

George Brown
The Toronto City College

Your Guide to Human Rights Issues At George Brown College

Diversity, Equity & Human Rights Services
2006

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Introduction

George Brown College is both a place of learning and employment. At George Brown College we have the right to study, learn, teach and work in an environment that is free of harassment. The college does not condone harassment or any other form of discrimination; it is treated as a serious offence. This right is supported by the *Ontario Human Rights Code* and College's policy on the Prevention of Discrimination and Harassment.

George Brown College:

- is committed to fostering a climate where human rights are respected
- is committed to providing educational opportunities to expand the knowledge and abilities of its students and employees to live, study and work within our diverse College community and society
- and will not tolerate discrimination or harassment in its educational, employment or business dealings

Definitions

George Brown College adheres to the Ontario Human Rights Code and therefore adopts the same definitions of discrimination and harassment as the OHRC.

Discrimination

Action(s) or behaviour(s) that result in the unfavourable or adverse treatment or preferential treatment related to the prohibited grounds.

Harassment

One or a series of provoking comments or conduct related to one or more of the prohibited grounds that is known or might reasonably be known to be unwelcome, unwanted, offensive, intimidating, hostile, or inappropriate.

Prohibited Grounds at GBC

- Age
- Ancestry
- Citizenship
- Class
- Colour
- Disability
- Ethnic origin (including culture, language, dialect, accent or custom)
- Family status
- Marital status
- Place of origin
- Race
- Receipt of public assistance
- Record of provincial offences or pardoned federal offences
- Religion, Creed
- Sex (including gender identity and pregnancy)
- Sexual orientation

Gender Identity:

Because the *Ontario Human Rights Code* does not yet specifically name Gender Identity as a prohibited ground, it does not yet appear as a specific ground in George Brown's Policy. Like the Ontario Human Rights Commission, matters of gender identity discrimination or harassment current fall under the ground of "sex". Please note that the college is constantly reviewing and updating policies and will be considering adding Gender Identity as a prohibited ground in and of itself.

Homophobic Harassment

Homophobia is the irrational fear and negative attitudes, feelings and beliefs about homosexuality. Homophobia can range from hatred and extreme fear of gay men or lesbians to feelings of disquiet or discomfort. The Policy covers harassment directed at people because of their sexual orientation, actual or perceived. For example, if you are harassed because you are a lesbian or a gay man, you can use the Policy to seek a remedy.

Negative Environment

A comment or action, or a series of comments or actions, which creates a negative environment (i.e. offensive or intimidating climate for study or work) for individuals or groups, and are related to the prohibited grounds. The comment or conduct must be of a significant nature or degree and have the effect of “poisoning” the study or work environment. A complainant does not have to be a target to be adversely affected by a negative environment.

Racial Harassment

Someone is bothering you, threatening you or treating you unfairly because of your race, colour, ancestry or ethnic background. This type of harassment may also be based on or linked to your place of origin (where you were born or lived before moving to Ontario), creed (religious belief) or citizenship. It is against the law for anyone to harass you, insult you or treat you unfairly for any of these reasons. Racial harassment is discrimination and it is illegal.

Sexual Harassment

Sexual harassment refers to one or a series of comments or conduct of a gender-related or sexual nature that is known or might reasonably be known to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate. Flirtation and banter between consenting friends and peers is not sexual harassment. Sexual harassment is illegal. It is unwelcome and detrimental to the victim’s work, studies and emotional health.

Systemic Discrimination

Policies, practices, procedures, actions or inactions that appear neutral but have an adverse impact associated with one of the prohibited grounds. An example of systemic discrimination is exam schedules that conflict with important religious events.

Policies

Academic Appeals

George Brown College wants its students to succeed and have their academic records to reflect their academic abilities and achievements. It is expected that the Faculty remain objective, consistent and fair. In situations where students experience personal difficulties or unforeseen events that disrupt or impact their academic performance, it is expected that faculty will provide alternate arrangements to enable the students to meet the course/program requirements. If you have a concern related to a grade, the policy to which you should refer is the *Academic Appeals Policy*:

- <http://www.georgebrown.ca/Admin/VP Acad/policies/GBCAcademicAppealsPolicy1105.pdf>

Accommodation for Religious Observance

George Brown College is committed to respecting religious beliefs and practices of all members of our community, and making accommodation for religious observances in each tradition. Every effort will be made to avoid scheduling in class or formal examinations on days of special religious significance throughout the year.

Accommodation for Religious Observance continued...

- If there is a conflict the student requiring an accommodation for a religious holiday should notify the course professor if possible two weeks prior to the required accommodation. It is the student's responsibility to contact the professor to arrange the accommodation for a test, exam, or clinical placement, work placement or any other academic situation that conflicts with a day or time period for religious observances of special significance to them. The accommodation request will be within reasonable limits.
- In the case of an external work placement, clinical placement or practicum, it is the student's responsibility to inform their supervisor if possible two weeks prior to their need for accommodation regarding religious observances. If the student encounters any difficulties they should contact their co-op officer or faculty member.
- See section 9 (p. 54) of www.georgebrown.ca/Admin/VP Acad/policies/gbacademicpolicies4.pdf
- Religious Accommodation request form (see Appendix L)
<http://www.georgebrown.ca/Admin/VP Acad/policies/Appendix.pdf>

Codes of Conduct

In addition to *The Prevention of Discrimination and Harassment Policy* at GBC, there are also the *Codes of Conduct* which lay out the expected appropriate behaviour of Students, Staff, Faculty and Administration at the College. A member of the George Brown College community may behave inappropriately but not in a discriminatory or harassing way. This inappropriate behaviour may not be covered by the *Discrimination and Harassment Policy* but is actionable under the *Codes of Conduct*. If you are unsure of how to classify the type of behaviour or would like to obtain a complete copy of the *Codes of Conduct*, please contact Diversity, Equity & Human Rights Services at the contact information below, or go to the following links:

- Code of Student Conduct: Academic
www.georgebrown.ca/Admin/VP Acad/policies/gbacademicpolicies9.pdf

- Student Discipline Policy
- Behaviour that is disruptive to the academic environment, harmful to others, threatening to others, vandalizes College property, an act of academic dishonesty or is illegal will not be tolerated. The College concentrates on the results of the actions, not the intent. Consequences may range from formal warning, to suspension, to expulsion, and if necessary, involvement of law enforcement. This Policy applies to all students, whether traditional onsite, work placement/coop or distance learners. Please see Policies at www.georgebrown.ca/Admin/VP Acad/policies

- Code of Conduct: Academic Employees
www.georgebrown.ca/Admin/VP Acad/policies/gbacademicpolicies10.pdf
- Code of Conduct: Support Staff
www.georgebrown.ca/Admin/VP Acad/policies/gbacademicpolicies11.pdf
- Code of Conduct: Administrative Staff
www.georgebrown.ca/Admin/VP Acad/policies/gbacademicpolicies12.pdf

Disabilities Services Policy

George Brown College is committed to promoting an equitable environment for students and employees and opportunities for members of the GBC community to have access to and participate in all aspects of college life, in accordance with the *Accessibility for Ontarians with Disabilities Act* (2005), the *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms* (1982).

Accommodating Students with Disabilities

Accommodation of students with disabilities in post-secondary institutions is governed by the *Charter of Rights and Freedoms*, and by provincial human rights statutes. The Commission's *Disability Policy* reaffirms the right of persons with disabilities to full participation and integration. An accessible educational system is one in which persons with disabilities can "access their environment and face the same duties and responsibilities as everyone else, with dignity and without impediment". www.georgebrown.ca/Admin/VP Acad/policies/disabilitypolicyfinal.pdf

To read George Brown's *Ontarians with Disabilities Act Accessibility Plan* please go to www.gbrownc.on.ca/saffairs/disabilities/access_plan_summary.aspx

Planning an event at George Brown?

Take a look at this information. The College has put together a handbook of things you should consider when you are planning an event for the college community in order to make sure that the event is accessible to everyone.

<http://www.georgebrown.ca/Admin/hr/hra/checklist-for-accessible-events.pdf>

Accessibility for Ontarians with Disabilities Act (2005)

Please see this link for more information on the guidelines that the Ontario government has set in place to ensure that all Ontarians have equal opportunities to succeed and to live and learn in an accessible world.

<http://www.mcass.gov.on.ca/accessibility/index.html>

Online Harassment

Electronic communication that is unwanted, and that is persistent, repeated, abusive, obscene, or otherwise unwelcome may be harassment, and may be actionable under College Policy. Use of College computing resources (including e-mail) is subject to the College's various *Codes of Conduct*, the *Prevention of Discrimination & Harassment Policy* and all other generally applicable College policies:

- Information Technology Policies (2004) - www.georgebrown.ca/Admin/VP Acad/policies/its_aup.pdf

Responding to Online Harassment

- Do not reply to messages.
- Do not delete them.
- Save them, and make a hard copy.
- Report the harassment immediately through the Help Desk at 416-415-5000 Ext. 4357 or helpdesk@gbrownc.on.ca
- If you are receiving unwanted *personal* messages (not spam) from someone you don't know, you should report them immediately.

Tips

- Don't send jokes to people on e-mail
- Don't "chat" to your professors as if they were your friends. They're not. They won't like it
- Don't send messages if you're angry or upset. Cool down. E-mails are permanent
- Don't ignore online harassment. If someone is sending you stuff that bothers you, get advice

Taking Action on a Human Rights Complaint

- You can make an appointment to meet an Advisor (see page 10 for contact information), or you can discuss the matter on the phone.
- You can bring a support person or representative to any meetings.
- You can obtain a copy of the Policy and other resource materials.
- You can get information about how the complaint process works.
- Contact with the office is confidential, and the Advisor is non-partisan.
- The complaint process is also confidential, and if you want to make a formal complaint you must maintain confidentiality. The confidentiality of all information relating to a complaint will be maintained throughout the complaints process in accordance with the provisions of the *Freedom of Information and Protection of Privacy Act* (Ontario) to which the College is subject. This requirement covers all those involved in a formal complaint.

Resolution Processes

- Informal Complaint
- Mediation
- Formal complaint

Informal Complaint

The informal approach is not mandatory, but is strongly urged where and when appropriate. The informal approach is recommended as an early and immediate way for individuals to address and resolve a situation. It requires the co-operation and willingness of both parties for it to be successful.

If you are the Complainant (person making the complaint) you should:

- Remain calm and approach the Respondent
- Identify the conduct/behaviour
- Explain that the conduct is unwelcome and that you would like it to stop
- Allow the Respondent a fair opportunity to respond
- Suggest a possible resolution

If you are the Respondent (person that the allegation is made against) you should:

- Hear the complaint in a respectful manner
- Encourage dialogue
- Cooperate in efforts to resolve the matter
- Take responsibility and change behaviour, where appropriate
- Learn from the experience

If it is not possible to approach the Respondent immediately, speak to an Advisor in Diversity, Equity & Human Rights Services for assistance.

Mediation

Mediation is a practical way to help both sides to a complaint check their facts and assumptions, exchange perceptions and ideas, and work towards mutually agreeable settlements. It allows each party to understand the other person's position and it allows each person to be involved directly in the process. It is also a fast, effective way to resolve disputes in the early stages of the human rights process. Mediation is voluntary and confidential and works best when:

- Both parties are willing to participate in mediation
- The relationship between the parties is important to both of them
- Both parties want a measure of control over the outcome
- Neither side wants investigation or litigation
- Speed is important
- Both sides need the opportunity to be heard in a non-threatening environment with a neutral third party present

The mediator does not take sides or make decisions about who is right or wrong. There is no agreement until those involved in the conflict are satisfied at which a signed agreement or memorandum of understanding may be developed and signed by the parties concerned.

Formal Complaint

Sometimes it is not always possible, or practical to use the informal approach. It may not result in a resolution or the behaviour may recur. Should you find yourself in one of these situations, then you have the option of filing a formal complaint under the College's Policy, filing a grievance (where applicable) or filing a complaint externally with the Ontario Human Rights Commission.

A written complaint should be prepared, citing the name of the Respondent and all the relevant issues i.e. allegations of discrimination and harassment, including dates and times the incident(s) occurred. This document should stick to the facts. Information such as witnesses' names, personal details/comments, must be omitted from the formal complaint, to maintain confidentiality.

To whom do I take the formal complaint?

The Complainant Is...	The Administrator Responsible Is...
Student	Chair
Faculty	Union Local or Chair
Staff	Union Local or Manager
Administration	Department Vice President

All complaints may also be made to Diversity, Equity & Human Rights Services.

Though the formal complaint may be received verbally, or through an interpreter, it is preferable to be submitted in written form. Eventually, all formal complaints will be written by the Administrator if not received in written format, and will need to be signed by the Complainant.

The Complainant should outline the following with the Administrator:

- Situation that has raised concern: What happened - what was said or done
- Chronological events that shape discriminatory or harassing experience: When and where it happened
- Why the conduct/comment is discriminatory
- The affect of the situation
- What did the Complainant do at the time or since to rectify the situation
- The resolution the Complainant is seeking

Processing a formal complaint is the responsibility of the department. Consultation, advice and support may be sought from other appropriate people such as counsellors and other student advisors, the Student Association, HR consultants, union stewards, and Advisors in Diversity, Equity & Human Rights Services.

Formal Complaint Checklists – Things You Need to Do

For Complainants

- First attempt informal resolution if possible
- A formal complaint must be initiated in no less than ten (10) days after receiving the grade in a grade dispute or six (6) months after the incident. (Extenuating circumstances may be considered if the complaint can not be initiated within the appropriate time frame)
- Consult George Brown's *Prevention of Discrimination and Harassment Policy*. Ask for clarification from the Administrator if necessary
- Provide a written and signed statement, naming the Respondent and a full account of the conduct of concern
- Decide the type of resolution that you are seeking
- The Administrator will return to you with the Respondent's response and may try to resolve the complaint at this stage without further action. This may involve mediation. If agreement is reached you, the Respondent and the Administrator will sign a *Memorandum of Understanding*.
- If no understanding has been reached the complaint will go into investigation by the Administrator to be completed within twenty (20) days, depending on the case
- After the investigation and interviews are completed the Administrator will provide you with a report and you will have three (3) business days to provide feedback
- After this period the Administrator will provide you with the *Final Report*
- You have the right to appeal the Administrator's decision under limited circumstances (see *Appeal Process*)

For Respondents

- You will receive a written and signed formal complaint from the Administrator within two (2) business days of the complaint being made
- Consult George Brown's *Prevention of Discrimination and Harassment Policy*. Ask for clarification from the Administrator if necessary
- prepare a written signed response to the complaint and give this to the Administrator with in seven (7) business days of having received the formal complaint
- The Administrator may try to resolve the complaint at this stage without further action. This may involve mediation. If agreement is reached you, the Complainant and the Administrator will sign a *Memorandum of Understanding*
- If no understanding has been reached the complaint will go into investigation by the Administrator to be completed within twenty (20) days, depending on the case
- After the investigation and interviews are completed the Administrator will provide you with a report and you will have three (3) business days to provide feedback
- After this period the Administrator will provide you with the *Final Report*
- You have the right to appeal the Administrator's decision

For Administrators

- The complaint is initiated in no less than ten (10) days after receiving the grade in a grade dispute or six (6) months after the incident. (Extenuating circumstances may be considered if the complaint can not be initiated within the appropriate time frame)
- Suggest Informal Resolution if it has not already been tried; contact Diversity, Equity & Human Rights Services for advice if necessary
- Make sure the Complainant has a copy of and understands George Brown College's *Prevention of Discrimination and Harassment Policy*
- Written and signed statement from the Complainant naming the Respondent and a full account of the conduct of concern
- Once the formal complaint has been reduced to writing and given to the Administrator the decision to proceed rests with the Complainant
- Explore the type of resolution that the Complainant is seeking

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- Provide the Respondent with a signed copy of the formal complaint and send a signed copy of the complaint to Diversity, Equity & Human Rights Services within two (2) working days of its receipt
- Make sure the Respondent has a copy of and understands George Brown College's *Prevention of Discrimination and Harassment Policy*
- The Respondent will prepare a written signed response to the complaint and give this to the Administrator within seven (7) business days of having received the formal complaint
- Upon receipt of the Respondent's response the Administrator may attempt to resolve the complaint without further action. To do this you may need to meet with the respondent and/or complainant separately or together, or you may decide to arrange mediation by involving a third party. You may also consult with Diversity, Equity & Human Rights Services, Disability Services or take any other action to bring about a resolution
- If you achieve a resolution at this stage you must write up the terms of the resolution in a *Memorandum of Understanding* and have it signed by the Complainant, Respondent and the Administrator. Each party should receive a copy of the signed memorandum. All documentation related to the complaint including the signed memorandum should be forwarded to Diversity, Equity & Human Rights Services. No documentation of the complaint should remain with the Administrator.
- If no *Memorandum of Understanding* can be reached, proceed with investigation
- The Policy states you have twenty (20) working days to complete your investigation, but you may extend this time limit if you have legitimate reasons. You must inform the parties to the complaint that you are extending the time limit
- Collect any related written documentation that pertains to the complaint
- Identify who you will need to interview. You will interview parties who may have relevant and direct knowledge of the complaint
- Before you interview, identify questions you will ask based on the formal written complaint
- Keep a record of each interview and have the interviewee verify your notes of the interview
- In Human Rights cases the standard of proof is the "balance of probabilities".
- After you have interviewed all the parties, you will proceed to write up your *Preliminary Report*. Both the Respondent and the Complainant will receive a copy of your report and will have three (3) working days in which to provide you with feedback either in writing or verbally
- Once the three (3) day feedback time is up, you will prepare your *Final Report* and recommendations in the case and provide both the Complainant and Respondent and Diversity, Equity & Human Rights Services with a copy
- The *Final Report* should look like this:
 - o Briefly describe the nature and origin of the complaint and an overview of the interview process
 - o Summarize relevant findings and facts resulting from the investigation
 - o Analysis and recommendations
 - o Complainant's detailed evidence supporting the allegations
 - o Respondent's detailed evidence in response to the allegations
 - o Relevant evidence from interviews
 - Direct evidence - establishes facts
 - Circumstantial or indirect evidence - generally consists of a group of events which tends to support an inference or occurrence or absence of occurrence of an alleged incident
 - Hearsay - generally not admissible as evidence
 - o Relevant documentary evidence - record of information related to the complaint
- You may also have to consider the following in dealing with a formal or informal complaint
 - o Safety of the Complainant or Witnesses
 - o Grade concerns
 - o Sick leave issues
 - o Stress related issues
- At any point in this process you may contact Diversity, Equity & Human Rights Services for guidance

Withdrawing a Complaint

The Complainant may withdraw the complaint at any stage in the complaint process by notifying the Administrator in writing that he or she wishes to do so. If the complaint is withdrawn by the Complainant before the Administrator makes his or her final decision, the Administrator will:

- notify the Respondent in writing that the complaint has been withdrawn;
- collect together the complaint, the response, the memorandum of preliminary conclusions and/or all other related documents held by the administrator and forward these to Diversity, Equity & Human Rights Services so that no record of the complaint remains with the Administrator

Appeal Process

If either the Complainant or the Respondent is not satisfied with the results of the Administrator's finding he or she is entitled to appeal it by requesting a review of the decision by the Diversity, Equity & Human Rights Advisor to the President of the College. This request may be made verbally or in writing, and it must provide a detailed explanation of the concerns giving rise to this request for a review. An advisor in Diversity, Equity & Human Rights Services will review the process. She or he will recommend to the President that a Human Rights Appeal Committee be established to hear the case, if she or he believes that:

- the correct procedures have not been followed
- that there is information which could have a bearing on the issue and that this information was not considered
- that there are arguments and concerns which have yet to be adequately considered

Reprisals

The Policy prohibits any form of retaliation against people who use its complaint procedures or who are witnesses to a complaint. Retaliation can form the basis of a further complaint and will attract additional sanctions.

Other Options

In some circumstances you may decide to pursue a complaint through the Human Rights Commission or other legal action. Diversity, Equity & Human Rights Services can provide information about alternative procedures.

Students on Placements

If you are studying or working on a practicum outside the College you are still protected by College policy. However, you may also be covered by the policies of the organization you are placed with. Diversity, Equity & Human Rights Services can assist you in dealing with any issues that arise on college-related placements.

Please always remember to consult Diversity, Equity & Human Rights Services; we are here to help you.

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Diversity, Equity & Human Rights Services Contact Information

Dale Hall Advisor to the President
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For a complete copy of the *George Brown College Prevention of Discrimination & Harassment Policy* please see our website www.georgebrown.ca/Admin/hr/hra or visit one of the above Diversity, Equity & Human Rights Services locations.