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Annual Human Rights Report

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TABLE OF CONTENTS

PART I – INTRODUCTION 2

PART II – STATUS UPDATE 3

1. Historical Overview 3
2. Data and Trends 3
 - a. Issue Type 3
 - b. Intervention Type 4
 - c. Issue Source 5
 - d. Protected Grounds 6
3. Measuring Progress: 6
 - Launch of the Human Rights Office 6

PART III – GOING FORWARD 7

4. 2021-2022 Goals and Objectives 7
5. Conclusion 8

Appendices:

- A. Respectful Campus Policy
- B. Accommodation Policy

PART I INTRODUCTION

In September 2019, the University hired a dedicated, experienced Director of Human Rights and commenced an institutional scan of its human rights program in order to assess existing processes and identify opportunities for improvement.

The review included:

- A complete policy scan of existing policies, procedures and guidelines;
- Stakeholder Consultations – meetings with 17 key individuals (within HR, Student Life, Campus Safety, all Bargaining Units and Student Representatives);
- A review of previously completed formal investigations and workplace restoration processes; and,
- Input was sought from the Advisory Committee on Student Sexual Violence Prevention and Support.

The review exercise resulted in several recommendations that were endorsed by the Provost and President in 2020; including the creation of a dedicated Human Rights Office. The Human Rights Office has taken oversight to ensure a consistent and compliant approach to handling human rights disputes raised by Faculty, Staff, Students and Visitors. Additionally, the Office is implementing process controls, including the creation of a fully aligned suite of human rights policy instruments to clarify roles and responsibilities.

The expressed goal of the recommendations flowing from the systems review was to promote a Sticky Campus by supporting and enforcing a culture of respect and inclusivity and creating a seamless complaints resolution process. The key recommendations are as follows:

- Human Rights Policy Framework – consolidate, align and update Human Rights Policies and Procedures.
- Human Rights Office Oversight – create a dedicated one-stop-shop with institution-wide accountability for a compliant human rights program.
- Renewed focus on Alternative and Early Dispute Resolution – promote the benefits of ADR processes and implement an institutional focus on addressing disrespect and micro-aggressions as a means to prevent conflict escalation.

The newly-created Human Rights Office will play a crucial role in promoting institutional capacity for identifying and resolving human rights-related disputes and conflict; and is available on a confidential basis to provide advice and direction to any university member who is experiencing, witnessed or has received information about alleged harassment, discrimination, sexual violence, micro-aggressions or other forms of interpersonal conflict/disputes. The Human Rights Office supports: de-escalation, dialogue, facilitated discussions, formal investigations and training/education.

PART II STATUS UPDATE

1. HISTORICAL OVERVIEW

This is the University's Inaugural Human Rights Annual Report. The Report details progress to-date on the implementation of the University's Human Rights Office and reports data related to human rights-based complaints and consultations, which will serve as a baseline for future trends-based reporting.

As established in the University's Respectful Campus Policy dated April 2021, and as approved by the Board, Ontario Tech University is committed to providing this report annually to assist the Board and University Members to understand the state of the University's Human Rights Program and identify progress and trends from year to year.

2. DATA & TRENDS

Dispute Resolution Data is a key component of this report as it provides an annual snapshot of the Human Rights issues and concerns brought forward for resolution by University Members. Data is compiled regarding the type of complaint or concern raised, the source of the complaint or concern (i.e. student, faculty, staff or visitor) the prohibited ground cited in the complaint or inquiry (e.g. race, sex, disability, etc.); and the action(s) taken to address the complaint or concern.

The reporting period is the University's fiscal year; April 1 – March 31. Although some data was compiled by the Human Rights Office between September 2019 and March 2020, the fiscal year 2020-2021 represents the first full year of Human Rights Office data.

a. Issue Type

To assist in understanding the data, it is important to have some understanding of the Human Rights Office's processes. There are five (5) Issue types under which the Human Rights Office has accountability: Discrimination, Duty to Accommodate, Harassment, Student Sexual Violence and issues of a general Human Rights nature - the general category includes consultations regarding broad human rights principles or inquiries of a programmatic nature, e.g. requests to review policy instruments or training materials to ensure human rights compliance, questions about legislative and policy interpretation, procedural inquiries, etc.

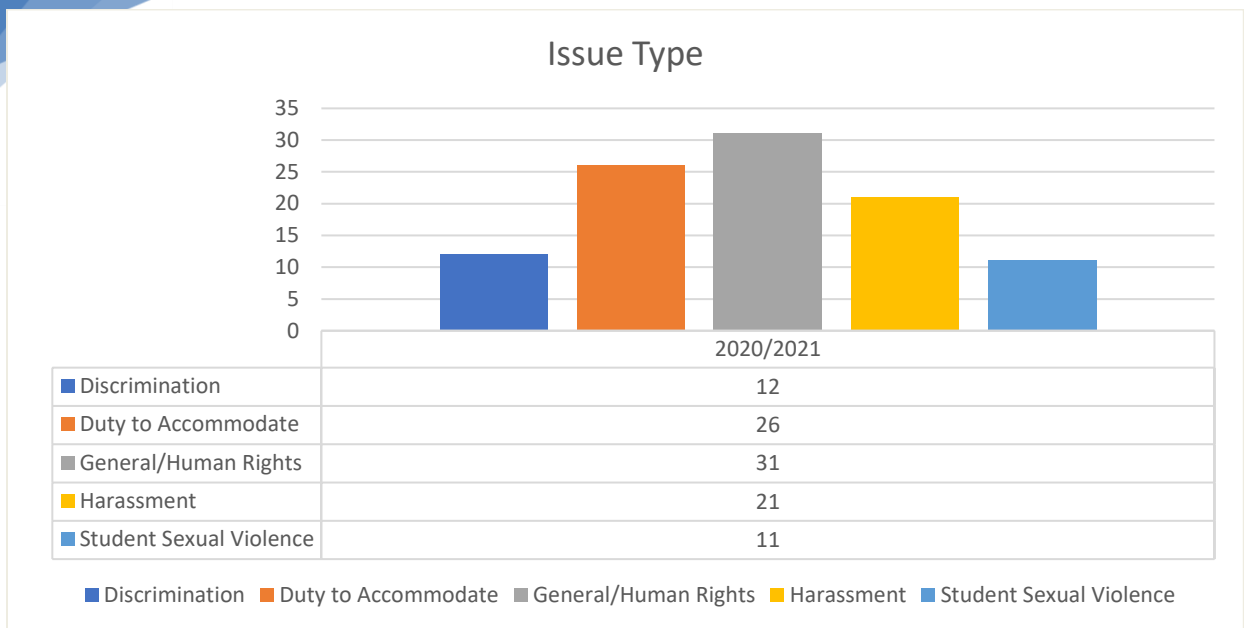
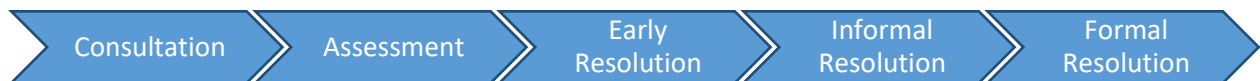


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Between September 2019 and March 31, 2020, the Human Rights Office was approached with 27 issues for resolution. In the 2020-2021 fiscal year, 101 issues were brought forward. The increase of issues between the initial 7-month period in 2019-2020 (when the Office was first establishing itself) and the full 2020-2021 fiscal year is likely attributable to the Human Rights Office's outreach activities. Since early September 2019, the Human Rights Office has steadily built awareness of its existence and of its role in addressing and resolving human rights matters.

b. Intervention Type



The Human Rights Office is available for confidential consultations that provide University members with information about their various rights, responsibilities and obligations. The Human Rights Office also intervenes directly in cases where allegations describe a human rights violation. The Human Rights Office promotes informal and early dispute resolution processes wherever possible or feasible. Informal approaches to resolving conflict can foster prompt resolution and prevent escalation; particularly when concerns are raised expeditiously. These are opportunities for parties to resolve a dispute, ensure Harassment and Discrimination do not occur and address broader issues that caused or contributed to the dispute. There are five (5) stages or actions included in the Human Rights Office's dispute resolution program. They include:

1. Consultation: the act of reaching out to the Human Rights Office for advice or information.
2. Assessment: A Human Rights Office analysis of the content of a complaint to determine whether the matter falls under the Office's mandate.

3. **Early Resolution:** The Human Rights Office works with parties to resolve complaints prior to the receipt of a formal complaint, or to assist persons of authority to address incidents/concerns in a manner compliant with human rights obligations.
4. **Informal Resolution:** The Human Rights Office employs a structured process, such as a mediation or restorative justice process, to resolve a complaint to the satisfaction of the parties in dispute.
5. **Formal Resolution:** The Human Rights Office ensures an investigation of the alleged human rights violation and a determination of whether a policy violation has occurred.

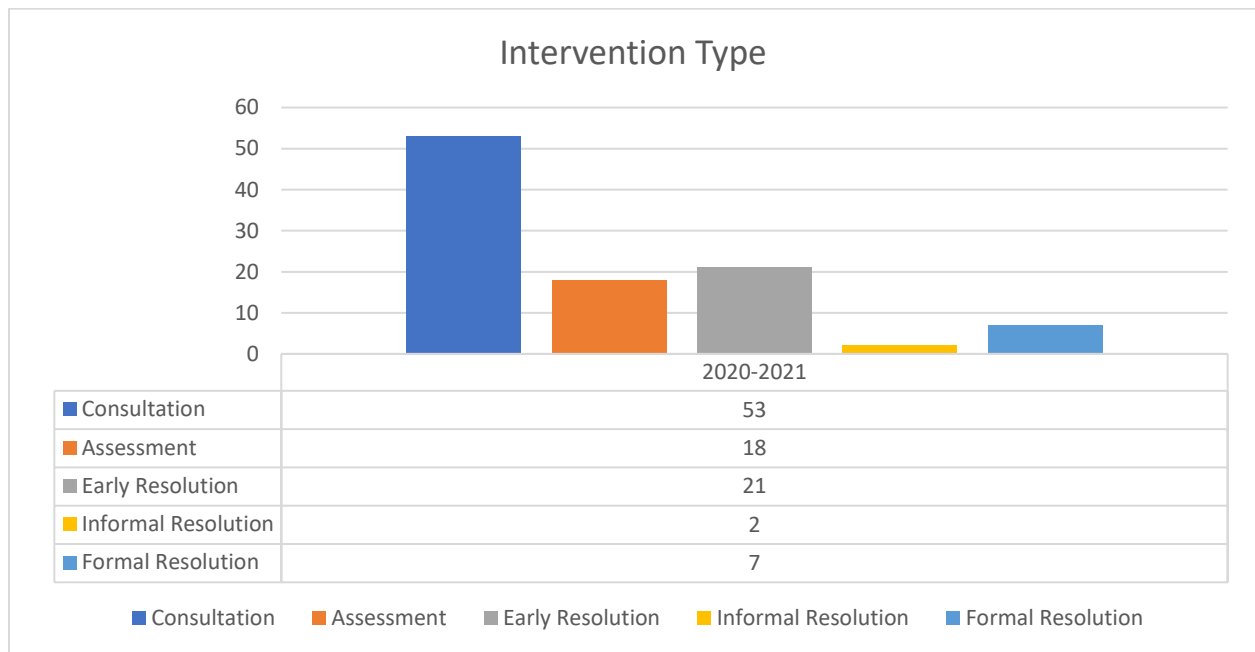


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c. Issue Source

The Human Rights Office provides services to all University Members, including Faculty, Staff, Students and Visitors. The following table shows the source of issues that were brought to the attention of the Human Rights Office.

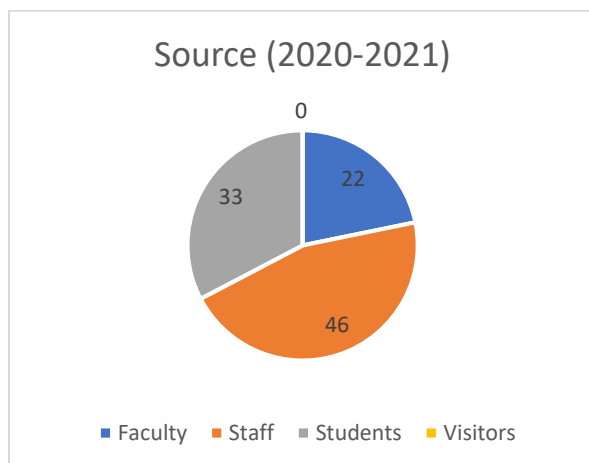


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d. Protected Grounds

Protected Grounds are the grounds contained in the Ontario Human Rights Code (OHRC) under which individuals are protected against discrimination and harassment. Most, but not all, of the Human Rights Office’s work is connected to a Protected Ground under the OHRC. Additionally, the Human Rights Office intervenes to address incidents and complaints that fall under other legislation, but overlap with a Protected Ground, i.e., the Occupational Health and Safety Act (Workplace Sexual Harassment) and the Ministry of Training, Colleges and Universities Act (Student Sexual Violence).

A number of consultations completed by the Human Rights Office are of a general human rights nature in which no specific protected ground is cited – these are captured in the following table under the “unspecified” column. The Human Rights Office is also accountable for addressing incidents of workplace harassment, in which a connection to a protected ground is not required.

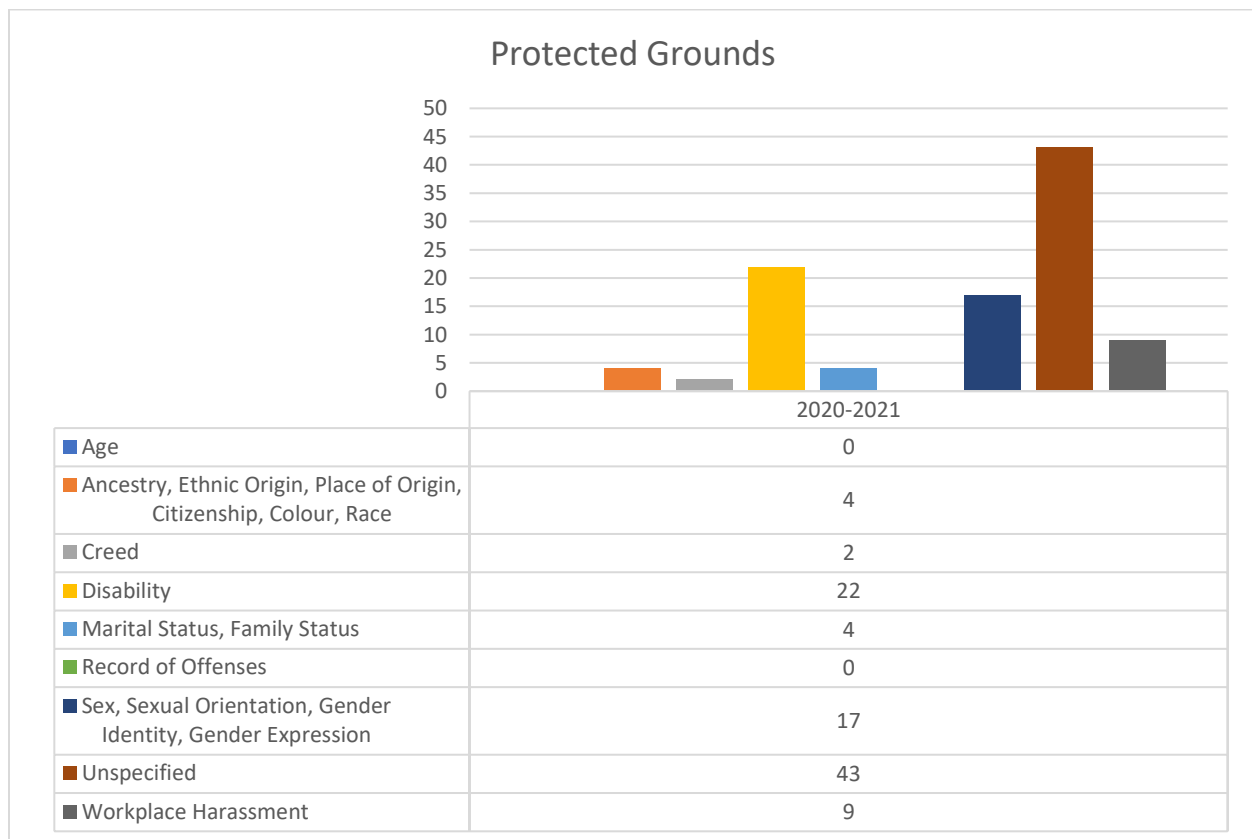


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3. MEASURING PROGRESS

Launch of the Human Rights Office

From its inception in September 2019, the Human Rights Office has been working directly with University Members to address and respond to allegations of harassment,

discrimination and student sexual violence. At the same time, the Office has been steadily working towards implementing a dedicated Human Rights Program for all University Members.

DATE MILESTONES ACHIEVED

- Human Rights Systems Review - commenced Fall 2019 & completed January 2020
- New Policy Framework endorsed by Senior Leadership - spring 2020
- Policy development - Summer 2020
- Policy consultation - commenced Fall 2020
- Respectful Campus Policy and Employee Procedures - approved April 22, 2021
- Accommodation Policy – approved April 22, 2021

The Human Rights Office has made significant progress in a short amount of time by working collaboratively and effectively with key internal stakeholders to promote and champion human rights principles, clarify roles and responsibilities, gain buy-in, and implement a consistent and compliant dispute resolution program applicable for all University members.

This groundwork is demonstrated in the Board of Governors recent approval of the University's overarching Human Rights and Anti-Harassment Policy; the Respectful Campus Policy (accompanied by a procedure for employees that was approved simultaneously). The Accommodation Policy, also recently approved by the Board, is another Human Rights Policy with institutional scope and reflects the University's commitment to accommodating Faculty, Staff, Students and Visitors on all Protected Grounds under the Ontario Human Rights Code.

PART III GOING FORWARD

4. 2021 – 2022 GOALS AND OBJECTIVES

As we look back on our progress to-date, we recognize that there is still a way to go to realize the University's goal of creating and maintaining a campus culture of respect and inclusivity. We also know that the Human Rights Office cannot achieve this alone. Only if we work together can we ensure a respectful campus environment in which the human dignity of each individual is valued, and the diverse perspectives, ideas and experiences of all members of the community are able to flourish.

Indeed, all University Members have a role in confronting and addressing rude and disrespectful behavior when it occurs and creating and maintaining a campus environment that is inclusive for all. As a community, we can help to prevent conflict escalation by remaining respectful and focusing on addressing conflict in a timely, constructive and cooperative manner. While misunderstandings and conflicts will occur in a complex, demanding and diverse campus environment where collaboration is

essential to success, early and informal approaches to resolution should be sought whenever possible and appropriate.

The Human Rights Office will continue to support the community in this endeavor by providing advice; assistance; early and informal approaches to dispute resolution; and if necessary, formal investigation of human rights disputes.

Over this next fiscal year, we will also support and promote a respectful campus by focusing upon the following three (3) priority areas:

1. **Policy Framework:** The Human Rights Office has drafted a Human Rights Dispute Resolution Procedure for Students that will finalize the implementation of the University's Human Rights policy framework. The Student Procedures will be presented to the Board of Governors for approval after a mandatory consultation process.
2. **Communications:**
 - a. The Human Rights Office will enhance campus communications starting with the launch of a dedicated Human Rights Office webpage in Spring/Summer 2021.
 - b. The Human Rights Office is in the process of developing informational resources to assist University Members in understanding their rights, responsibilities and obligations. Resources in development include a guide to the Duty to Accommodate, and a guide to the intersection between Human Rights principles and online communications (e.g. class chats, social media, etc.)
3. **Training/Education:** The Human Rights Office is currently focused on working with key internal stakeholders (Human Resources, Student Life, etc.) to update and enhance online compliance-based human rights training.

5. CONCLUSION

The Human Rights Office would like to extend a heart-felt thank-you to the Ontario Tech University Community, and particularly to the stakeholder groups that participated in the Human Rights Systems Review in late 2019. The Human Rights Office would not have been able to achieve so much in such a short amount of time if it weren't for the support and cooperation of University Members.

Of equal importance has been an unwavering commitment from the University's Senior Leadership Team. The tone from the top is of critical importance to the work of the Human Rights Office; particularly in a year where the pandemic could have easily derailed momentum towards progress.

Over the last fiscal year, we led with our values through very difficult times. This is evidence of a deep, underlying appreciation for and commitment to the human rights principles of inclusivity and respect. We very much look forward to working with all community members to continue the enrichment of the University's Human Rights program.