the complainant, respondent, investigator and Human Rights Advisor.

Where, as a result of a formal investigation, systemic discrimination is determined within any University policy, procedure and/or practice, the Vice-President will prescribe appropriate actions which may include discussion, research, informal fact finding or further investigation, whichever applies to the substance of the issue, and will follow the principles and timelines as described in these procedures, noting that policy and procedural changes will require extended time for consultation and approval.

APPEAL PROCEDURE

A complainant or respondent, if dissatisfied with the outcome of a formal investigation may appeal in writing, within ten (10) working days of receiving the decision, to the President. The President (or delegate) will review the investigation report and Vice-

President's decision, and will issue a decision on the appeal within fifteen (15) working days of receipt.

Where the respondent was a Vice-President or President, and therefore the investigation was overseen by the President or Chair of the Board of Governors, the appeal will be submitted to the Vice-Chair of the Board of Governors.

Timelines under this appeal procedure may be extended in good faith by the President/Chair/Vice-Chair, and such extension will be communicated in writing to the appellant and Human Rights Advisor.