



Human Rights Task Force

Meeting #6 – October 20, 2016

1:00 PM - 3:00 PM
TH 253

Agenda

#	Item	By	Start Time	Length	Action
1.	Call to order	AL	1:00	1	
2.	Approval of Agenda	AL	1:01	1	Approval
3.	<u>Approval of Minutes</u>	AL	1:02	5	Approval
4.	Business Arising from the Minutes <ul style="list-style-type: none">• Human Rights Policies at Brock Chart	NY	1:07	3	Information
5.	<u>Panel Presentation & Discussion: Operational Concerns regarding Human Rights Issues</u> <ul style="list-style-type: none">• Office of Human Rights and Equity Services• Human Resources• Campus Security• Students Affairs	AS	1:10	95	Information/ Discussion
6.	Next Steps - Speakers for Upcoming Meetings	AL	2:45	5	Discussion
7.	Other Business	AL	2:50	5	Information
8.	Takeaways from Meeting	AL	2:55	5	Discussion
9.	Adjournment	AL	3:00		

Agenda Legend

AL - Anna Lathrop

NY - Naheed Yaqubian

AS - Alana Sharpe

MINUTES OF MEETING #5

HUMAN RIGHTS TASK FORCE

THURSDAY, OCTOBER 6, 2016, 9:00 AM

CAIRNS FAMILY HEALTH AND BIOSCIENCE RESEARCH COMPLEX, ROOM 207

MEMBERS

PRESENT: Anna Lathrop (Chair), Dolana Mogadime (Vice-Chair), LeeAnn Cayer, Brad Clarke, Jens Coorsen, Margot Francis, Samantha MacAndrew, Ingrid Makus, Julie Rorison, Sandra Wong, Aniqah Zowmi

ALSO

PRESENT: *Board Liaison:* Elisabeth Zimmermann

Union Observers: Tony Blaschuk (IATSE), Phoebe Kang-Papple (CUPE 4207), Alison Rothwell (OSSTF)

Meeting Guests:

Jane Ngobia, Assistant Vice-President, Office of Diversity and Human Rights, University of Guelph

Milé Komlen, Director, Human Rights and Equity Services, McMaster University

Resource Personnel:

Grant Armstrong (Associate Vice-President, Human Resources)

Allison Cadwallader (Sexual Violence Response Coordinator)

Robert Cagnelli (Director, Internal Audit)

Christopher Lytle (AODA Coordinator)

Donna Moody (Director, Campus Security Services)

Alana Sharpe (Office of Human Rights and Equity Services)

Naheed Yaqubian (Legal Advisor to the Human Rights Task Force)

Chabriol Colebatch (University Secretary), Angela Magro (Assistant Secretary)

REGRETS:

Andrew Basingthwaighe, Cari Drolet (GSA Observer),

Patrick Foster (BUSU Observer), Tamari Kitossa (BUFA Observer),

Laura Lindo (Director, Diversity and Equity Office, Wilfrid Laurier University)

1. Call to Order

Chair Anna Lathrop called the meeting to order and welcomed all those present to the fifth meeting of the Task Force.

The Chair introduced Dr. Jane Ngobia, Assistant Vice-President, Office of Diversity and Human Rights, University of Guelph and Mr. Milé Komlen, Director, Human Rights and Equity Services, McMaster University to the meeting today to share perspectives and best practices in human rights

from their respective institutions. Those present were asked to introduce themselves and brief introductions were made. Chair Lathrop noted that regrets were received from the representative from Wilfrid Laurier University, however the Agenda will be amended to allow for more presentation and discussion time.

The Chair informed the assembly that Dr. Tom Dunk, formerly the decanal representative on the Task Force, is currently serving as Interim Provost and Vice-President, Academic and that Dr. Jens Coorssen, Dean of the Faculty of Graduate Studies will serve on the Task Force in his place.

2. Approval of Agenda

The Chair provided an overview the items on today's Agenda and requested a motion for approval.

MOVED (Cayer/Rorison)

THAT the Agenda, as amended, be approved.

CARRIED

3. Approval of Minutes

The Chair noted a motion was required to approve the Minutes of the previous meeting held on September 26, 2016.

MOVED (Francis/Cayer)

THAT the Minutes of Meeting 4 of the Human Rights Task Force, held on September 26, 2016 be approved.

CARRIED

4. Business Arising from the Minutes

Revised Draft Timeline

Ms. Yaqubian provided an overview of the Human Rights Task Force Timeline, revised September 28, 2016 following Meeting #4 of the Task Force. The revision includes an additional meeting to take place on October 20, 2016 to allow for further discussion on the concerns from the administrative units with the Respectful Work and Learning Environment Policy and to continue with the panel discussion from Meeting #4, as discussed during the Task Force meeting on September 26, 2016.

Human Rights Offices at other Universities

Ms. Yaqubian provided an overhead chart containing comparative information on the size, staff and roles, responsibilities and oversight structures of human rights offices at other universities. Following a brief discussion, Ms. Yaqubian noted she would circulate the chart to the Task Force following today's meeting.

5. Presentation by University of Guelph

Dr. Jane Ngobia provided a comprehensive overview of the Office of Diversity and Human Rights at the University of Guelph. Dr. Ngobia also referenced the principles of education, inclusion and outreach among those upon which the Office operates and the spectrum of challenges faced by the University of Guelph and human rights offices in general. Following discussion, Dr. Ngobia responded to questions from attendees.

6. Presentation by Wilfrid Laurier University

Due to an unexpected matter, Ms. Laura Lindo, Director, Diversity and Equity Office at Wilfrid Laurier University sent her regrets.

7. Presentation by McMaster University

Mr. Milé Komlen provided a comprehensive overview of Human Rights and Equity Services at McMaster University. Mr. Komlen referenced the Office serving various purposes, including the “conscience” of the University and a “safe space” for those requesting services in its complainant-driven intake, triage and resolution process. Mr. Komlen then responded to questions from attendees.

8. Questions and Discussion for Panel

Dr. Jens Coorssen joined the meeting and was welcomed and introduced to the assembly by the Chair.

The Chair then facilitated a broad panel discussion during which Dr. Ngobia and Mr. Komlen addressed questions and provided further perspectives on various matters.

The topics of discussion included:

- the intake process and effect on complainant;
- the differentiating factors between a formal and informal process;
- circumstances where proposed solutions are binding;
- the diversity of staff in human rights offices and whether the staff composition is reflective of the communities served;
- ensuring confidentiality in the complaint and resolution processes;
- the degree to which the policies are at arms-length to the Board or related units;
- the differences between the formal and informal complaint processes at each university;
- the process for formation of the adjudication committees including identification and selection of members;
- comparison between number of formal and informal cases;
- balancing safety of community and confidentiality in case process;
- confidentiality boundaries of final report created from the process; and
- confidentiality boundaries of any remediation or discipline.

The Chair thanked the Dr. Ngobia and Mr. Komlen for attending today's meeting, providing in-depth information about their units and for addressing questions during discussion.

Ms. Yaqubian undertook to summarize the discussion points from today's meeting and circulate to the Task Force to aid in the development of potential interim recommendations.

9. Other Business

There was no other business.

10. Next Steps

The Chair reminded members that the next meeting will be confirmed for October 20th from 1:00 to 3:00 pm, location to be announced by University Secretariat.

The action items identified during the meeting were:

- The *Human Rights Offices at other Universities* Chart will be circulated to Task Force
- Summary of discussion points from today's meeting will be circulated to the Task Force

11. Takeaways from meeting

Due to the forthcoming summary document, there was no further discussion.

12. Adjournment

The meeting adjourned at 10:59 a.m.

Human Rights & Equity

RWLEP Concerns and Gaps



RWLEP Overview of Concerns

- The **formal resolution investigation procedures** (RWLEP s54-57):
Currently we seek agreement to use an external investigator. Are there any concerns with having an internal investigator available?
How can we manage the cost of having external investigators?
- The **investigation report** goes to both parties and they each have an opportunity to comment on it (RWLEP s64). Should we continue this practice?
- The **investigation report** contains one of 4 recommendations including, insufficient evidence, settlement, discipline of respondent, or discipline of complainant (RWLEP s63). Should we continue this practice?
- **Confidentiality** is to be maintained at all times, unless there is a safety risk or legal obligations require disclosure. Are there any concerns with requiring parties to maintain confidentiality during a process pursuant to the RWLEP? After it is complete?

RWLEP Overview of Concerns

- Bill 132 (OHSA) states that workers should receive **information on discipline** of another worker following an investigation of harassment. Should we extend this right to others at Brock?
- Parties are allowed to bring any person to act as their **advisor** and they may participate during the personal and informal stages as an observer or representative; it is unclear whether advisors may participate during the formal stages (RWLEP s24-25). Should we limit advisors' ability to participate? Should the University supply advisors?
- The RWLEP prohibits discrimination and harassment whether it occurs on university property or in conjunction with university-related activities (RWLEP s3). Should we limit or broaden this **scope**?
- The RWLEP **applies to** students, course participants, staff, faculty, volunteers, and visitors to Brock University. Should we limit or broaden this **scope**?

RWLEP Overview of Concerns

- The **limitation period** is 6 months, with the discretion to consider a complaint filed beyond the limitation period in extenuating circumstances (RWLEP s27). Should we extend this limitation period?
- The **appeal procedures** differ depending on who is appealing (RWLEP s72). This allows unionized employees to appeal through a grievance, students to appeal through the Student Code of Conduct, and non-unionized employees to appeal through the “staff grievance procedure” (which doesn’t seem to exist). Should we have one appeal procedure for all?
- Currently we can **deny requests for investigation** because the University does not have jurisdiction, the allegations do not fall within the scope of the policy, or the alleged incident occurred more than 6 months ago (RWLEP s42). Should there be discretion to deny a request for investigation based on other reasons?

RWLEP – Scope

- Discrimination, harassment, and bullying
 - Bullying and workplace conflict are very different than discrimination and human rights harassment
 - Applies to all Brock community members and visitors
 - Contractors?

RWLEP – Confidentiality

- During investigation
- After investigation
- Information received during the investigation vs. a survivor's story
- Sanctions for breach of confidentiality
- Confidentiality requirements of the University
- Confidentiality around discipline

RWLEP - Complaints

- A Brock community member must bring a complaint to initiate the resolution process
- There is an option for senior administration to invoke an investigation
- Investigations are Complainant v. Respondent, rather than University v. Respondent

RWLEP – Interim Measures

- Available after a formal complaint is made
- OHRES will consult with appropriate personnel to determine if interim measures are required to protect the University, Brock community members, or the integrity of the investigation

RWLEP - Accommodations

- No formal policy for accommodations for students, other than for disability

RWLEP – Resolution

- Should formal resolution be available in all cases?

RWLEP – Limitation Period

- 6 months
- Extenuating circumstances

RWLEP – Investigation

- Not for students – this is referred to the Student Code of Conduct
- Investigation team - often hire external investigator
- Investigation report
 - Draft given to both parties to allow for comment
 - Final copy given to both parties
 - If discipline is recommended, it is sent to HR

RWLEP - Discipline

- If discipline is recommended, the investigation report forwarded to HR
- HR is responsible for determining the level or discipline for staff and for implementing the disciplinary measures
- HR reports back to OHRES once discipline has been implemented

RWLEP - Appeals

- There is no separate appeal process for the RWLEP
- For unionized staff, they may grieve the decision
- For non-unionized staff, there is no way to appeal the decision
- Students can appeal through the Student Code of Conduct