



University of Guelph Human Rights and Equity Office Operational Review

Final Report

Institute on Governance

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Institute on
Governance

LEADING EXPERTISE

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Executive Summary

The Institute on Governance (IOG) undertook an operational review of the University of Guelph's Human Rights and Equity Office (HREO) within the context of its present mandate, role, goals and policies. Specifically, the review focused on how well the HREO's functional operations support the policies in place, how the HREO implements the mandate assigned to it in achieving the goals set and on the appropriateness of the structures in place to help carry out its responsibilities. As part of the methodology, the IOG benchmarked the University against three other Ontario universities of similar size. The Institute used an on-line survey instrument to obtain insight from students, staff and faculty and in-depth interviews with key staff and stakeholders were conducted.

The HREO is responsible for assuring, to the full extent possible, that Ontario Human Rights Code issues related to discrimination, harassment and human rights are resolved fairly and expeditiously within the university community through both independent and collaborative processes. Proactive measures that educate and build awareness are used to building a positive culture based on a clear understanding of acceptable and unacceptable practices and behaviour. The University implemented its Human Rights Policy and Procedures in 2002 and reviewed them in 2009. Changes were made in 2009 to provide for three avenues of complaints - informal resolution, mediation and the formal complaint. Three year sunset clauses were inserted in the procedures requiring review of the changes to the formal process relating to membership on the fact-finding teams and of the elimination of the *de novo* process.

Overall, the review found that the University's discharge of its responsibilities under its current human rights and equity policies meets high standards, given the breadth of the mandate and resources allocated. The University's track record on human rights and equity are held in high regard within the institution by students, faculty and staff alike, and the culture of the University is broadly supportive of greater understanding, awareness and progress. HREO's hallmarks of impartiality, fairness and timeliness of the complaints process, as required in the mandate, are by and large, recognized positively. The University of Guelph's processes and achievements compare favourably to similar sized institutions in Ontario that were reviewed.

The functions carried out by the HREO are required under law in the Ontario Human Rights Code, as well as Accessibility for Ontarians with Disabilities Act and the Federal Contractors Program. While recourse to the Ontario Human Rights Tribunal is always a right, responsible organizations want to resolve both individual and systemic issues internally. Their leadership is committed at all levels to achieving progress in representation and accessibility and providing recourse when appropriate. They take proactive measures to prevent conflict and build healthy, representative, accessible workplaces and communities. Discrimination, harassment and human rights protections and accessibility issues receive attention up to the highest levels of the University whenever necessary. And various University services work in close collaboration for the overall health, safety and protection of the community. While the HREO function plays a vitally important independent advisory, mediation and leadership role, the human rights

and equity agenda is a shared one with management, faculty and staff and all members of the University community.

This report makes recommendations to clarify and strengthen the governance of the human rights and equity function in some critical but necessary areas, especially the areas where independence is essential to improve the University community's trust and confidence in the impartiality, fairness and confidentiality of the recourse functions and where collaboration is essential to achieving progress in human rights and equity policies.

Review Mandate

In March 2012, the University of Guelph engaged the Institute on Governance (IOG) to conduct an operational review of its Human Rights and Equity Office (HREO), within the context of its present mandate, purpose, role, goals and policies. The purpose was to assess whether or not changes could be made to improve the ability of the University to meet continued expectations as an innovative leader in equity, accessibility and human rights.

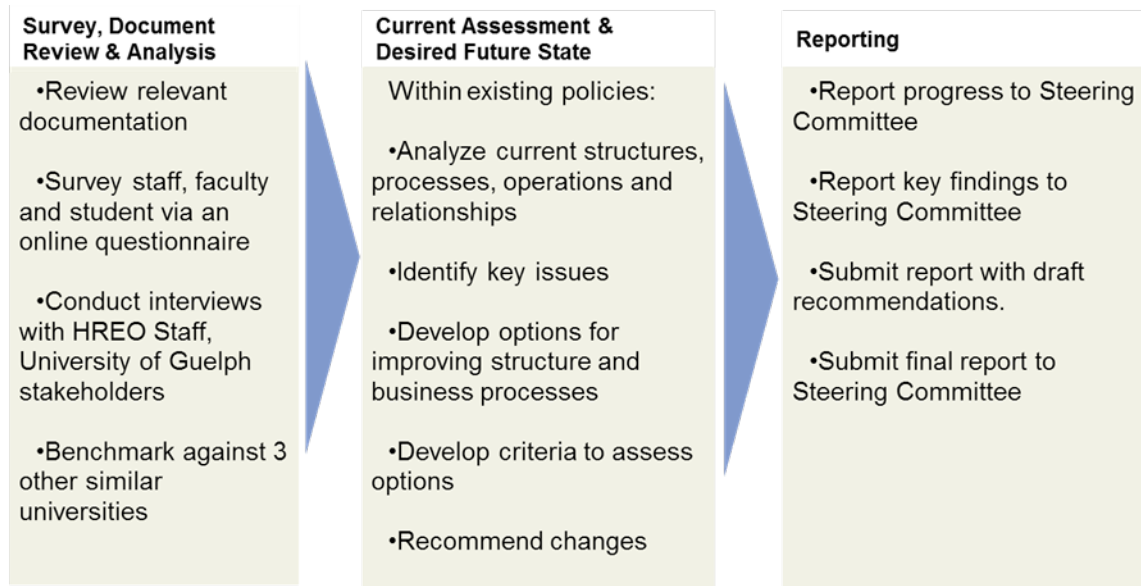
Specifically, the Institute was asked to:

- Identify, document and analyze primary HREO functional operations processes as they are currently structured, including case management procedures
- Review the HREO organizational structure including the advisory and resource structure and the reporting structure within the University organization; and

Develop and document recommendations, benchmarking the HREO against practices at comparable Ontario post-secondary institutions

Framework and Methodology for the Review

Figure 1: Approach



The Institute on Governance used an open consultation approach that was broadly representative of the University community and its stakeholders. The review included an on-line open survey of students, faculty and staff of the University. The IOG held numerous individual interviews and roundtable group discussions. It undertook document and case file research and analysis. In the analysis, the IOG used recognized organizational design best practices combined with a standard business review methodology to assess performance of the HREO's operational requirements and good governance standards. Finally, the IOG consulted with HREO-equivalent offices at McMaster, Queen's and Carleton, reviewed their publicly available information and benchmarked Guelph's processes, practices and structures against key comparable features. The comparative analysis also included a basic document review.

The work was guided by a Steering Committee comprised of:

- Don O'Leary, Vice-President (Finance and Administration)
- Brenda Whiteside, Associate Vice-President (Student Affairs) and Interim Director, HREO
- Martha Harley, Assistant Vice-President (Human Resources)
- Mary Childs, Legal Counsel
- Tracey Jandrisits, Director of Faculty and Academic Staff Relations and Executive Advisor to the Provost

The committee provided the IOG with the independence necessary to undertake an open review. The Vice President's Office provided administrative support as required.

Broader Human Rights Context

The practice of respect for human rights and equity in a university environment is fundamentally important to helping shape the talent of the next generation. In today's demographic environment, healthy, inclusive, welcoming institutions and workplaces are the norm and it is generally accepted that both society and the economy benefit.

Respect for human rights and equality and providing accessibility are core Canadian and Ontarian values. And it is the law in Ontario under the Ontario Human Rights Code and the Accessibility for Ontarians with Disabilities Act (AODA). As well, under the Federal Contractors Program - a program which requires provincially-regulated employers to implement a number of employment equity measures - public institutions are required to report annually on a number of equity issues, among which is the collection of workforce information. The data to be collected include:

- internal representation data (stock data), collected via a self-identification survey. For accurate data collection and further analysis, the organization is required to achieve a high response rate to the survey;
- hiring, promotions, and terminations data (flow data) that will allow the contractor to track the progress of employment equity over time; and
- salary data, including top and bottom salary ranges.

Human rights issues according to the Code would generally include issues such as racism, racial discrimination, sexual and gender-based harassment, disability accommodation, pregnancy and breastfeeding, age discrimination, gender identity, sexual orientation, and family status.

Organizations are responsible for ensuring that individual rights are protected and are liable if they are not, whether actions are intentional or unintentional. The Ontario Human Rights Commission notes that a "complete strategy" is supported by strong, visible, on-going leadership commitment, and should generally include:

1. A barrier prevention, review and removal plan;
2. Anti-harassment and anti-discrimination policies;
3. An internal complaints procedure;
4. An accommodation policy and procedure;
5. An education and training program.¹

¹ Ontario Human Rights Commission, Guidelines on Developing Human Rights Policies and Procedures, January 2008.

The human rights and equity field continues to evolve as Courts and tribunals interpret the law. For example, more recently emerging issues such as competing rights, systemic discrimination and mental health awareness require vigilance by organizations and institutions so that their practices adapt to new needs.

Organizations need an advisory capacity that is neutral and expert and are advised to separate the functions of informing people about their options, from receiving and investigating complaints. The independent advisor should not act as an advocate for any party, should not provide legal advice and should not be under “pressure from the organization to divert or suppress complaints.”² This is a fundamental principle. The second is the need to ensure confidentiality and privacy.

Best practices generally imply that entire organizations are knowledgeable and committed, learning is continuous and up-to-date, top leadership is demanding and intolerant of discrimination and harassment, progress towards goals is relentless, progress is measurable and outcomes-based and processes are continuously improved.

HREO Background

The HREO office was established in 1996 with the purpose of coordinating initiatives in the area of Human Rights Code-based discrimination, harassment and employment equity. In April 2002, the Human Rights Policy and Procedures was implemented with the goals of:

- Establishing the steps to be taken when behaviors fail to meet the standards expected of members of the University community; and
- Assisting those involved in human rights disputes or complaints resolution procedures to acquire the assistance and support of trained personnel.

The original policy and procedures did not encompass systemic discrimination, provided for a *de novo* hearing following a fact-finding process in the formal process, and did not provide for a faculty member or staff member to be on the fact-finding team if either a faculty or staff member was the respondent. In addition, guidance on storage of confidential information was not clear.

A report was completed in 2006 looking at the 2002-2006 period. In this reporting period, there were 540 human rights complaints with 365 (68%) resolved by advice, 154 (29%) through informal process, 7 (1%) through mediation, and 14 (3%) through formal process. At the time, 18% were related to disability, 12 % to race, 13% to creed, 10% for sexual harassment and 7% were sex-based. The remaining 23% were based on unknown grounds. Students and staff were the largest number of those seeking redress or information.

² Ontario Human Rights Commission, *Complaint Resolution Procedures*, <http://www.ohrc.on.ca/en/book/export/html/6572>

In the '06 report a number of concerns were identified. Timelines were not being met in the formal complaints system; disputes were too fault-based, therefore not reducing conflict. What's more, there was no ability to deal with systemic discrimination. A review of the 2002 policy and procedures was undertaken and the procedures were changed in 2009. The review addressed implementation issues identified by the HREO and reported in the '06 report.

Before outlining these changes, it's important to look at the second report, which covered the period of 2006-2010. During this reporting period there were 466 human rights related complaints or an average of 116 a year (down from previous levels). 322 (80%) complaints were resolved by information and advice, 119 (26%) through the informal process, 14 through mediation (3%) and 11 (2%) through the formal process. Disability constituted 21%, creed 16%, race 9%, sexual harassment 4% and sex-based 10%. Twenty-eight percent (28%) were based on unknown grounds. Of note is the increase in concerns related to disability, creed and sex.

In 2009, additional provisions were added governing retention and storage of documents used in the process. The mediation process was enhanced to clarify and emphasize the desirability of using mediation, reflecting the concerns from the 2002-2006 report about too many fault-finding processes. Complaints relating to systemic discrimination became subject to the policy and procedures, since this had been considered an important omission from the 2002 policy and procedures. A provision was added making it clear that because cross-examination is not permitted in the formal fact-finding process, the report of the fact-finders cannot be used in any subsequent arbitration. It was determined that the entire glossary was no longer necessary and therefore it was removed.

The formal complaint process was changed by adding the requirement that if a faculty member is the respondent in a complaint, one member of the fact-finding team must be a faculty member, and one fact-finding team member must be a staff member when a staff member is the respondent. Secondly, the *de novo* hearing was abandoned in favour of the existing grievance or other university processes relating to discipline. HREO was given the authority to make recommendations to the appropriate VP, who receives the fact-finding report, where the complaint relates to factors within the workplace, and is directed at removing any barriers to restore the working, living or learning environments.

Consultations were significant in the 2006 to 2009 review. The final changes included sunset clauses in the procedures that required changes to the formal process on membership for the fact-finding team, and the elimination of the *de novo* process. These were to be reviewed in three years, i.e., 2012. The Board of Governors approved a recommendation to stay this review subject to the outcome of this review.

Current HREO Policy & Procedures

The policy states that the HREO is specifically responsible for “managing processes” under the Human Right Policy (except where an issue may impinge on the Office or its staff members) in a consistent, timely, impartial and fair manner by:

- providing advice to all participants under this Policy and its Procedures;
- assisting persons with supervisory responsibilities in the resolution of human rights concerns;
- managing the fact-finding process;
- helping those who are involved in the dispute or complaint resolution procedures under this Policy to acquire the assistance and support of trained personnel;
- bringing to the attention of persons with supervisory responsibilities any University policy, procedure or practice that appears to discriminate against an individual or a group based on prohibited grounds;
- acting on any equity-related matters that may be referred to the HREO by the President of the University.

It is also clear in the policy that the responsibility for human rights and equity is shared with the University’s administrators, deans, chairs and directors of academic departments and that other directors and supervisors in positions of trust, power and authority have a particular duty to take steps to prevent discrimination and harassment on the grounds covered by this Policy and to support the implementation of its Procedures. Persons with supervisory responsibilities are also encouraged to support special programs designed to eliminate disadvantage caused by discrimination.³ In practical terms, the HREO works collaboratively with the Human Resources unit and FASR, in support of the Office of Provost in the area of educational equity

Selection of volunteers

The HREO is responsible for seeking volunteers annually from the University community to establish a pool of “human rights resource persons” trained to provide advice to individuals and groups who become engaged in the procedures. The Human Rights Advisory Group (HRAG) selects these individuals. External consultants, appointed by the University, train those selected for the pool of resource persons. A term within the “human rights resource persons” pool is twelve months, and an individual may hold up to five consecutive terms.

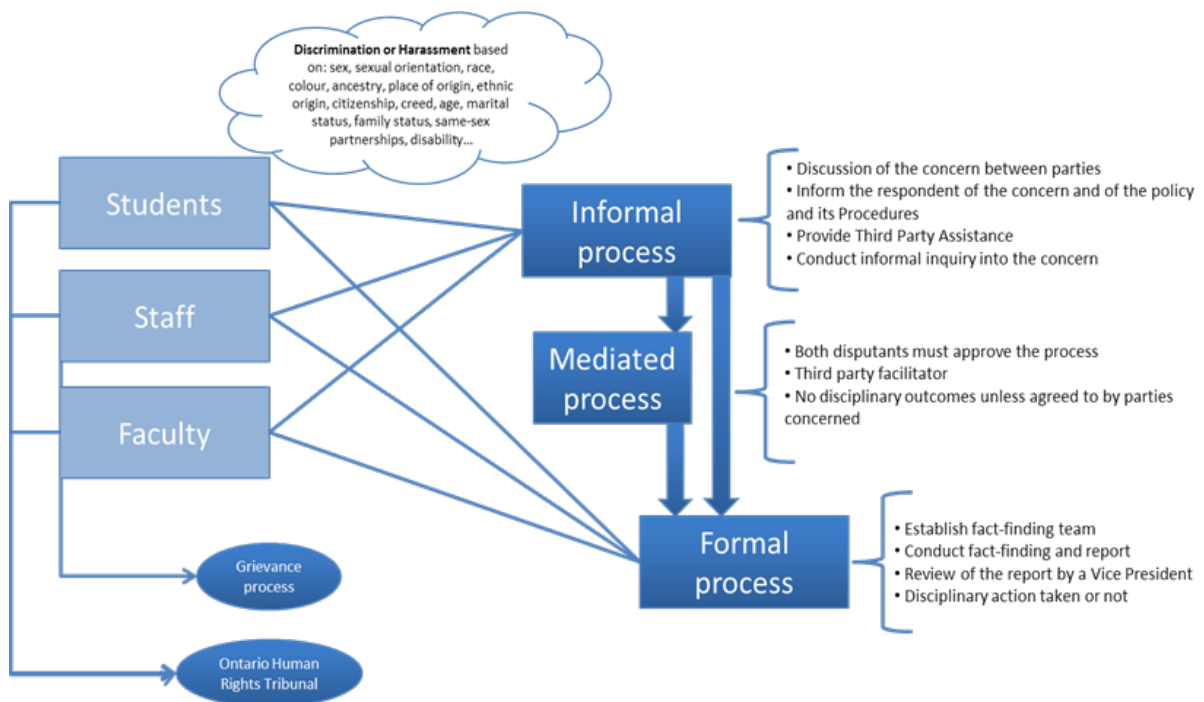
In addition, there are other procedures for selecting “fact-finders” to participate in the resolution of formal complaints. Volunteers and nominees are short-listed and selected by a committee composed of the Provost and Vice-President (Academic), Vice-President (Finance and Administration), Associate Vice-President (Student Affairs) and the Director of the HREO. The number of fact-finders in the pool is determined by the committee. The list of those named to the pool is then forwarded to the University’s

³ Human Rights at the University of Guelph, HREO Policy and Procedures, 2009.

Judicial Officer or designate, who, when necessary, appoints people from the list to fact-finding teams. External consultants, appointed by the University train the persons selected for the pool of fact-finders. The fact-finders are recruited on an annual basis for a term of 12 months. A fact-finder can also hold up to five consecutive terms.

There are three broad ways in which a human rights complaint can be resolved at the University of Guelph. These are through the informal resolution process, the mediated resolution process or through a formal complaint. The HREO plays a role in each.

Figure 2: High level HREO processes



Informal Resolutions

There are four options⁴ that may be considered to facilitate the resolution of an informal concern: discussion of the concern between the parties; inform the respondent of the concern and of the policy and procedures; provide 3rd party assistance; or conduct an informal inquiry into the concern. The HREO is consulted in assessing these options.

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- a) ⁴ Discussion of the concern between the parties
 - b) Inform the respondent of the concern of [the Human Rights] Policy and its Procedures
 - c) Provide third-party assistance
 - d) Conduct informal inquiry into the concern

The main point person for the informal process is the person with supervisory responsibilities. Aside from helping choose which of the four options the part(y)ies should select for informal resolution, the HREO is to monitor the implementation of any resolution reached and ensure that those involved are kept fully informed.

The HREO's periodic report from 2006-10 indicates that during the four year reporting period, individuals sought information and advice in 259 instances and raised 119 informal concerns, thus averaging 30 informal concerns/year and 65 instances/year where individuals sought information and advice from the office.

Mediated Resolution

When mediation is the preferred route under an informal process, the HREO is responsible for providing a trained mediator who is acceptable to all parties engaged in the mediation. The HREO schedules the mediation sessions. It must also approve any settlement or resolution reached by the parties and monitor implementation.

Formal Complaint Process

The principle of informal resolution first is a sound one. However, not all complaints are amenable to informal or mediated resolution. Although the success of the HREO's efforts to adhere to this principle is evident in the large volume of informal resolutions, a clear process is in place for formal complaints. Formal cases are subject to rigorous internal due process to mitigate the necessity to proceed to the Ontario Human Rights Tribunal, although individuals always have the option to do so. However, the government's policy is for organizations to play a significant role in resolving issues through internal organizational processes.

If a formal complaint is made, the complainant must complete a formal complaint form. It is then sent either to a person with supervisory responsibility who retains a copy or directly to the HREO. It is the Director of the HREO who receives the complaint and reviews it to determine if:

- the University has jurisdiction;
- the allegations are based on a prohibited ground;
- the alleged incident occurred within the past one (1) year;
- there are any safety or health concerns that require immediate action.

The Director, with the person with supervisory responsibility or academic personnel, will determine if any immediate action or interim measures are required to protect the University community or any of its members.⁵ It will also establish a fact-finding team made up of 3 people that have been trained as fact finders to conduct an investigation under the Policy and Procedures to interview parties and relevant witnesses, review relevant documents and complete a written report that includes any recommendations.

⁵ For example, if a complainant poses a safety risk, or if the continued proximity of the parties impair the abilities of any party or any other person to function in relation to studies or to work in relation to the University's residential environment.

There are about 20 trained fact-finders in the pool at any time; the pool is made up of students, staff and faculty.

Within two days of receiving the complaint, the HREO will:

1. Notify the appropriate person(s) with supervisory responsibilities in writing of the formal complaint; notify the complainant in writing of receipt of the formal complaint and include a copy of the Policy and its Procedures; notify the respondent in writing of receipt of the formal complaint and include a copy of the Policy and its Procedures and the formal complaint form with any attachments.
2. Ask the respondent in writing to provide to the HREO a written response to the formal complaint within the following ten University working days;
3. Communicate to the complainant in writing the respondent's written response and ask the complainant in writing to provide to the HREO any written reply within ten University working days;
4. Strike a fact-finding team within ten University working days of receipt of a formal complaint form.

Any party to a formal complaint may promptly challenge the participation of one or more individuals to a fact-finding team on the grounds of a potential conflict of interest in the outcome of the matter, or reasonable apprehension of bias on that individual's part. If there is concern, it would be sent in writing to the Director of the HREO who will forward it, with all necessary documentation, to the Vice-President Finance and Administration in the case of a challenge by faculty, students or other users of University premises and programs, or to the Provost and Vice-President Academic in the case of staff challengers. Likewise, challenges raised by chairs, academic directors, deans, or staff directors will be directed to a Vice-President to whom the challenger does not report.

Once the fact-finding team has all the necessary information, it will prepare a final report within ten University working days with a copy distributed by the HREO to all relevant parties and authorities. The HREO will have a role to play on the processes following submission of the report of the fact finding team. Once the fact-finding team submits its final report to a Vice-President and once, where appropriate, the Vice-President has consulted the HREO about any steps that could ameliorate the circumstances or remove any identified barriers that gave rise to the complaint, the formal complaint process ends.

All communications between the HREO and the Vice-President in receipt of the final report are confidential. The HREO is supposed to monitor the implementation of any recommendations that a Vice-President undertakes to implement and will ensure that those involved with the matter are kept fully informed.

The changes made to the formal process in 2009 appear to be working, and there does not appear to be any reason to change them. However, the formal complaint process is lengthy and complicated and as such possibly deters worthy cases from proceeding down this route.

Systemically based complaints

According to HREO staff, systemic issues are usually dealt with quickly. There was no clear way to deal with systemic issues pre-2009 but the revisions to the Policy and Procedures now enable HREO to deal with systemic complaints. Systemically based complaints operate on the same set of rules and principles governing the pursuit of or response to either individual or group concerns, disputes or formal complaints:

1. The opportunity must be provided for resolution at the lowest level for individuals or groups of individuals.
2. Where alleged harassment is the basis of a dispute, mediation involves a third party acting as a facilitator in direct communication between the two disputants.
3. Where systemic discrimination or a failure to accommodate is alleged, the parties to mediation may include the individual disputing the policy, practice or procedure, as well as a person(s) with supervisory responsibilities in the matter.
4. Where alleged systemic discrimination is concerned, the parties may, at the discretion of the fact-finding team, make submissions in writing without the necessity of being directly interviewed.
5. Measures will be taken to remedy systemic discrimination.
6. Upon receiving the report of the fact finding team involving allegations of systemic discrimination, the Vice-President will determine whether sufficient evidence exists to implement in whole, in part or not at all the recommendations of the fact-finding team.

HREO: Other Activities

Cultural change

HREO's ability to effect real cultural change starts with its highly committed, skilled staff. It believes that it is vitally important, especially for the Director, to be highly visible and proactive within the University community. Best practices in this field indicate that an informed and aware community is the best way to deter inappropriate behaviour and actions.⁶ HREO is generally seen to have found an appropriate balance between '*advocacy for the policy*' and bridge-building and shared responsibility within the University community in supporting fairness, balance and impartiality.

HREO admits that its tasks are enormous whether related to change in managerial responsibility to accommodate, pushing for fair and equitable hiring procedures or tracking progress. The work is demanding and places tremendous pressure on a small

⁶ Ontario Human Rights Commission Guidelines on Developing Human Rights Policies and Procedures, January 2008.

staff to be visible, ambassadorial and responsive across the entire University community. This is especially so as it must work through persuasion to get buy-in, is constantly mediating conflict, and pushes hard to overcome silos to achieve common practices across the institution.

It must be noted that it is the successful management of the complaints process that underpins the University's culture of fairness, equality and accessibility in human rights and equity.

Policy Development

The HREO policy foundation evolved over seven years "from the ground up" as consensus was built across the University community. Based in law, its manifestation is reflected in the day-to-day operations of the University. As HREO has no direct authority to impose recourse, it believes that a shared ownership/partnerships, engagement and network building is the only way for the policies to succeed in practice. HREO sees its role and its daily working relationships as a constant work in progress to implement the policies. HREO believes that the policies are working because they are principles-based and shared, and the policy framework is one that is flexible to adapt as the legal framework evolves and new issues emerge. Most people interviewed support the policy as formulated.

HREO believes that it still has considerable distance to cover. Some of the emerging issues identified by HREO requiring future improvements include: campus-wide initiatives like sexual assault campaigns; further employment equity gains within faculty and the staff side; greater shift from accommodation to accessibility; addressing training and education gaps in such areas as mental health disabilities; religious accommodation; gender harassment; family status; and continuing to seek commonalities with partners within the University on joint solutions. HREO believes that effective relations are based on integrity, sharing of insight and responsibility and improved understanding.

HREO believes that the existing policy framework, which provides authority for its actions, is sound and will prove workable for years to come.

Crisis Management

Appropriate procedures appear to be in place to address unexpected events and protect the campus safety, as well as that of staff of the HREO.

The HREO attempts to stay abreast of evolving issues, locally, nationally and globally and to work with partners or stakeholders, or the President if necessary, to diffuse tension before it arises and to properly manage crises.

Training

The purpose of HREO training is to build capacity in the institution to manage human rights and equity issues on its own. Training is the most essential tool to making progress on cultural change, whether with students, employees or faculty. HREO undertook a massive workplace training effort in 2005 and 2010 and does not believe that it has the capacity to do so on such a large scale again without additional one-time resources. Instead, it relies on the investment in those trained to train others, help change the culture, build awareness, and provide insight into human rights and equity issues. However, HREO responds to training requests to the extent possible, especially on strategic opportunities to train. The recent AODA on-line training program demonstrates that electronically available training can expand its scope for more accessible training to larger numbers of people.

Data Collection and Reporting

Reporting under the Federal Contractors Program requires a massive effort. Recent investments in an electronic data storage and analysis system should start to bear results in providing more timely, more easily accessible employment equity information and improve HREO ability to report more regularly and more thoroughly on its employment equity related activities.

Confidentiality

This issue is addressed separately because so many parties raised conflicting views around confidentiality, reporting, right to know, timeliness of information, personnel files, etc. Different requirements across the University system create significant challenges to consistency of practice, whether with union collective agreements or HR/faculty practices.

HREO Structure: People, Resourcing and Reporting Structure

The University of Guelph's Human Rights and Equity Office is currently staffed with three full-time staff - an Associate Director, a Human Rights Advisor and an administrative staff person. All have been with the office for between 9 and 15 years. (other universities also have longstanding employees, demonstrating the importance of in-depth experience in this field). It is currently managed by an interim Director.

The Office has been more or less similarly staffed over the years but it has temporarily hired for busier periods and has made use of student employees as well.

The Associate Director position was created in 2005 through open call. The Human Rights Advisor reports to the Associate Director and the Associate Director reports to the Director.

The day-to-day work is divided amongst three staff members, the Associate Director, the Human Rights Advisor, and the Director and supported by the administrative support person. The Director typically has a more strategic focus and is the public voice of the HREO within the University community. While work is split and some duties are evenly split, for example complaint work, individuals take the lead on issues based on their skills and knowledge.

Most importantly, great care is taken to ensure that there is no conflict of interest in having the same individual involved in fact finding, informal resolution and mediation. Ideally, additional resources could ensure that this principle is better safeguarded, but there were few concerns expressed on the “Chinese walls” approach and most people who responded to the survey, etc. have high confidence in the integrity of HREO staff and its “bench strength”.

The Associate Director is in charge of ensuring that the office runs smoothly. Staff report to the Associate Director on day-to-day issues, hiring, etc. In terms of expenditures, the Associate Director checks the budget and seeks approval from the Director for any large allocation decisions. The Associate Director has delegated signing authority as well.

An annual plan is created by the team and supported by the administrative staff person. The HREO operational budget has not grown very much in years past, as is consistent with the University, even though HREO has taken on more responsibilities. Nevertheless, the Office believes that its current budget level serves its purpose. Its operational budget pays salaries for staff with some leftover for other initiatives such as communications. The Office will draw from central funds for one-of-a-kind expenses, such as the new data system. Other departments offer -in-kind support, particularly when they see the the benefit to the University community.

The Director of the HREO reports directly to the University President. This high level of accountability has been important to the establishment and credibility of the function and its ability to demonstrate as much independence as possible from day-to-day influence in the management of the affairs of the University. The direct report has helped in responding quickly and decisively to emerging human rights and equity issues and developments. Guelph has not experienced the high profile conflicts seen on some other campuses.

At the same time, support from the senior management has been central to an effective HREO role. HREO cannot impose decisions on management. Responsibility for

progress is shared and it is ultimately the responsibility of management to implement HREO policies and procedures within respective areas. Best organizational practices elsewhere demonstrate that jointly agreed upon, brokered solutions are important to ownership of policy and progress on issues.⁷

⁷ Ontario Human Rights Commission Guidelines on Developing Human Rights Policies and Procedures, January 2008.

Figure 3: Primary Human Rights and Equity Functional Responsibilities

Function	HREO	HR	FASR	Senior Administration	President	Union	Student
Pre-HREO workplace resolution	○	●	●	●	●	●	●
Policy Advocacy	●	◐	◐	◐	◐	◐	◐
Policy Implementation	◐	●	●	●	●	●	●
Human Rights Complaints/ Recourse	●	◐	◐	◐		◐	◐
• Informal	●	◐	◐	◐		◐	◐
• Mediated	●	◐	◐	◐		◐	◐
• Formal	●						
Information							
• Code	●	◐	◐	◐		◐	◐
• AODA	●	◐	◐	◐		◐	◐
• Bill-168	◐	●	●	●		◐	◐
Training							
• Content	●	◐	◐	◐		◐	◐
• Design	◐	◐	◐	◐		◐	◐
• Delivery	◐	◐	◐	◐		◐	◐
Institutional Leadership/ Representation	●	◐	◐	◐	●	◐	◐
Reporting	●	◐	◐	◐	●	◐	◐
Communications/Awareness	●	◐	◐	◐	◐	◐	◐
Outreach	●	◐	◐	◐	◐	◐	◐
Best Practices/Precedents	●	◐	◐	◐		◐	◐
Advice	●	◐	◐	◐		◐	◐
Events	◐	◐	◐	◐	◐	◐	◐

Key Findings and Issues

1. Survey results

As part of the operational review and to encourage greater awareness of the review and participation in it, the IOG sent out a survey to the University of Guelph community – students, staff and faculty, to gauge their knowledge of HREO, whether they thought HREO to be relevant and to assess whether those that had used the services of the Office were satisfied. The survey was designed to capture a range of qualitative views, recognizing that a number of respondents would have had little or no direct exposure to the HREO.

Key survey results are tabulated in Annex A with survey questions included in Annex B. In interpreting the results, caution is advised. One thousand and three (1003) individuals completed the survey. This represents only approximately 4.5% of the University community (based on 22,000 individuals). Of these, 357 (36%) identified as staff, 452 (45%) as students and 108 (11%) as faculty.

Some of the highlights demonstrate that an overwhelming majority of people (88%) believe that the University needs the HREO. Seventy-nine per cent (79%) of respondents would recommend to colleagues or peers to use the HREO for human rights or equity issues. Just under half of the respondents think that the HREO could do more to protect human rights and equity on campus.

We also asked those in supervisory roles if they thought there was enough support for them to resolve issues informally, and formally. 44 and 48% of supervisors who respond believed they had sufficient support from the HREO to help resolve issues formally and informally. A quarter of respondents (26%) believed that HREO did not offer sufficient support to resolve issues formally while the percentage dropped to 18.5 for the informal process. When probed more, certain people said that staff were “unfamiliar with processes to be followed,” or “failed to deal with issues in reasonable timeframe despite deadlines in policy and procedures.” About a third of respondents were unsure if HREO offers sufficient support; this may be because they’ve never had to use HREO services.

While the Human Rights and Equity Office prides itself in being visible and engaged out in the community, almost 36.5% of respondents have never read or heard anything about the HREO, while 13% were unsure if they had ever read or heard anything about the office. Echoing this, 60% of respondents were unaware of HREO’s mandate.

Other pertinent comments focused around other areas of activity at the HREO. Almost 87% of respondents think that HREO has the responsibility to provide education and training regarding equity issues – some think they can improve in this area.

Survey Results Issues:

The survey results demonstrate that the University community is supportive of the need for an HREO and, by deduction, of the principle that their institution should provide an internal capacity for overseeing such matters. However, they also point to the need to raise awareness of the HREO and for significantly more work to communicate the purpose and activities of the HREO.

Of significance is that HREO is seen mainly as a formal complaint function, when the reality is that its training role, its information and outreach roles, its path finding role and its large informal resolution track record are its more significant accomplishments, as they are proactive in nature, responsive to individuals who turn to them, raise awareness of the importance of respect for human rights and equity issues within the Guelph community and contribute overall to cultural change on these issues.

Most of those who responded to the survey would think of turning to HREO as an independent source to address their human rights and equity complaints.

Supervisors who responded to the survey indicated that they believed that the HREO does not have sufficient resources to carry out its mandate.

The survey results were intended to be used to support internal analysis for this Report. However, as awareness has been raised, there is an opportunity to inform students, faculty and staff of the results of the survey in the spirit of building awareness of the HREO function across campus and to thank those who participated.

Recommendation:

- ❖ ***That the survey results be published, perhaps on the HREO website and/or through other on-campus media, to further raise awareness of the HREO and to thank those who participated in the survey.***

2. Mandate

A key issue that emerged from the interviews was the diverse range of views about the appropriate role of the HREO within the University community. Views ranged from the need for HREO to be an “independent court” with power to impose settlements/redress, to a “service” for students or staff, to an “ombudsman” role, to a “resource centre” to simply steer people to proper authorities. Some called for an ability to impose compliance versus recommending solutions and letting management decide how best to address issues. Some saw the HREO role only as a “service” to management.

Others recognized that there are different roles flowing from different aspects of the mandate, and noted that some roles appear to be in conflict with others. For example, some saw conflict between its “quasi-judicial” and its “advocacy” roles. Others believed that it could not be independent and at the same time work cooperatively with management on solutions.

Independence, Neutrality and Impartiality

The role of HREO is to help foster an environment within which all persons, regardless of their personal characteristics, feel that they are treated with dignity and respect. The HREO carries out a number of functions which range from managing a neutral complaints process or advocating for high standards in implementing the Policy and Procedures, to partnership with management on issues like training and accommodation. At times, these roles can appear to conflict and it is understandable that there is some confusion over what independence means in practice (other universities report a similar issue).

An important part of its work is addressing human rights complaints in a neutral and fair manner. The University has put in place three types of processes for doing so - the informal resolution process, the mediated resolution process or through a formal complaint. The effective administration of these processes is its most fundamental role. To do so, it must act and be seen to act in a way that is accessible, impartial and fair. It must provide advice without advocating for any particular party. . All these contribute to “trust” which is the essential ingredient to administering these processes.

There are a number of additional activities that are proactive and informational in nature that all experts agree are essential to changing the culture and values of workplaces and institutional spaces so that behaviour is more supportive and people are more aware of acceptable and unacceptable practices. These activities are generally complementary and collaborative and do not compromise resolution processes.

Impartiality is seen by many of the survey respondents at Guelph to derive mainly from the arms-length reporting and supervisory relationship of the HREO to the University administration. The direct reporting relationship of the HREO Director to the President is generally seen to be important in this regard, although this arguably doesn't assure independence nor negate accountability and probably relates more to enhancing the profile of the HREO within the institution. Underlying this concern is the important need to clarify what independence actually means. The HREO must be and be seen by its users to be independent, impartial and arm's length from the administration on its information, recourse and policy advocacy functions and these must be separate from the day-to-day running of the University. At the same time, it must collaborate with management as well as other stakeholders, for example, on finding practical solutions to complaints, awareness-raising or on training.

There are some parties who prefer that HREO's mandate be focused on its core function of handling human rights complaints that cannot be resolved first off in the workplace. This view is based on the principle that it is the responsibility of managers to manage and that if disputes can be automatically taken off-line to another mechanism, this undermines management responsibility and places management in an unfair position vis-à-vis the complainant or sometimes with unions.

With limited resources, it is also viewed by some that HREO takes on too many issues not related to its core mandate. This could mean not just some of the cultural change activities, but also the view that it takes on complaints that reside outside of its mandate.

These disagreements are too fundamental to ignore and early dialogue is necessary among key parties to come to common understandings (see also the Governance section and Benchmarking Comparisons with other universities).

Some see its role and its management of processes as more supportive of the claimant than the defendant. Numerous instances were pointed out where supervisors did not feel supported and saw the complaint process as adversarial and stacked against them. The delicate power relationships often involved in the complaints processes appear to many to favour the complainant, as they are usually student-faculty or manager-supervisor situations, at the expense of the respondent. The greatest concern was over reputational damage that could not be undone, even when issues were successfully resolved (see section on the Informal Process below).

It must be said that some parties look to the HREO for active, visible pushback to management and high profile advocacy efforts as evidence that it is not being compromised by its relationship with the administration or with the Employer.

The job of informing, persuading and engaging the University community in collaboration and common purpose in the HREO functions is essential and continuous. Creating opportunities for dialogue to address wide-ranging views on issues related to the HREO's independent functions is important. Some of the key players have changed over the years and there is an opportunity, perhaps with the arrival of the new Director, to refresh understanding and support. This review also provides an opportunity to continue the dialogue and consolidate the necessary foundational support and buy-in for the HREO function to flourish.

Recommendation:

That in the spirit of openness, transparency and awareness-building, early roundtable discussions be held in order to engage HREO and the Guelph University community on the issues raised by various parties on HREO's mandate, independence, neutrality and impartiality.

3. Transparency and accountability

The HREO Director's direct reporting relationship to the President reflects the importance the University places on matters of human rights and equity. It does not preclude necessary access to the Administration or to union or faculty representatives when required. In reality, an HREO Director would be reluctant, and rightly so, to go over the heads of senior individuals to the President and would try to resolve issues at a practical level to the satisfaction of everyone so that policy progress can be made. The University community is a tightly knit one, and healthy on-going working relationships are important to the smooth functioning of the institution. This is especially so on sensitive human rights and equity issues.

There are some views that to ensure absolute independence and accountability, HREO should be more accountable to elected stakeholders of the University rather than just the administration. The Ontario Human Rights Code procedures steer a middle ground in that they stress the duty of an organization to put effective consultative processes in place. The HREO Human Rights Advisory Group (HRAG) has been dormant for some time, leaving a gap in the communications, consultation and stewardship of the human rights issues within the broader community.

The HRAG needs to be reactivated, its advisory mandate clarified and perhaps sub-committees/working groups initiated for more in-depth discussion on issues of concern to key constituencies, as required. Transparency and accountability would be served if this group met at minimum annually with the President to report on the overall activities of the University, not just the HREO, where progress is a shared responsibility. This could require broadening participation as well as the appointment of a neutral HRAG Chair by the President even though the current policy places the HREO Director as Chair of HRAG (also see Benchmarking Section below).

Metrics matter to accountability. While progress can be slow, the ability to demonstrate progress is important to sound accountability and to reporting on results and outcomes. While it appears that recent expenditures on electronic data collection are a major improvement to support HREO, management and senior administration, the University constituencies also need access to timely information that addresses their concerns. Discussions are needed between HREO and its constituencies to identify the kinds of data reporting that would be useful and possible, including interpretive feedback and discussion. The Federal Contractors Program was used as an example where more value-added use of data, feedback on trends and on-going conversations would be appreciated to reduce the HREO 'audit' approach to gathering data.

Finally, HREO annual reporting on its own activities is a necessary part of formal accountability for progress in its role in implementing the Policy and Procedures. Assessment of year-by-year performance and progress is critical to the President's ability to account to the Board of Governors and Senate for policies related directly or indirectly to human rights and equity.

Recommendations:

- ❖ ***That the HREO Director continue to report directly to the President, subject to recommendations in the 'Governance' section below.***
- ❖ ***That the HRAG be reactivated and its advisory mandate clarified, its composition be broadened to include representation of other University constituencies not mentioned in the policy such as the Aboriginal community and FASR, that sub committees or working groups be established, as necessary, to promote broader dialogue among University constituencies and that the HRAG meet at least annually with the President to report on progress on the Policy across the entire University.***
- ❖ ***That a policy change be made whereby a HRAG chair is appointed by the President to report on broader progress where Policy responsibility is shared by the entire University community (see also Benchmarking section below).***
- ❖ ***That HREO annual reporting be initiated and the various University constituencies be consulted about the content of an HREO annual report and any other regular reporting that would be appropriate, given constraints of confidentiality and privacy, cost and do-ability by the HREO.***

4. Culture

Most individuals interviewed agreed that *awareness* is critically important to supporting a culture that respects and values diversity, human rights, equity and accessibility. Most thought that in an ideal world, HREO would operate a support system of change champions and, through a train-the-trainer approach, would ensure shared responsibility and accountability, reduce complaints and change the perception that HREO supports a broad change agenda and is not only a place to file complaints.

In addition to clarifying issues regarding complaints and informing individuals about recourse available to them, most respondents to the survey saw the HREO as a *centre of excellence* in advising, informing and responding to public information requirements and taking advantage of a wide range of opportunities to inform the various university constituencies. Its training function was regarded as its most important mechanism to help shift the culture and behaviour of the institution.

There was strong recognition that the HREO Director and staff play a major role in helping to change the culture to one of awareness and acceptance. While some offered insight into missed opportunities for HREO to reach larger groups, and encouraged HREO to find more *creative ways to get its messages out into the community*, others talked of setting priorities and being more strategic and forward-looking about its outreach activities and messages, given its limited resources. One good suggestion was to develop an annual joint outreach strategy so that the various communities would be clear on the purpose of outreach and awareness-building activities and so that the

various parties in the University system could all align efforts in common messaging geared at, for example, systemic or emerging issues.

Positive relationship building was seen as a key role for HREO to get its messages out and build a more proactive culture. While it was recognized that there are natural and inevitable tensions in the role of HREO with various University interlocutors, such signals were interpreted differently by different constituencies. Some viewed such tensions as demonstrating that the system is working well and that HREO is working hard to defend its independence. As noted above, different functions require different relationships. The early roundtable discussions recommended above can help to clarify these.

More *open consultation, engagement and information-sharing* is encouraged between HREO, HR, FASR, unions and employee representatives and student unions/associations, while at the same time recognizing the strong need for utmost confidentiality and independence on matters relating to individuals. Others mentioned the importance of information-sharing and public reporting to raising awareness and buy-in. Reinstating the HRAG can become an important tool for managing cultural change.

Recommendations:

- ❖ ***That a joint annual outreach strategy be developed so that the various communities understand and contribute to HREO outreach and awareness-building activities, and so that the various parties in the University system can coordinate and align their efforts and ensure common messaging for example on priorities, systemic or emerging issues.***
- ❖ ***That a reinstituted HRAG play an important role in helping to manage cultural change.***

5. AODA Role

One source questioned whether HREO is best placed to deliver AODA training and whether it should be responsible for overseeing compliance only and not for delivering the actual training, leaving that to management responsibility and ownership. Others were overwhelmingly supportive of HREO continuing to provide this training and working jointly with faculty/staff associations and HR on design and messaging issues. Everyone agreed that on-line training is the best way to go.

The quality of AODA training was rated highly and most, including the faculty association saw the value of an impartial HREO trainer responsible for the AODA training function. HREO equivalents handle AODA training at the other campuses surveyed. However, the reviewer is of the view that if the training functional elements could be broken down into the content, design and delivery of training, it would be clearer that HREO's main role relates to identifying core course content and best

practices and generally ensuring compliance under the legislation. The design of training would be shared (especially regarding the expertise on adult learning) and delivery likewise could be shared. A focus on partnership and shared responsibility should resolve any difficulties over AODA training.

The HREO assists with and coordinates strategic planning efforts related to AODA initiatives. .

Recommendations:

- ❖ ***When AODA training is established to satisfy recent requirements,, HREO should take more of an oversight role for keeping training content up to date, identifying best practices in this field and compliance requirements with the legislation as well as develop train-the-trainer partnerships with HR/FASR on delivery so that HREO can extend its capacity in other areas.***
- ❖ ***That the specific HREO role in supporting AODA policy and standards training be clarified through the consultative processes proposed above.***

6. Training

Most agreed that training has been an important function of HREO. It was recognized that this is a powerful instrument and most people gave high marks to HREO's training efforts. All agreed on the importance of training in the context of legislative and policy requirements. Participants also reportedly rate HREO training highly. It was recognized that demand far outstrips HREO capacity and that new electronic methods of training are very effective and able to improve capacity as technology improves.

However, there were many views about how to improve the quality, timeliness, content and impact of training. Indeed, there were differing views about the perspective that training should take and even for the responsibility and accountability for the training function overall. There are excellent internal models, where solid consultation and collaboration have produced excellent training products endorsed by all, and with excellent results. These models should be replicated.

There is probably no one-size-fits-all model for training. However, the content, design and delivery of training are discrete functions, the latter two of which can be shared. Emerging training needs should be identified and an annual training plan developed so that decisions can be taken in advance on priorities and responsibility for different types of training clarified or improvements to existing training identified so that the University's training dollars can stretch further, e.g., formal train-the-trainer programs, upgrades/refreshers for those already trained, more on-line training, certification for those trained, etc. All options need to be explored given the importance of the training

function to achieving Policy objectives and the constant volume of training requirements.

Recommendations:

- ❖ ***That an annual training and outreach plan be developed, in consultation with all communities of interest, so that opportunities for providing training/learning are identified and planned for in advance as a shared responsibility.***
- ❖ ***That joint annual goals be set in the plan to expand the reach of formal training/learning and so that responsibility is shared and concerted efforts are made to use train-the-trainer approaches, on-line training, best practices, etc.***
- ❖ ***That refresher courses be expanded in creative ways to promote a continuous learning culture for human rights, equity and accessibility training.***

7. Privacy and Confidentiality

This issue is highlighted separately, given the large number of concerns raised. These ranged from inconsistency in policies and with collective agreement provisions, differences between HREO, FASR, and HR practices in file documentation and right to know issues in particular workplace situations. Because privacy and confidentiality are at the core of a credible complaint processes, areas where practices and requirements differ and the materiality of such differences must be discussed and addressed, especially where there are risks to the University in possible future litigation. Again, dialogue is essential to clarifying these issues and working towards consistent understandings and practices.

A related point was raised that some complaint cases were left open-ended and that respondents in particular were often uncertain whether cases were still active or not. Processes for closing down cases also need review to ensure that there is a balance between the right to pursue a complaint, the right of the defendant to clarity on closure and the imperative of good management by the University to reduce its exposure to future risk.

Recommendations:

- ❖ ***That policies and practices related to privacy and confidentiality be reviewed for inconsistencies and harmonized with HR and FASR to the full extent possible.***
- ❖ ***That processes be reviewed to identify ways of improving closure on cases that respect the rights and responsibilities of all.***

8. Policy Communication

The tools for building communication and awareness could be improved. A number of individuals commented that the HREO website should be improved so that the policy is presented and explained more clearly (students offered to work with HREO to make the website more appealing). There are many innovative ways to better communicate the policy, a number of which were identified in the benchmarking exercise with other universities.

Recommendations:

- ❖ ***That the articulation of the policy and procedures on informal processes be reviewed and clarified and expressed in clear, plain language and in an appealing format in public communication materials and on the website.***
- ❖ ***Other constituencies be invited to help in making the website more appealing and presenting the policy more clearly.***

9. Governance

The HREO operates in a privileged position in its direct reporting relationship to the President. This sends a strong signal to the University community that human rights and equity issues are of the utmost importance at the University of Guelph. As noted previously, direct reporting is seen by some as supporting the arm's length relationship of the HREO with the University administration. On some key issues, this reporting relationship has enabled rapid decision-making and attention by the President to take decisive action to manage key risks and emerging crises.

The policy is clear that the HREO Director reports to the President. However, it is unclear how the governance structure below the President supports the HREO function. The way organizations make decisions is important to their culture of collective decision-making, transparency and health. While the HREO Director plays a broad advisory and policy advocacy role with management on a day-to-day basis, the relationship of the Director to the University's executive decision-making process is important for such shared functions as policy interpretation and direction, mandate and

process clarification, communications, research, reporting, information gathering, dispute resolution, etc. Participating in collective decision-making on such matters should not impair the Director's ability to manage the arms-length recourse processes.

The Policy is clear that everyone in the University is responsible for upholding human rights and equity, and that senior officers and administrators are especially responsible. Thus, progress in the human rights and equity agenda depends greatly on maintaining constructive, positive working relationships. Clarity on the management structure and processes (e.g., committees or sub committees/working groups) to be used will advance the leadership agenda across the University. Except in crisis, the President's direction on issues would generally only be sought on the basis of a well-rounded analytical fact/knowledge base that improves transparency and input into decision-making.

The key issue then is what level of participation in the management structure would be optimal? Consistent with the Director's relationship to the President, it would make sense for the HREO Director to continue to participate in the President's Executive Council (PEC) or similar body. This should ensure that issues receive appropriate profile, direction and implementation and that the executive management structure takes responsibility for issues which require its engagement. Important decisions should be based upon considered analysis and advice of the senior administration as well as the HREO Director as an advisor.

A review of HREO's key functions also indicates that not all of them are or need to be "independent" of management. A hybrid option is possible, where some of HREO functions mentioned above are shared, and others are arms-length (complaints processes). The risk of treating all HREO functions as independent is one of limiting real progress and shared action on HREO policies. As well, a direct HREO voice at the executive management table can help shape and influence the University's agenda and direction more effectively. The current reporting relationship has probably served the HREO function well in its initial years, but now as a mature, established function, its influence would be improved through greater management participation and sharing of responsibility.

An emerging related issue is the need to coordinate actions involving Guelph-Humber on matters where there is overlap or inconsistency.

Recommendation:

- ❖ ***That while maintaining the HREO Director's direct reporting relationship to the President, the Director also continue to participate in the President's Executive Council (PEC) or similar body which would be responsible for guidance and direction and overseeing collaboration across the institution to ensure that progress is made on human rights and equity and related issues; and that when the President's direction is sought, support for decision-making is based on joint analysis and***

advice (except on inappropriate matters such as independent recourse or issues of an urgent nature).

10. Improvements to Informal Process Management

A complaint can proceed if it is within the jurisdiction of the Human Rights Policy and Procedures. If it doesn't fit within the scope of the HREO, Human Rights Advisors generally will guide individuals to the right resources, be they H.R., FASR, the Campus Community Police or others. HREO believes that it assesses cases based on policy principles and does not take on ineligible cases. Where cases may be perceived as borderline, HREO decisions are based on legal precedent and on consultation and consistency with practice in the human rights community in Ontario.

Nonetheless, there are at least some perceptions that decisions should draw on a wider fact base. A more formal "triage" process of consulting relevant parties within the University might be useful to improve understanding of context and enable input into HREO decisions regarding jurisdiction. While this may not prevent disputes, it will improve understanding of the context and why certain human rights or equity cases must or cannot proceed.

Some individuals interviewed have claimed that the informal complaint process isn't always followed consistently. The way the policy is articulated at the moment may leave too much room for interpretation, which may lead to perceptions of straying off the process, thus leaving HREO and the University in a vulnerable position.

Some expressed disadvantage by the lack of information or support available to respondents. There were instances raised over poor communications and lack of timely dialogue between all the relevant parties. Some believed that the principle of resolution at the lowest level, and reflected in collective agreements, was often breached. Many have described this as a grey area and most agreed that the Policy and Procedures around informal processes need clarification.

There is also the fact that there is a very wide range of highly sensitive situations, and within basic procedures, HREO must exercise discretion and judgment about appropriate courses of action. Even with clearer policy and procedures in place, there will remain gray areas where an issue may or may not be a human rights issue. It's important for the HREO to have excellent working relationships with all its partners within and outside the University and to ensure that the community respects its decisions. Having done all its due diligence, the expert decision of the HREO must prevail. As noted earlier, HREO operates within existing case law and is in regular communication with experts and other campuses on similar situations, and its expertise must be trusted and supported in these situations. It is incumbent on HREO to ensure appropriate parties are informed of decisions made in these circumstances to enhance understanding and facilitate the process. This is important as other parties may have to deal with the fallout of that decision for another process.

The Institute on Governance did a paper review of a typical informal case, and, if it is representative of the quality of documentation overall, HREO appears to comply with existing requirements. In addition, it is our understanding that front-end triage has recently been taking place and thus far has been effective in better identifying information relevant to the context of cases.

With the significant technology investment made by the HREO, there is now an opportunity to better track progress within the HREO of employment equity goals.

While this review was not asked to review the University's policies associated with the HREO function per se but rather to review the effectiveness of the operations to implement the current policy, it is noted that improved clarity on and articulation of the informal policy and procedures is needed to improve operations overall in support of the policy. There is widespread uncertainty about how the informal process in particular works, leading to some views that there is considerable variation in how the policy is interpreted, applied and documented.

Post mortems on selected cases with those involved, including the University's legal counsel, would help to identify ways to improve the articulation of the informal process and reduce risks to the institution. It was indeed very difficult to review processes associated with informal settlements when the language on policy and procedural requirements is so imprecise. At the same time, it should be noted that HREO needs some flexibility and trust by the institution to find responsive solutions in informal Code settlements. Refinement of the policy on informal settlement should not force-fit practical solutions into impractical procedures.

Recommendations:

- ❖ ***HREO needs to maintain its independence in addressing cases on their merits under the policy, that a new front-end triage process become a formal part of the process to improve the fact base for decisions within its jurisdiction and improve understanding about cases that should be directed elsewhere.***
- ❖ ***That the university review its Policy and Procedures on the informal process to determine whether formal change is required to clarify processes and reduce risk to the institution. For example, the four "options" referred to in the Policy and Procedures appear to be more scenarios related to the type of issue rather than options or procedures per se. Adding timelines might also be appropriate.***
- ❖ ***That HREO use the technology it has purchased to better track informal resolution caseload in order to deploy resources most efficiently, as well as systematically capture relevant data.***

11. Improvements to the Formal Process

There were a number of issues raised in the interviews about the formal process:

1. *Prohibitively Lengthy Process* - This may discourage people from pursuing legitimate cases.
2. *Recruiting and training of fact finders* - The process of recruiting and training fact finders needs to change. With volunteers, it is difficult to maintain a high standard of performance and consistency and there was one suggestion that contracted, trained professionals replace the volunteer fact-finders. Others thought that the opportunity for participation by the University community was important to maintain. The quality of fact-finder capacity could be better improved through more rigorous front-end selection by adding a requirement for references, checking references, working with employee, faculty and student representatives in the selection process to identify the best people and improved training. Given the small number of cases, a tighter process with fewer numbers in the pool appears to make most sense. If additional resources were available, and if there is consistency in use of outside contractors, this could also be a way to proceed.
3. *Evidence* - There appears to be a need for policy clarification on how evidence is used when a formal resolution has occurred and the plaintiff decides to continue on to the Human Rights Tribunal. It is well defined in the mediation process but not here.

Overall, the changes made to the formal process in 2009 seem to be well established and accepted.

Recommendations:

- ❖ *That the management of formal complaints be reviewed for purposes of identifying any further efficiency possible in the process (it should be noted that Guelph appears to track other universities benchmarked in timelines for the formal process).*
- ❖ *That the process of selecting fact finders be improved by requesting and checking references upfront, improving the quality rather than the size of the pool of fact finders and improving training.*
- ❖ *That the use of evidence in a formal resolution is clarified in the event that a plaintiff decides to pursue the case at the Human Rights Tribunal.*
- ❖ *That the changes made in 2009 be continued.*

Benchmarking Against Comparator Universities: General Description of Benchmarked Universities

Carleton, Queen's and McMaster University were interviewed and their public documentation reviewed to benchmark Guelph's human rights and equity performance. These are universities of similar size. General descriptions are summarized from interviews below and observations from public documentation on practices potentially relevant to Guelph follow.

Carleton University

Carleton University's Human Rights Policies and Procedures manual was the most recently updated, in April 2011. The grounds on which the University strives to provide accommodation and protect against discrimination and harassment include race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, political affiliation or belief, sex, sexual orientation, gender identity, age, marital status, family status and disability within the meaning of the *Ontario Human Rights Code*.

The Office makes it clear that it does not advocate for any individual or group and maintains an impartial stance in addressing complaints. The expertise and experience of members of the Equity Services unit are made available to all persons who are involved with a complaint under the University's Human Rights Policies and Procedures.

Standard time frames are included in all Carleton's procedures. Variation from the proposed time frames must be agreed to by the parties and the responsible University officer. The University Secretary will normally render his or her decision no later than 14 days after a matter has been appealed or referred for decision.

When a problem arises that may relate to a human rights issue, individuals are strongly encouraged to seek information and advice from an Equity Advisor in the Office of Equity Services, from the Dean or Vice-President responsible for their area (or their designates), or from their Chair or Director. He or she will work to help clarify allegations and make referrals as appropriate. The contact person should also provide a copy of the relevant human rights policy or policies and these procedures or a referral to them on the University website.

If a request for action is made, an effort will be made to reach an informal resolution. Mediation is also available with the consent of all parties involved. An individual may also make a formal written complaint of discrimination and harassment if he or she wishes the matter to be investigated and a formal decision made on the matter. Specific procedures for each option are outlined in the Annex.

Before proceeding on an individual's request for action by the University, the responsible University officer or his or her delegate of equivalent authority will consider (i) the timeliness of the complaint; (ii) the jurisdiction of the University; (iii) whether the University human rights policies or procedures appear to apply to the situation; and (iv)

whether the complaint is frivolous or vexatious.

Queen's University

Historically, Queen's University had a separate office for equity (created in 1997) and for human rights (founded in 1992). Five years ago, they became one unit under the same director but have remained two distinct spaces, with different policies and procedures that guide each office's work. Another reason they keep both offices separate is to protect the privacy of those making human rights complaints.

The Human Rights Office follows the Harassment and Discrimination Policy – meant to become the Human Rights Policy soon (waiting for Senate approval). The new Human Rights Policy will address accommodation issues as well as aboriginal issues more comprehensively.

Among the responsibilities of the Human Rights Office are those of increasing awareness among the University community of the effects of harassment and discrimination, providing educational programs to all segments of the community, including supervisory personnel, providing support for individuals and groups who are the targets of harassment and discrimination, and administering the Procedure established under this document. Formal complaints are resolved via the Senate Board. However, 99% of the 150 or so complaints are resolved informally. The emphasis of the office is on informal resolution, using facilitation/negotiation, save where the nature of the matter necessitates a more formal process. It is intended that the existence of this document should help create the kind of environment that nurtures and supports the work of all faculty, staff and students. The office works with the rest of university on a variety of issues – threat assessment teams, contacts with police, trauma units at hospital, sexual crisis centre, etc.

There are no timeframes to work towards in terms of informal process. The Office strives to resolve issues informally in a timely manner.

The Human Rights office is made up of three advisors, and administrative staff plus a special projects officer that spends half of his/her time with the Human Rights Office and the other half with the Equity Office. The Equity office has one data analyst, two equity officers, and an administrative staff. The Director is responsible for both offices.

The Equity Office looks at equity issues – both at the employment and education level, as well as accessibility issues via AODA. The mandate of the Equity Office is to work with Officers of the University, the Senate Education Equity Committee and the Council on Employment Equity to ensure that equity is achieved throughout the University in accordance with the Report on Principles and Priorities adopted by the Queen's Senate in 1996. The Equity Advisors will:

- Provide leadership, information and liaison on equity matters throughout the University;
- Identify throughout the University those structures, practices and policies which create inequity;
- Initiate processes to identify gaps in equity policy and to facilitate the development of new policies, procedures and programs that remove barriers to equity and ensure greater and equal participation of marginalized groups and individuals in the University;
- Identify those individuals and offices with whom particular responsibility for implementing equity rests or should rest;
- Take steps necessary to ensure those responsibilities are met and to coordinate University equity resources;
- Provide initiative in effecting cultural change throughout the institution so that equity becomes everyone's concern and responsibility.⁸

For both offices, the Director reports to the Provost, and the organization is considered independent. The Policy and Procedures put in place allow the offices to work properly. The Office(s) are generally considered independent although some staff have questioned this in the past. They address the independency gap through the credibility the office has built through the years and through good communication with the university community.

If a person comes to the Office with a case that is not within its jurisdiction, it usually explains the limits of what it can do. If there's no basis on which to take something forward, the Office will still try to assist the person in finding help. The person can appeal the decision to the Human Rights Commission.

There are certain performance metrics that the Office is meant to report on but not much is made public, except at the aggregate level. The Office is meant to provide a report to the Senate annually but is given quite a bit of leeway on when things are made public. The reality is that the Senate does not receive report from HREO every year. There's an understanding that this is a resource issue.

One of the best practices highlighted by Queens is having advisors that specialize in one area such as equity but aren't solely responsible for that one issue. All advisors are cross-trained and could take a case on any human rights ground.

⁸ Queen's University Equity Office, <http://www.queensu.ca/equity/content.php?page=about>.

McMaster University

McMaster University's Human Rights and Equity Services has a slightly different role – in that it ensures that the Sexual Harassment Policy, Anti-Discrimination Policy and Accessibility Policy are administered effectively and fairly. As such, the procedures to follow for these issues fall under the Sexual Harassment Policy and Procedures, the Anti-Discrimination Procedures, the Mediation Procedures as well as the Senate Resolutions. These policies were last updated in October 2001. For all policies, the procedures follow the same outline.

All persons who allege discrimination or harassment under the provisions of the Sexual Harassment Policy, the Anti-Discrimination Policy or the Accessibility Policy must be advised to contact the Officer. This provision will ensure that all such complainants will have access to a common source of consistent and expert advice and that reliable data may be gathered on the incidence of discrimination and harassment in the University community. In the event that a complainant is reluctant to contact the Officer, the complainant may contact a trained or qualified individual (e.g., employment supervisor, manager, Department Chair or Dean). It will be the responsibility of the individual contacted to report the case to the Officer without identifying either the complainant or the alleged offender and to ask for advice on procedure and policy from the Officer to effect a solution, if a solution is necessary.

Resolution may be pursued through three progressive levels, "Informal Resolution Without a Written Complaint", "Informal Resolution With a Written Complaint" and "Formal Resolution With a Written Complaint". The Officer will normally encourage all complainants to seek resolution through informal means instead of, or prior to, proceeding to the process of formal complaint resolution. This does not preclude a complainant's requesting to bypass informal procedures and move directly to formal resolution.

There shall be a designated person, responsible to the Secretary of the Senate, to whom members of the University community can go to get definitive information on where and how to seek redress for particular grievances or where and how to make representation for changes in policy on any given matter.

Benchmarking Summary

There are opportunities for continuous improvement in Guelph's human rights and equity services. Guelph invited the IOG to benchmark its practices against those in similar sized universities. In collaboration with the Steering Committee, the IOG selected Carleton University, Queen's University and McMaster University.

Annex D compares selected practices where comparable information is available. Seven broad areas of comparability and nine variables were identified and actions for each are summarized below. These include:

Community Engagement:

1. A high level, active *human rights and equity advisory body*:
 - ❖ ***The Guelph Human Resources Advisory Group (HRAG) reports should be chaired by an individual appointed by the President and the committee should be advisory to the President, as is the case with the other universities looked at.***

Governance and Accountability:

2. Relationship of human rights and equity offices to the Governance structure:
 - ❖ ***That the issue of the HREO's "independence" be clarified, by function, with key university constituencies, i.e., that it is independent for certain functions/purposes, and cooperative with management for practical reasons on others.***
 - ❖ ***That the HREO Director's relationship with Guelph's executive management structure be clarified to assure effective governance relationships and accountabilities.***
3. Comprehensiveness and regularity of *annual reporting*:
 - ❖ ***As Queens and Guelph's policies specifically require an annual report to the President/Principal (specific policy requirements for McMaster and Carleton to report annually could not be located) and as Carleton has annual reports up to 2007-2008 available on its website and Queen's reports are readily found on-line, that annual activity reporting be re-initiated by Guelph's HREO to account publicly to the President for results.***

Recourse:

4. Clarity of *human rights and equity complaint processes and recourse and timeliness of response*:
 - ❖ ***Although complaints procedures vary somewhat between universities and no specific improvements can be identified based on this comparison, that Guelph continue to seek ways to improve the efficiency of its formal recourse processes.***⁹

Communications:

5. *More effective public communications on employment equity and human rights policies*:
 - ❖ ***That Guelph enhance its basic information on its website, e.g., based on other websites, other universities tend to be more proactive in communicating with their communities via updates on their websites***

⁹ See a comparison of the University of Guelph's HREO formal process vs. that of Carleton University's Equity Services in Annex G.

(Carleton), newsletter (Queen's and McMaster), or social media (Queen's and McMaster). From a readability perspective, that Guelph's Human Rights Policy and Procedures be better formatted for quick readability.

- ❖ ***That the HREO website be more user-friendly and that HREO explore new ways of communicating with the university population.***

Achievement of Results:

6. *EE group representation of faculty and staff as reported under the Federal Contractors Program and equity in the university population overall:*

- ❖ ***As year over year progress in employment equity and equity overall are important benchmarks for progress and accountability for results, Guelph should strive to make its equity information more easily accessible online for both the university community and general public.***

7. *Training strategies:*

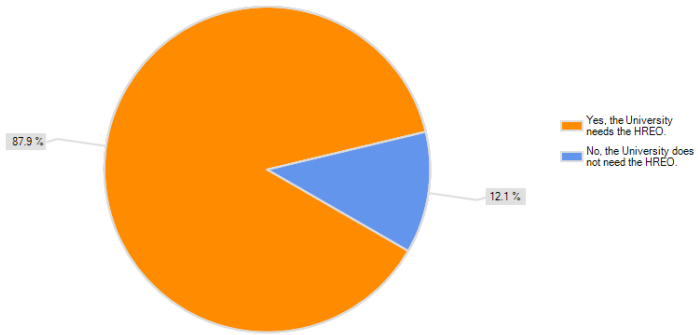
- ❖ ***As the three other universities compared share more information on the types of training, and course calendars (e.g., Queen's) on their websites, that Guelph consult key constituencies and develop and publish a joint forward training plan.***
- ❖ ***That the HREO create a section on training on its website, giving more information on the types of training available to the university community.***

Innovation:

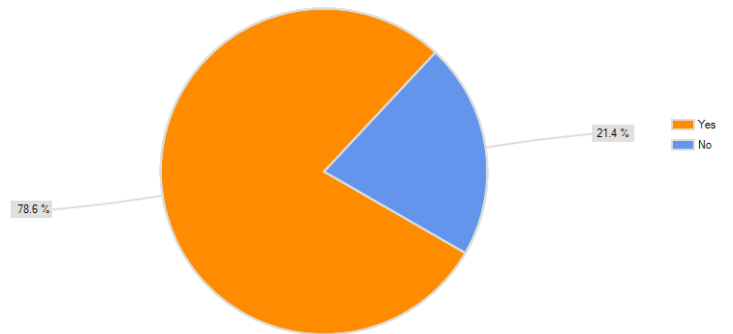
8. *Evidence of creativity in addressing human rights and equity practices in the past two years.*
- ❖ ***While each university context is unique, some ideas are transferrable; that Guelph consider whether some innovative practices at other universities are transferrable, within existing Guelph resources and policies.***

Annex A – Key Survey Results

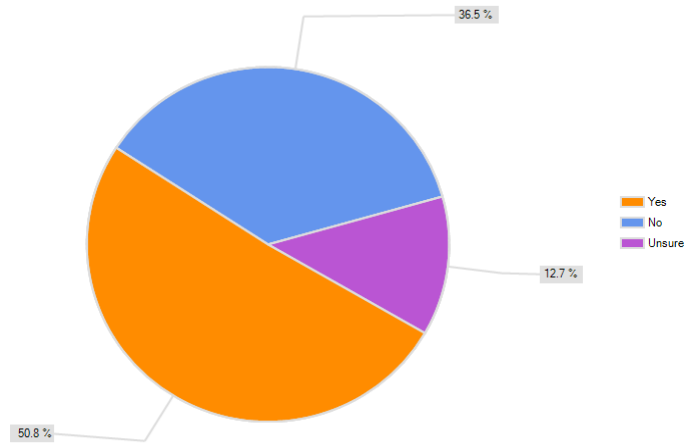
In your opinion, does the University need the HREO? Please tell us why or why not.



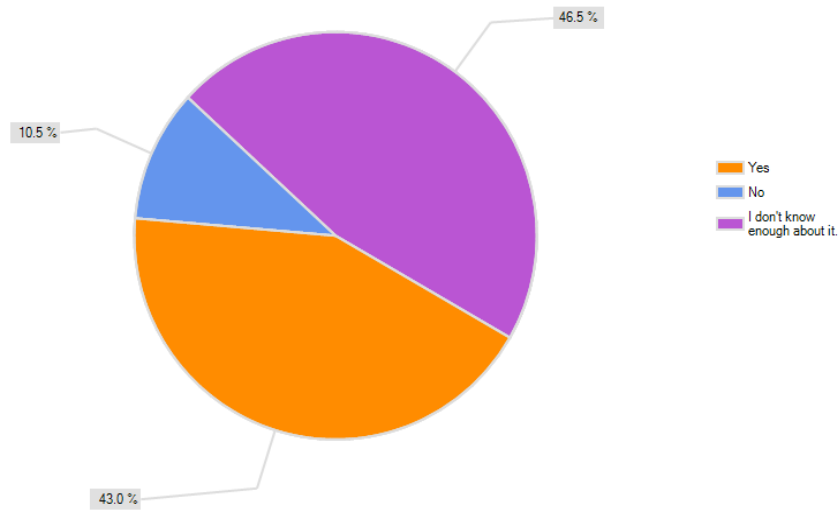
Would you recommend to your colleagues or peers that they use the HREO for any human rights or equity issues they may encounter at the University? Why or why not?



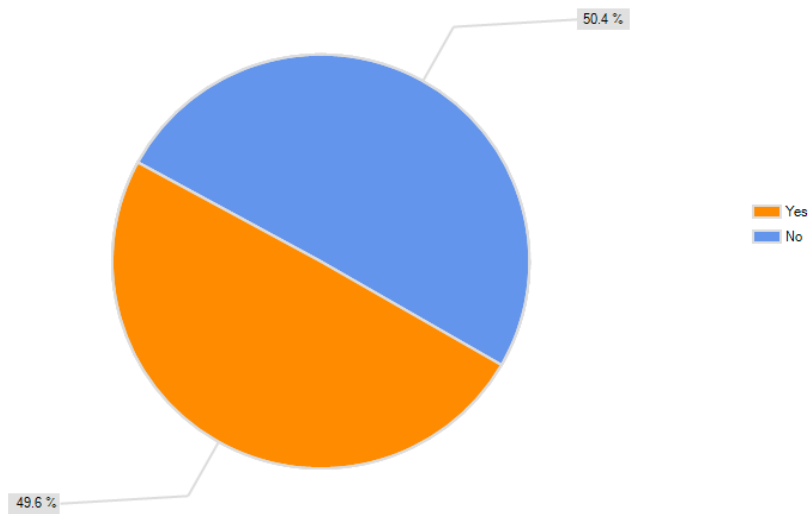
Have you ever read anything about the HREO or heard anything about it?



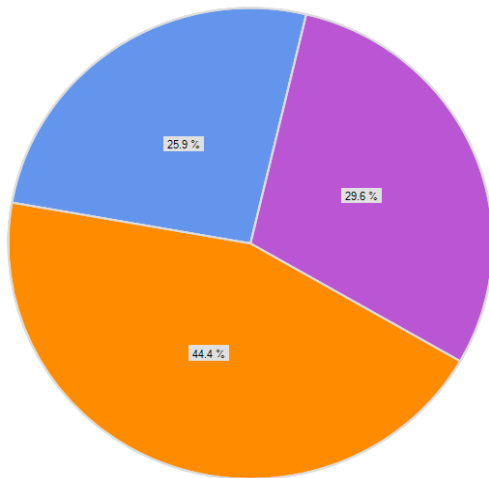
Are you proud of what your University does to protect and enhance human rights and equity on campus?



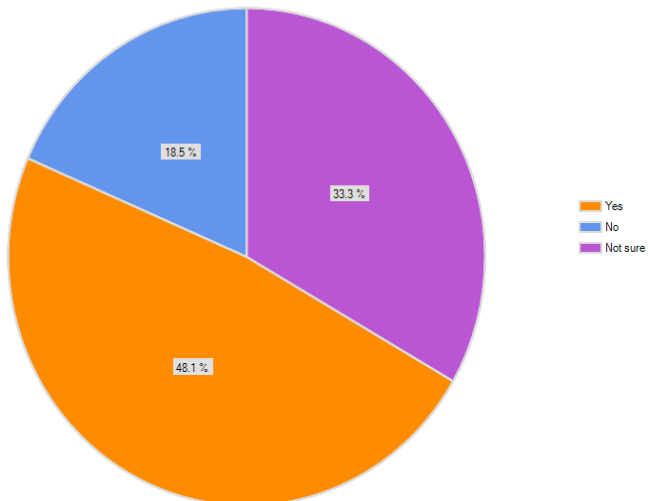
Is there more that UoG should do to protect and enhance human rights and equity on campus?



In your experience as a supervisor, do you believe there is adequate support to resolve issues formally? Why or why not?



In your experience as a supervisor, do you believe there is adequate support to resolve issues informally? Why or why not?



Annex B – HREO Survey Questions

1. Are you aware of what the mandate of the Human Rights and Equity Office (HREO) is?
Yes/No
2. Have you ever read anything about the HREO or heard anything about it?
Yes/No/Unsure
3. In your opinion, does the University need the HREO? Please tell us why or why not.
Yes/No Please Comment
4. Does the HREO have the responsibility to provide education and training on campus regarding equity issues?
Yes/No
5. Have you ever contacted the HREO?
Yes/No
- Service
6. How would you rate the service you received?
Very satisfied/Satisfied/Indifferent/Unsatisfied/Very Unsatisfied
7. How clearly was it explained how the HREO works?
Advocate to complainant/Neutral/Facilitator/Investigator/Decision-maker/Other
8. Were you satisfied with your experience?
Very satisfied/Satisfied/Indifferent/Unsatisfied/Very Unsatisfied
9. Was an informal or formal process followed?
Informal/Formal/Do not know
10. Was the process satisfactory to you? Why or why not?
Yes/No Please comment.
11. Given a choice, would you prefer a formal or informal resolution?
Formal/Informal/Do not know
12. To the best of your knowledge, did you think the process followed University policy?
Yes/Unsure/No
13. To the best of your knowledge, what are HREO's main functions?
14. Are you aware of the procedural changes made to the complaint process in 2009 and if so, do you believe improvements were made?

I am aware of the changes. No improvements were made./ I am aware. Improvements were made./ I am not aware of procedural changes.

15. Would you recommend to your colleagues or peers that they use the HREO for any human rights or equity issues they may encounter at the University? Why or why not? Yes/No Please comment.

16. Are you proud of what your University does to protect and enhance human rights and equity on campus?
Yes/No/I don't know enough about it.

17. Is there more that UoG should do to protect and enhance human rights and equity on campus?
Yes/No If you answered yes, please describe in your own words.

18. Please tell us if you are a student, faculty, staff and/or supervisor. Select all that apply.
Student/Faculty/Staff/Supervisor

19. In your experience as a supervisor, do you believe there is adequate support to resolve issues formally? Why or why not?
Yes/No/Not sure

20. In your experience as a supervisor, do you believe there is adequate support to resolve issues informally? Why or why not?
Yes/No/Not sure

21. Do you have any other comments?

Annex C – Comparative Characteristics in Other Institutions

Comparative Characteristics

	Guelph	McMaster	Carleton	Queen's
Office Mandate	<p>University office to deal with initiatives in the areas of discrimination and harassment and employment equity. It also supports the Provost in the area of educational equity.</p> <p>In addition, to its original mandate the HREO has also been tasked with assisting and coordinating AODA related strategic planning initiatives.</p>	Office of informal dispute resolution; ensures that the Sexual Harassment Policy, Anti-Discrimination Policy and Accessibility Policy are administered effectively and fairly.	Promotes equity, welcomes and accommodates diversity, prevents discrimination and constructively addresses conflict.	<p>Has separate HR and EE offices:</p> <p>Equity Office: Ensures that equity is achieved throughout the University in accordance with the Report on Principles and Priorities adopted by the Queen's Senate in 1996.</p> <p>HR Office: Provides advice, support and resources in the area of human rights, and to ensure the effective administration of the Queen's Harassment/Discrimination Policy and Procedure.</p> <p>Offices are together under same Director but policies/staff are separate.</p>
Reporting Relationship	Independent, repo	Operates at arm's	Independent, reports to	Independent - on equity

	rts to President.	length, reports to Provost. Director as part of senior University management.	President. Director is not part of senior University management.	side and HR side, reports to Provost. Reports to Senate on consultation work through the Senate policy.
Staff Complement	<p>4 staff – Director, Associate Director, HR Advisor and Administrative staff</p> <p>3 HREO staff do similar roles although they are lead on different issues; ensures no conflict of interest in cases on a case by case basis.</p>	<p>6 in total – 1 director, 2 HR officers, 1 equity services officer; 1 accessibility specialist</p> <p>Distinct, separated responsibilities</p>	<p>7 in total - 3 aboriginal/cultural liaison officers – specific to aboriginal students (separate funding)</p> <p>1 full time equity advisor. 1 person who is part time equity advisor/part time sexual assault coordinator (training, work with students), admin assistant and Director.</p>	<p>HR Office: 5 and a half total - 3 advisors and admin person in HR Office and half time special projects officer who spends other half in Equity Office</p> <p>Equity Office: 5 and a half total – 1 data analyst and 2 equity officers and admin. Plus director in both offices.</p>
Training Role	Regularly provides training both at an institution-wide level as well as on request and when new policy put in place.	Does some training – as requested, department meetings, faculty retreats. No broadly based training for the whole community.	Does some training – takes advantage of opportunities, less active solicitation of opportunities. Lists on website what training is offered.	Does several types of training on request, also training for new Department Heads every year.
Systemic issues Processes	Systemic issues generally done on a case-by-case basis or when new policies introduced.	Often dealt by President Advisory Committee on Building an Inclusive Community who advises University	Responsibility for implementation of this policy is vested in the President. As necessary, he or she	There are ways to deal with systemic employment equity issues. But with human rights issues – no clear way. Procedure is

		on gaps or risks.	may appoint a Systemic Human Rights Issues Committee composed of faculty members, administrative staff and students, and a Chair. The Chair and members of the Committee shall be chosen for their human rights expertise and their knowledge of the University's systems of administration and academic governance.	not well suited to systemic issues.
Resolution Processes	Informal Mediated Formal	Informal – not written Informal – written Formal – via internal HR Tribunal (12 or so/year)	Informal – several ways of achieving informal resolution Mediation Formal – via investigator	Informal Formal – the office supports people through formal process but doesn't administer.
Risk Management	Good risk management, proactive, generally good dialogue with University leaders.	Different functional committees deal with operational risks. HREO brought into those that deal with human rights.	Risk management strategy in place. While advisory, aims to be proactive in areas like awareness – working with student groups on particular issues.	Unclear
Governance Structure	Relationship with Board of Governors on policy, through President. No regular HREO reports	Will advise Board of Governors or Senate as requested. Has relationship with	Relationship with Senate and Board of Governors when needed.	Reports yearly to Senate on relevant Equity policy.

	submitted.	University Secretariat.		
Public Reporting	Doesn't consistently do Annual Report.	Are meant to do Annual Report but have not been as diligent in past years.	Make available yearly AODA Accessibility Plan online; Equity Services Annual Reporting is.	Yearly Accessibility plans are publicly available. Supposed to report on yearly basis but doesn't have resources to do so. Management understands this.
Metrics	Implementing metrics; will be able to better track progress with employment equity.	Implementing new case management system; will be able to track metrics better.	Unclear	Compiles metrics on cases, constituents, trends. Report aggregate data.
AODA	Responsible for AODA training only. The HREO assists with and coordinates strategic planning efforts related to AODA work.	HREO responsible for AODA. Support service to McMaster Accessibility Council – composed of senior admin (CIO, dean of students, VP Academic, Head of HR, etc.) at university which ensures that university is compliant with AODA.	HREO responsible for AODA – share relevant info, create Accessibility plan; in charge of training.	Through AODA – accessibility training that every employee must take 3-hour online. With next installment of AODA, HR Commission HR 101 training. Able to track who has done it.
Other issues		Bill 168 has brought many more complaints to HREO.	Bigger focus on aboriginal issues at Carleton.	Used to have HR Advisory Council – trying to put it back together.

ANNEX D - Benchmarking Practices at Comparator Universities

Each university context is unique and in some cases, comparability is of little value. However, this report identifies seven broad areas of comparability with other universities and nine variables. Universities selected for benchmarking are Carleton, Queen's and McMaster as they are relatively similar in size.

Community Engagement:

- ❖ An active, broad-based *human rights and equity advisory body* that includes representatives of key university communities.

Governance and Accountability:

- ❖ Relationship of human rights and equity offices to the Governance structure;
- ❖ Comprehensiveness and regularity of *annual reporting*;

Recourse:

- ❖ Clarity of *human rights and equity complaint processes and recourse* and timeliness of *response*;

Communications:

- ❖ *Public communications* on employment equity and human rights policies;

Achievement of Results:

- ❖ *EE group representation of faculty and staff* as reported under the Federal Contractors Program;
- ❖ *Training*

Innovation:

- ❖ Evidence of *creativity in addressing human rights and equity* practices in the past two years.

Mandate Evolution:

- ❖ Whether any universities have expanded the traditional human rights and equity mandate.

Community Engagement:

- 1. An Active, Broad-based Human Rights and Equity Advisory Structure that includes representatives of key university communities**

Consultation with and engagement of university constituencies on human rights and equity issues is important to progress. The Ontario Human Rights Commission notes

that consultation to help identify issues and effective solutions increases buy-in and commitment to the policies, plans or procedures.¹⁰

All four university policies mandate broad-based advisory bodies to support and guide their human rights and equity policies and programs. They also set out requirements for representation on their human rights and equity advisory/consultative bodies. Queen's, McMaster and Carleton advisory bodies report to the President/Principal; the Guelph advisory body reports to the HREO Director. Queens and McMaster set out minimum numbers of advisory body meetings with the President/Principal and with senior administration per year.

The chart below lists the *formal* minimal procedural requirements stated in the policies for representation on the human rights advisory body of the university. Where minimal requirements for numbers of representatives are not set, the chart simply check marks the requirement for representation.

	FACULTY	STAFF	UNDER GRAD	GRAD	UNION	EQUITY	EXEC	ALUMNI	EX OFFICIO	CHAIR
GUELPH Human Rights Advisory Group (HRAG)			2	2	2 reps from each union and association		1	---	---	HREO Director
McMASTER President's Advisory Council on Building an Inclusive Community (PACBIC)	Members selected through open competitive application; no set membership numbers but must be drawn from Provost, HR Equity, MSU, MSU Diversity Coordinator, Ecumenical Chaplaincy, President's Advisory Committee on Indigenous Issues, Ombudsman, Student Accessibility Services, Student Wellness Centre, CLL, MUFA Human Rights Committee, CAW Social Justice Committee, CUPE Equity Committee, OPIRG.									Co-chaired by Provost / VP Academic, & Students Union
QUEEN'S Council on Employment Equity (CEE)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	---	<input type="checkbox"/>	VP Academic VP HR EE Advisor Equity Advisor	Appointed by Principal for 3 yr term
CARLETON Presidential Advisory Committee on Equity Policy (PACEP)	Composed of the Vice-President (Finance and Administration), a representative of the regional academic Deans, the Dean of Student Affairs, the Director of Equity Services, the Director of Human Resources, the Director of the Office of Institutional Research and Planning, the Associate Vice-President (Enrolment Planning), and the Associate Director for Human Resources (Employee and Employee Relations).									Co-chaired by Provost and VP (Academic)

Queen's University

The Council on Employment Equity (CEE) assists the University in advancing equity in employment by monitoring and reporting on the University's compliance with the Federal Contractors Program (FCP), ensuring that appropriate analysis is carried out on existing and proposed policies with employment equity implications, making

¹⁰ Ontario Human Rights Commission website, Developing Organizational Policies, Programs and Procedures.

recommendations to the Principal and Vice Principals on changes to policies, procedures, and practices that will have a positive impact on employment equity, communicating with the University community about matters concerning employment equity and with the Queen's administration and employee groups.

The CEE meets three times a year and once with the Principal following submission of its annual report. Council members consist of staff, faculty and student representatives from the Alma Mater Society (AMS) and the Society for Graduate and Professional Students (SGPS). Members may sit on the CEE for two years with a term lasting from October 1st until September 30th. The Secretary to the Committee solicits nominations every March from all employee groups including the Queen's University Faculty Association, Queen's University Staff Association, CUPE Locals 229, 1302 and 254, the Aboriginal Council and both student groups, AMS and SGPS. Members of the four designated groups are encouraged to apply. Individuals are recommended to and appointed by the Principal for a two-year term.

Ex-Officio CEE membership includes the Vice Principal, Academic or Designate; the Vice Principal, Human Resources or Designate; the University Advisor on Equity/Director, Human Rights Office or Designate; and the Equity Advisor.

The Principal appoints the Chair of the Council to a three-year term from a list of nominees recommended by the Council. To facilitate this, a Nominating Sub-Committee of the Council convenes in March of the year the current Chair's term is expiring. The nominating sub-committee consists of two members, as well as one ex-officio member and the Equity Advisor.

There is also a Federal Contractors Program Advisory Group that reports through the CEE. There are other groups whose mandates are also operational, in addition to advisory: the Aboriginal Council (which is currently reforming its membership and governance to be more action-oriented), an Accessibility Committee, a Diversity and Equity Task Force, the Queen's Pride Project, the Senate Educational Equity Committee (SEEC), and the Transgender/Transsexual Policy Group.

McMaster University

The President's Advisory Council on Building an Inclusive Community (PACBIC) meets once annually with the President. There are 7 working groups established within PACBIC. These are Priorities and Planning, Dialogue Working Group, Communications and Visibility, Human Rights Audit, Interfaith Issues, Access and Accommodation and Employment Equity.

The PACBIC meets once per semester and at least once a month on an ad hoc basis. Its annual meeting with the President is to "discuss work and progress"; it also meets with the University Planning Committee and other university bodies as necessary to report and provide recommendations.

McMaster invites the entire university constituency to apply for membership on the PACBIC through an open annual competition.

Carleton University

Carleton University has had a Presidential Advisory Committee on Equity Policy since 1987. It was originally established as a Presidential Advisory Committee on Employment Equity but over the years its mandate has been revised and expanded. It now includes responsibility for educational equity as well as employment and pay equity; and in 2004, the policy was amended to include human rights.

It is co-chaired by the Provost and Vice-President (Academic) and advises the President on matters requiring management action relating to employment equity, educational equity, pay equity and human rights at the University. The Committee is composed of the Vice-President (Finance and Administration), a representative of the regional academic Deans, the Dean of Student Affairs, the Director of Equity Services, the Director of Human Resources, the Director of the Office of Institutional Research and Planning, the Associate Vice-President (Enrolment Planning), and the Associate Director of Human Resources (Employee and Employee Relations). This group meets on a monthly basis.

Carleton also has an Aboriginal Vision Committee which is a Presidential Advisory Committee that provides strategic advice and recommendations to the University President, to:

- Improve participation of Aboriginal persons in the University community, its academic programs and work force;
- Increase awareness and inclusion of the diversity and richness of Aboriginal cultures in Canada within the University community; and
- Promote greater inclusion of Aboriginal knowledge within the institution.

University of Guelph

The establishment of the Human Rights Advisory Group (HRAG) is required under the Human Rights Policy, and is to include two representatives from each employee group, two undergraduate and two graduate students, one representative from the senior executive of the University and the Director of the HREO (who will also chair HRAG). Apart from the Director of the HREO, members of HRAG are to be nominated annually by the appropriate constituency group.

The mandate of HRAG is to advise the President on the following:

- Use of the Policy and its Procedures;
- Proposed changes to the Policy and its Procedures;
- Preparation of the annual report to the President, including analysis of statistical information about use of the Policy and its Procedures;
- Timing and process for a formal review of this Policy and its Procedures to be

- recommended to the President;
- Appointment of human rights resource persons under II.3.1 by action through a subcommittee of HRAG.

There are no set meeting requirements spelt out in the Policy. The HRAG is currently inactive.

Guelph also creates an Aboriginal Advisory Council, reporting to the President, focused mainly on strategic advice and direction, improving the student experience and advising on recruitment of Aboriginal faculty and staff and generally promoting the University's commitment to employment equity. Through the President, a liaison is established with the Board of Governors and Senate. The Council is also to maintain liaison with external Aboriginal communities and educational organizations, which are invited to participate. The AAC Executive Committee has two Co-chairs, one from the aboriginal community and one from the University, elected by the membership at large. The positions serve for two years with Executive Committee members elected to fill open positions every fall. The Aboriginal Advisory Council meets a minimum of four times per year.

Guelph also has an Accessibility for Persons with Disabilities Advisory Committee (APDAC), a broad based committee which draws on diverse expertise in the University community, as well as the efforts of units and groups working on accessibility at the University. It identifies barriers, promotes the removal of barriers, coordinates activities and produces an annual plan of action. The HREO co-coordinates support for the work of the Advisory Committee, providing it with a secretariat and guidance on how to access information and resources to carry out its responsibilities. It also identifies resource people to provide specialized expertise and attend meetings.

A Campus Accessibility Committee analyzes all construction/renovation projects.

Finally, Guelph has an Employment Equity Committee comprised of managers and representatives from unions and employee groups, which focuses mainly on workplace equality and employee surveys and is in support of the Provost's responsibilities related to academic planning and operations. This is both an advisory body and a coordinating/oversight committee.

Summary:

Other university advisory bodies report to the President/Principal; the Guelph Human Resources Advisory Group (HRAG) is chaired Director of the HREO. The HRAG does not have an independent function but is advisory. The HRAG, although required by the Policy to be established, is currently inactive. The Council needs to be activated by the new incoming Director.

Guelph should also consider whether the HRAG should report to or at least meet

Governance:

2. Relationship of human rights and equity offices to the Governance structure

Clarity on management responsibilities and reporting structures is essential to sound accountability and responsibility in well-performing organizations. Only McMaster's website shows an organization chart with the HRES reporting to the Provost and VP (Academic). The other universities surveyed do not easily identify the formal reporting relationship of the human rights and equity offices to the formal governance structures of the institution.

We also looked for information on the intersection of the roles and responsibilities of human rights and equity offices with the management responsibilities of the University. This information may exist elsewhere such as in performance agreements, performance indicators, etc. but it was not readily available.

All policies are clear, however, that administrators, deans, chairs and directors of academic departments, other directors and supervisors in positions of trust, power and authority are responsible for taking steps to prevent discrimination and harassment and support human rights and equity. Thus, while human rights and equity offices appear accountable for progress overall, they are not accountable on a day-to-day basis for actions by management of faculty and staff.

All universities consider their human rights and equity offices to be "arm's length" or "independent" organizations. The direct report (i.e., the President) was cited as evidence of this at Guelph and Carleton. At McMaster and Queens, reporting to the Provost appears to emphasize greater management cooperation in certain areas.

At **McMaster**, the Director of the Human Rights and Equity Services (HRES) reports to the Provost. There are no other identifiable reporting mechanisms to other groups. The Director is part of the senior University management. The Office occasionally advises the University Senate on certain issues.

At **Carleton**, the policy is clear that the Office of Equity Services is responsible for the implementation of most related policies. The OES Director is not part of senior University management and this is seen as a positive feature. Similar to the University of Guelph Human Rights and Equity Office, different members from the Equity Office participate in or chair a number of committees where they are able to influence management practices and procedures. There is a reported inherent tension in the relationship with management as the Office tries to use powers of persuasion to effect progress or when, for example, staff approach HREO instead of HR which is sometimes viewed as having a bias towards the Employer; or when there are already Union contract provisions such as launching formal grievances.

On employment equity, the Director reports directly to the President and the “President of the University has primary responsibility for the University’s employment equity program.” The vice-presidents (Office of Provost and Vice-President Academic; Finance and Administration), assisted by their deans and directors, are “responsible for implementing steps in the employment equity program.”¹¹

On disabilities, the Paul Menton Centre for Students with Disabilities (PMC) is the designated unit at the University for assisting the Carleton community in integrating persons with disabilities into all aspects of Carleton’s academic and community life. It acts as consultant, facilitator, coordinator and advocate in for all members of the University community.

All other policies and procedures are the responsibility of the Office of Equity Services. A systemic human rights committee can be convened if necessary under the direct authority of the President.

The **Queen’s** Equity Office/Human Rights Office Director reports to the Provost. She also reports to Senate on consultation work under Senate policy.

The Human Rights and Equity Office (HREO) at **Guelph** reports directly to the President. Documentation/interviews indicate that HREO has, in the past, participated in President’s Executive Council and occasionally coordinated specific work of a number of committees such as supporting the, the Employment Equity Committee, the Accessibility for Persons with Disabilities Advisory Committee, the Human Rights Advisory Group (HRAG), the Women’s Campus Safety Initiatives Committee, the Employment Accommodation Fund Committee and the Accessibility Awareness Day Planning Committee and several others.

Responsibility for performance under the human rights and equity policy is clear that this is shared by all within the University community and specifically by much of the work done by HREO is shared with other parts of the university community such as Human Resources and the FASR.

It must be mentioned that this review found a lack of clarity at all four institutions on what “independence” or “arm’s-length” means in practice, and, in the case of Guelph, vastly conflicting views within the university community about the degree of independence that is appropriate for a human rights and equity office.

All four policies describe the protection of human rights and equity as the responsibility of everyone in the university community, and all place specific responsibility on administrators, deans, chairs and directors of academic departments, other directors and supervisors in positions of trust, power and authority to take steps to prevent discrimination and harassment. Thus it is clear that accountable managers and those in authority are ultimately responsible.

¹¹ Human Rights Policies and Procedures, Updated by Equity Services: September 29, 2010.

To assess independence, the specific functions need to be analyzed. It is probably not the office per se that is independent, but rather certain functions such as the ability to advocate for the policy, managing/overseeing due processes and procedures related to complaints, collection and compilation of institutional level information and data, annual Office reporting or providing sound, objective information on/interpretation of the policy itself. The Office also promotes management adherence to the policy while at the same time, it works with management to resolve issues and make progress, e.g., training.

The other aspect of independence that arose is whether or not the human rights and equity office head sits as a member of internal senior executive management committees. This issue is very important at Guelph and appears to be related to the Office's ability to be and appear to be neutral in actions by the Employer or the administration. There would indeed be many situations where conflict of interest could arise in either perception or reality, e.g., student complaints against faculty or administration, faculty against faculty complaints, union-management disagreements, HREO-HR/FASR disagreements, etc.

Summary:

The issue of the HREO's "independence" needs to be clarified according to function with key university constituencies, i.e., that it is independent for certain functions/purposes and cooperative with management for practical reasons on others.

The HREO Director's relationship with Guelph's executive management committee(s) needs clarification to assure formal governance relationships and accountabilities.

3. Comprehensiveness and regularity of *annual reporting*

Regular public reporting is a key duty of sound accountability. This review looked at explicit policy requirements to report on activities and progress on human rights and employment equity and whether such reporting is regular and easily publicly available. Policies at Guelph and Queen's require annual reporting, apart from that required by the Federal Contractors Program. Carleton and McMaster's do not.

Although the Human Rights Policy and Procedures at Carleton University do not require that the Equity Office provide an annual report, historically, it appears that the Office tabled annual reports with the Board of Governors. The last report publicly available on its website is for academic year 2007-2008. The Office has been reporting consistently on its AODA Accessibility Plan since 2003 and makes available its reports on the web.

McMaster's policies do not appear to require annual reporting by its Human Right and Equity Services Office. It has done annual reports in the past but, like Guelph,

resources are prioritized on case management work instead. The PACBIC Committee terms of reference ask for reporting on issues at its discretion but a schedule is not specified.

The Queen's Council on Employment Equity (CEE) is required to prepare an annual report for the Principal by June 1st of each year and to report on the Federal Contractor's Program. The Queen's CEE also tables an annual forward-looking plan on anticipated activities for the coming year, and reporting is on how objectives are met. In addition, the Equity Office publishes its own annual report on its activities. It reports on educational equity, special initiatives (e.g., aboriginal equity), employment equity, training, self-ID data, accessibility/accommodation framework, forward plan and awards.

Guelph's policy requires that the Director of the HREO provide an annual written report to the University President, to include the numbers, types and outcomes of inquiries, concerns, disputes and complaints under its Policy and Procedures in the preceding year. In turn, the President is to release the report to the University community. All allegations of discrimination or harassment are to be reported without names or specific details. In the data gathering and reporting process, a distinction is made between inquiries, concerns, mediated disputes and complaints. There are no recent reports.

Summary:

Queens and Guelph's policies specifically require an annual report to the President/Principal; specific policy requirements for McMaster and Carleton to report annually could not be located. Carleton has annual reports up to 2007-2008 available on its website. Queen's reports are readily found on-line. Annual reports for McMaster and Guelph could not be located.

Annual activity reporting should be re-initiated by Guelph's HREO.

Recourse

4. Clarity of *human rights and equity complaint processes and recourse and timeliness of response*

Policies and procedures vary. Guelph's Human Rights Policy clearly outlines a single procedure with three processes for all complaints. It has in depth steps for informal resolution, mediated resolution and the formal complaint process. Both Queens and Carleton also have clear, detailed procedures outlined on their websites.

At McMaster, there are different policies and procedures for different types of complaints. For example, for sexual harassment, there are three kinds of complaints - "Informal Resolution Without a Written Complaint", "Informal Resolution With a Written Complaint" and "Formal Resolution With a Written Complaint". A written complaint must be submitted no later than 12 months from the last date of the alleged harassment and

an extension up to 3 months. Any further extension may be granted at the discretion of the Officer or other University official.

For an informal resolution with a written report, it should not extend beyond 60 days following submission of the written complaint. For a formal resolution with a written complaint, the Chair of the Hearing Panel must select a slate of six names of Hearing Panel members to serve on the tribunal, to be presented to the complainant and the respondent within 15 working days of receipt by the Secretary of the Board of Governors of a request for a formal hearing.

At Queen's, there are detailed timelines to address harassment or discrimination. For harassment/discrimination complaints, the Chair of the Harassment/Discrimination Complaint Board, must rule within one week whether a matter constitutes an allegation of harassment or discrimination. Within ten days of the receipt of the written complaint, and within ten days of the complainant notifying the Adviser to proceed with the complaint, the Adviser must send the respondent a copy of the complaint. The respondent must indicate within ten days of receipt of the complaint whether he or she is willing to consider alternative dispute resolution. Within four weeks from the date of the agreement on a particular facilitator, the process will be concluded and the facilitator will provide a written report to the Adviser.

For formal complaints, the complainant will submit a full written statement to the Chair of the Board within two weeks of filing the written request for a hearing with the Secretary of the University. The Chair of the Board will convene the Board within three weeks after the filing of the complainant's statement. After hearing the parties, the Board will, normally within one week, decide whether there has been harassment and/or discrimination. Normally within a further week, the Board will produce a written statement of its findings.

At Carleton as well, the first step is to try to reach an informal resolution. No timelines are given. Mediation is then available with the consent of both parties. An individual may also make a formal written complaint of discrimination and harassment if he or she wishes the matter to be investigated and a formal decision made on the matter. Should there be a determination not to proceed, this may be appealed in writing within 30 days to the University Secretary (except in case of issues of academic freedom, in which case appeal is to the Office of the Provost and Vice-President (Academic)).

For mediation, the process should be completed no later than 21 business days after its commencement. For a formal complaint, within 7 days the complaint manager will notify the respondent in writing of the complaint. The respondent has a right to respond in writing to the complaint no later than 14 days after being notified. Within seven days, the complaint manager will forward a written summary of it to the complainant. The complainant has a right to respond no later than seven days after receiving the summary. He or she 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, or affirm all or some of the allegations made in the complaint. No later than seven days after receiving a complainant's response, the complaint manager will

inform the respondent of any allegations withdrawn by the complainant and provide a written summary of the complainant's response. No later than seven days after this exchange of documentation is completed, or, in the absence of responses or resolution within the time frames provided, the complaint manager communicates a decision to the parties.

A decision not to proceed can be appealed to the President and an investigation must be initiated no later than 14 days after the appointment of an investigator. No later than 30 days after the commencement of the investigation, the investigator should prepare a draft and the complainant can reply within seven days the comments of the complainant (if any), the draft report is then sent to the respondent. The respondent has a right to respond no later than 14 days and the complainant then within another seven days. The investigator should submit a final written report to the complaint manager no later than 14 days after receiving responses and no later than 14 days after receiving the investigator's final report, the complaint manager will forward a written summary of it to the parties. No later than 14 days after concluding the process of investigation and discussion with the parties, the complaint manager may request a record of any previous discipline related to human rights violations and will make a determination whether a University human rights policy applies in the circumstances and whether other University policies or procedures bear on the substance of the complaint.

On the formal process, Guelph also has strict timelines (there is a reference to more formal timelines in the Procedures). The supervisor must be notified within two working days of receipt of the formal complaint; the respondent must provide a written response to the HREO within the following ten working days and ask the complainant for a written reply within ten working days. A fact-finding team must be set up within ten working days of receipt of a formal complaint form. Meetings required under these procedures should occur as quickly as is reasonably possible. From the initiation of the fact-finding process, to the issuing to the parties of a draft report of the fact-finding team, a fact-finding process will be completed within fifty (50) University working days. Requests by the fact-finding team to extend any timeline established under these procedures, based on reasonable grounds, will be submitted to the Vice-President (Finance and Administration) in the case of a respondent who is a faculty member, or a student, and to the Provost and Vice-President (Academic) in the case of a staff respondent.

Summary:

Carleton has the most detailed recourse process outlined on its website. Carleton, Guelph and Queens appear to have similar timelines (between 48-50 days) to address formal complaints, not including appeals. McMaster's detailed timelines were not readily available.

Procedures vary somewhat between universities and no specific improvements can be identified based on this comparison.

Communications

5. Clarity of *public communications* on employment equity and human rights policies;

All universities have websites of varying quality and detail for their human rights and equity offices. For each one, their human rights and equity policies are available online.

At Guelph, the Human Rights and Equity Office shares its policy and procedures, pamphlets, major holy days, information on ethical buying, information on hate activities and others on its website. Information on human rights and equity issues is shared publicly on the main university site. The University of Guelph's HREO is not active on any social media channels.

Queen's Equity Office can be seen as a real leader in sharing information on human rights and equity issues (it also has a large staff). It shares similar basic information (policies, pamphlets, etc.) on its website as that of Guelph. However, its information is more current than that of Guelph. Aside from this, it takes a proactive approach by creating and sharing a newsletter with the university community (*Equity Matters*), which is also made available online.

The *Queen's Gazette* also publishes a number of articles on equity and human rights matters that are later made available via the Equity Office's website. The Queen's Equity Office is also active on Facebook where it shares new information on human rights and equity at Queen's and beyond.

McMaster University's Office of Human Rights & Equity Services has similar levels of information on its website (policies, holy days, etc.) as that of Guelph, but these are up to date. It has several documents on accessibility dated 2011 and has a number of resource sheets on building an inclusive university campus that are dated in 2011. McMaster is also active in social media, with both a Twitter and Facebook account that are updated on a weekly basis during the school year. The office also had a newsletter, which was put online until the end of 2009. It is unclear whether this newsletter is still active.

Carleton University has boilerplate information on its policy, holy days, etc. and has a depth of information on its Equity Services website that spans from sexual assault support services to gender-neutral bathrooms. It also has a news section that is kept up-to-date throughout the year. The Office doesn't yet play in the social media world and does not have a newsletter made available on its website.

Summary:

Guelph should enhance its basic information on its website, e.g., based on other websites, other universities tend to be more proactive in communicating with their communities via updates on their websites (Carleton), newsletter (Queen's and McMaster), or social media (Queen's and McMaster). From a readability perspective, Guelph's policy is not formatted for quick readability.

The HREO website should be more user-friendly and HREO could explore new ways of communicating with the university population.

Achievement of Results

6. EE group representation of faculty and staff as reported under the Federal Contractors Program

Reporting on EE group representation of faculty and staff ranks is required under the Federal Contractors Program. It would be expected that this information would be readily available on University websites. Such information would provide a snapshot of the effectiveness of representation efforts of institutions by equity group, ideally comparable across campuses.

In this category, we have to presume that all universities compared reported their representation rates of the four major groups – women, aboriginal people, people with disabilities and visible minorities – as part of the Federal Contractors Program. While the University of Guelph, McMaster and Carleton University do share some documents on equity on their websites (University of Guelph Employment Equity Workforce (2000), University of Guelph's Employment Equity Plan 2008-12, Carleton University's Compliance Review Report (2004) and HRSDC Compliance Review Audit (2004), Equity Services Annual Reports (2003-2008), McMaster University's Accessibility for All document are available on-line.

The Queen's website offers the most detailed information on all equity categories from 2005 to 2011 for both faculty and staff.¹² It also compares its data to the Canadian average. What's more, Queen's University has begun a listserv that gives members of the University community a forum to share ideas on how Queen's can attract and retain the best employees and offers the opportunity to inform Queen's employees on equity issues.

Up-to-date comparable data is limited. A 2011-12 CAUT Almanac of Post Secondary Education published data for 1988/89, 1998/99 and 2008/09 of full-time university teachers by type of appointment (tenured and tenure track), institution and sex. National averages for each were 18.7%, 26.7% and 34.9% respectively. For 2008/09 Carleton was at 35.3%, McMaster at 33.5%, Queen's at 35% and Guelph at 32%.¹³ Today

¹² <http://www.queensu.ca/equity/content.php?page=RepresentationRates>

¹³ Almanac 2011-12, CAUT Almanac of Post Secondary Education

Queen's reports 39.2% women in academic positions (comparability of this figure cannot be verified)

Summary:

As achieving equity goals is an important benchmark for progress and accountability for results, Guelph should strive to make its equity information more easily accessible online for both the university community and general public.

7. Training

Each university's human rights and equity office shares some of the responsibility for training on human rights and equity issues among other things. All four universities human rights and equity offices acknowledged that most of their training is done on an as need basis or as part of a bigger initiative as opposed to regular, yearly training. However, the University of Guelph doesn't compare favourably in terms of communicating its training offerings, at least on its website, compared to the other universities.

The University of Guelph's HREO is responsible for providing training and education on human rights and equity issues to all members of the University community. It conducts this training on a regular basis and sometimes on an as need basis, unless there is an initiative that requires broad university coverage. The HREO works with other units or committees on various training opportunities. For example, HREO also works with Human Resources to develop an orientation program for staff selection committees. The type of training offered by the University of Guelph is not clearly outlined on its website.

Carleton University's Equity Services does human rights training, diversity and inclusion training. Its approach is to take advantage of opportunities given to them.

Its Equity Services advertises a series of training and learning opportunities: the Carleton University Safe Space Program; Allies in equity; Equity and Human Rights for Faculty, Supervisors and Staff; End to Hate; Human Rights – Leadership Management Program; Customized Training and Information Sessions; Employment Equity Training for Academic Search Committees; Valuing Diversity – Leadership Management Program. It also supports a number of activities on campus such as Black History Month, Diversity Awareness Days and others.

McMaster University's Human Rights and Equity Services (HRES) typically does not implement broadly based training for the whole university. Rather, it conducts training on a request basis, for example as part of a department meeting, faculty retreats, or with student groups. It delivers workshops on how to identify and prevent harassment

and discrimination whether based on race, gender, sexual orientation, religion, disability, age or any other similar factor. It works with the University community to design and deliver workshops based on specific needs. It also puts individuals in touch with other relevant resources. The HRES is also responsible for the delivery of AODA training, as well as training that relates to Bill-168. McMaster's HRES highlights the training that it does and has a special feature on its "HEART" Workshop Series, i.e. Human Rights, Equity, Accessibility, Respect Toolkit.

Queen's University's Equity Office conducts training on a regular basis, 10-20 sessions a year on an as-needed basis. They train new department heads every year. They also coordinate accessibility training for AODA which involves every employee taking a 3-hour online training. They are able to track who has taken the training and who has not.

Employment Equity Training is specific training outlined for members sitting on Appointments and RTPC Committees as per the QUFA Collective Agreement. It also offers Accessible Customer Service training as part of its obligations under the Accessible Customer Service Standard, a regulation under the Accessibility for Ontarians with Disabilities Act.

The Human Rights Office at Queen's also delivers training that can be tailored to specific needs.

Summary:

All universities lead or coordinate various types of training, primarily on an as-needed basis or as part of larger initiatives such as the AODA implementation. However, the three universities compared share more information on the types of training, and on some occasions even the dates training is offered (Queen's) on their website.

The HRES should create a section on training on its website, giving more information on the types of training available to the university community.

Innovation

8. Examples of leading edge creativity in addressing human rights and equity practices in the past two years.

The ability to innovate is directly related to resources available. Queen's, for example, has double the resources of Guelph for a similar population and as a result, is able to undertake high profile, creative initiatives. This section simply lists some selected innovative practices reported by other universities for purposes of identifying initiatives that Guelph might wish to replicate within its own context, resources permitting:

- ❖ Queen's Accessibility Townhall Meeting - An open meeting to promote engagement in the accessibility policy goals.
- ❖ Queen's Diversity Scorecard, an equity diagnostic tool.
- ❖ Queen's Council On Equity annual forward-looking plan which identifies planned activities.
- ❖ The inclusion of outside aboriginal leaders on the Guelph Aboriginal Advisory Council - ensures that the various aboriginal communities are engaged in improving recruitment of and responsiveness to the needs of both individual students and the communities served.
- ❖ Aboriginal vision-gathering session at Queen's aimed at finding ways to co-create a healthy, effective and representative Aboriginal Council and a university environment responsive to the learning needs of all Aboriginal students.
- ❖ Under its Employment Equity Plan, Queen's publishes The Employment Equity Timeline, a visual representation summarizing key monthly activities and tasks proposed by the FCP Action Group to achieve the annual goals.
- ❖ The Queen's Equity Office monthly electronic newsletter reaches out to the campus community, offering information and resources on equity and diversity issues in the workplace and aims to be a forum for subscribing members to learn and share ideas on best practices and support programs.

Summary:

Guelph should consider whether any innovative practices in human rights and equity from other universities might be transferrable, within existing Guelph resources and policies.

Annex E – Interview Questions

Interview guide for HREO focus groups

- In your opinion, what is the mandate of the HREO?
- Is the HREO organizational structure clear and its capacity adequate to support the HREO's mandate?
- Do you believe the processes and procedures are the rights ones for the types of issues or activities that are dealt with?
- Are you happy with the way in which the University responds to human rights complaints? If not, what changes would you suggest?
- Are you generally satisfied or dissatisfied with the work conducted by HREO? Can you give us general examples?
- Do you feel faculty and staff are provided with sufficient education and/or support regarding understanding human rights issues?
- Do you have any suggestions on how to improve the work of HREO?

Interview guide for HREO Staff

Current and future organizational design, administrative structure, and capacity

- Organization design - how are you structured to deliver on your objectives?
- Who is responsible for key functions and who is responsible to sign for staffing and expenditures?
- What decisions require Board approval?
- Does staff have training plans? Is training continuous? How does it work?
- What administrative and management functions are needed to support your organization?

- What are the key activities in the organization that support your services?
- In what key internal processes do you think your organization must excel?
- How does the organization work to get staff to 'buy in'?

Service delivery

- How would you describe the key services offered by HREO? What are the core programs of HREO? Can you talk about the kinds of client needs addressed by HREO?
- Are the objectives clear? Examples?
- How does HREO know it is meeting service quality standards? How are they monitored?
- Is someone at HREO responsible to do research into latest best practices/techniques and trends?
- How do partner organizations assist HREO and does HREO work with partners?
- How is caseload management done? Are there documented intake procedures for clients?
- Is there access to redress for clients in case they have a complaint about HREO services?
- How does HREO gather client feedback usually?
- What are some recent innovations that are responding to client needs? How do you think HREO can learn and improve?
- What specific measures and targets does HREO use to judge progress in achieving vision mission and values goals?
- The definition of sexual harassment was removed from policies, what's your level of understanding about sexual harassment? Do you think a definition is necessary or beneficial?

Interview guide for other universities

- What is your HRE policy on campus? When was it last updated and how?

- What is the visibility of HREO? How do the President/VPs/Deans champion HRE?
- What are some of the key responsibilities of your office?
 - What is your office's approach to training/education and visibility of HRE on campus?
 - What is your role in policy development?
- What are your main challenges?
- What types of processes are put in place to handle real or perceived human rights or equity issues? Are you sometimes forced to deviate from these?
 - Who decides what processes are used?
 - Who are the fact finders/how are they selected/trained?
 - Are timelines generally met?
 - Can you describe one of the major issues you have encountered and how was it handled?
- What is the reporting structure of the office and relationships with key players (students, administration, faculty, unions)?
- How do you manage the relationship between independence of the HREO function, human resources management, academic Deans (or whomever else finally decides on human rights and equity issue merits and redress) and unions?
- Is there pressure for greater autonomy of the HRE function? By whom?
- Have you encountered "confidentiality" issues between management, HREO and unions? If so, how are they managed?
- How would you rate the trust factor in HRE? Awareness of HRE values?
- Do you track any performance stats (cases, time for resolution, etc.)? Do students self-ID and how is it working? Are annual reports made readily available and digestible?
- What do you consider to be some of your best practices in terms of human rights and equity procedures?
- Is there anything you would like to do differently in terms of processes, procedures, relationships, or redress? If you had additional resources, where would you direct them?

Annex F – Summary Recommendations

Summary of Recommendations from Analysis

1. *That the survey results be published, perhaps on the HREO website and/or through other on-campus media, to further raise awareness of the HREO and to thank those who participated in the survey.*
2. *That in the spirit of openness, transparency and awareness-building, early roundtable discussions be held in order to engage HREO and the Guelph University community on the issues raised by various parties on HREO's mandate, independence, neutrality and impartiality.*
3. *That the HREO Director continue to report directly to the President, subject to recommendations in the 'Governance' section below.*
4. *That the HRAG be reactivated and its advisory mandate clarified, its composition be broadened to include representation of other University constituencies not mentioned in the policy such as the Aboriginal community and FASR, that sub committees or working groups be established, as necessary, to promote broader dialogue among University constituencies and that the HRAG meet at least annually with the President to report on progress on the Policy across the entire University.*
5. *That a policy change be made whereby a neutral HRAG chair is appointed by the President to report on broader progress where Policy responsibility is shared by the entire University community (see also Benchmarking section below).*
6. *That HREO annual reporting be initiated and the various University constituencies be consulted about the content of an HREO annual report and any other regular reporting that would be appropriate, given constraints of confidentiality and privacy, cost and do-ability by the HREO*
7. *That a joint annual outreach strategy be developed so that the various communities understand and contribute to HREO outreach and awareness-building activities, and so that the various parties in the University system can coordinate and align their efforts and ensure common messaging for example on priorities, systemic or emerging issues.*
8. *That a reinstituted HRAG play an important role in helping to manage cultural change.*
9. *When AODA training is established to satisfy recent requirements,, HREO should take more of an oversight role for keeping training content up to date, identifying best practices in this field and compliance requirements with the legislation as*

well as develop train-the-trainer partnerships with HR/FASR on delivery so that HREO can extend its capacity in other areas.

- 10. That the specific HREO role in supporting AODA policy and standards be clarified through the consultative processes proposed above.*
- 11. That an annual training and outreach plan be developed, in consultation with all communities of interest, so that opportunities for providing training/learning are identified and planned for in advance as a shared responsibility.*
- 12. That joint annual goals be set in the plan to expand the reach of formal training/learning and so that responsibility is shared and concerted efforts are made to use train-the-trainer approaches, on-line training, best practices, etc.*
- 13. That refresher courses be expanded in creative ways to promote a continuous learning culture for human rights, equity and accessibility training.*
- 14. That policies and practices related to privacy and confidentiality be reviewed for inconsistencies and harmonized with HR and FASR to the full extent possible.*
- 15. That processes be reviewed to identify ways of improving closure on cases that respect the rights and responsibilities of all.*
- 16. That the articulation of the policy and procedures on informal processes be reviewed and clarified and expressed in clear, plain language and in an appealing format in public communication materials and on the website.*
- 17. That other constituencies be invited to help in making the website more appealing and presenting the policy more clearly.*
- 18. That while maintaining the HREO Director's direct reporting relationship to the President, the Director also continue to participate in the President's Executive Council (PEC) or similar body which would be responsible for guidance and direction and overseeing collaboration across the institution to ensure that progress is made on human rights and equity and related issues; and that when the President's direction is sought, support for decision-making is based on joint analysis and advice (except on inappropriate matters such as independent recourse or issues of an urgent nature).*
- 19. HREO needs to maintain its independence in addressing cases on their merits under the policy, that a new front-end triage process become a formal part of the process to improve the fact base for decisions within its jurisdiction and improve understanding about cases that should be directed elsewhere.*
- 20. That Guelph review its Policy and Procedures on the informal process to determine whether formal change is required to clarify processes and reduce risk to the institution. For example, the four "options" referred to in the Policy and*

Procedures appear to be more scenarios related to the type of issue rather than options or procedures per se. Adding timelines might also be appropriate.

- 21. That HREO use the technology it has purchased to better track informal resolution caseload in order to deploy resources most efficiently, as well as systematically capture relevant data.*
- 22. That the management of formal complaints be reviewed for purposes of identifying any further efficiency possible in the process (it should be noted that Guelph appears to track other universities benchmarked in timelines for the formal process).¹⁴*
- 23. That the process of selecting fact finders be improved by requesting and checking references upfront, improving the quality rather than the size of the pool of fact finders and improving training.*
- 24. That attention be paid to adherence to procedures to ensure that the University's processes could withstand scrutiny in the event of judicial review or an external complaint to the Human Rights Tribunal.*
- 25. That the use of evidence in a formal resolution is clarified in the event that a plaintiff decides to pursue the case at the Human Rights Tribunal.*
- 26. That the changes made in 2009 be continued.*

Summary of Benchmarking Actions

- 1. The Guelph Human Resources Advisory Group (HRAG) reports should be chaired by an individual appointed by the President and the committee should be advisory to the President, as is the case with the other universities looked at.*
- 2. That the issue of the HREO's "independence" be clarified, by function, with key university constituencies, i.e., that it is independent for certain functions/purposes, and cooperative with management for practical reasons on others.*
- 3. That the HREO Director's relationship with Guelph's executive management structure be clarified to assure effective governance relationships and accountabilities.*
- 4. As Queens and Guelph's policies specifically require an annual report to the President/Principal (specific policy requirements for McMaster and Carleton to report annually could not be located) and as Carleton has annual reports up to 2007-2008 available on its website and Queen's reports are readily found on-line, that annual*

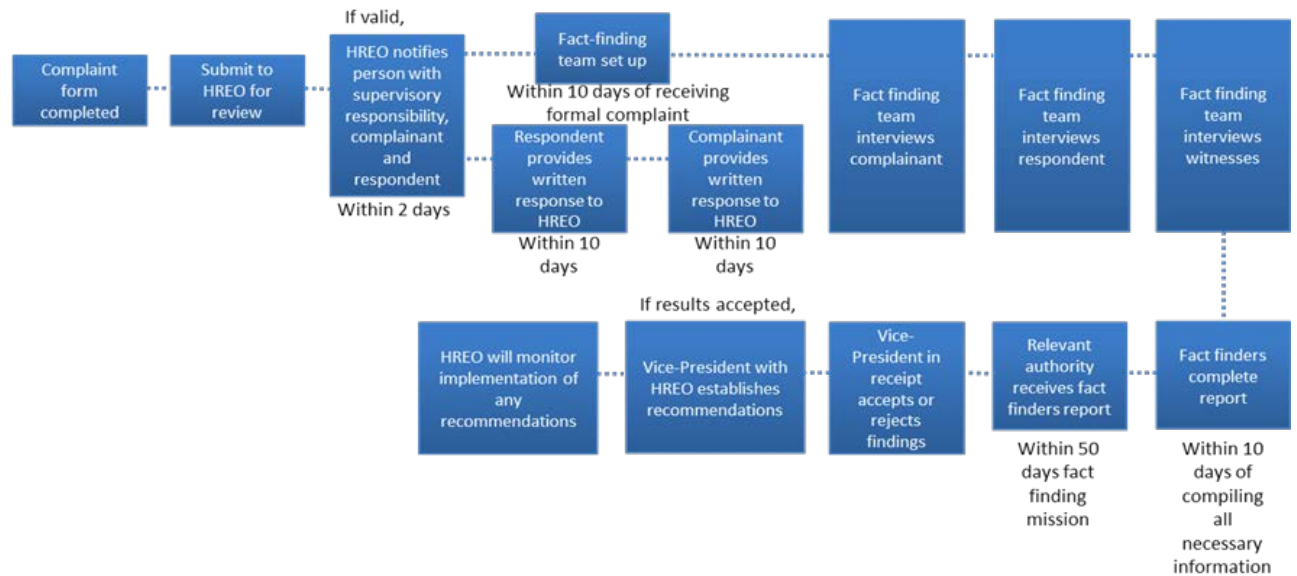
¹⁴ See a comparison of the University of Guelph's HREO formal process vs. that of Carleton University's Equity Services in Annex G.

activity reporting be re-initiated by Guelph's HREO to account publicly to the President for results.

- 5. Although complaints procedures vary somewhat between universities and no specific improvements can be identified based on this comparison, that Guelph continue to seek ways to improve the efficiency of its formal recourse processes.*
- 6. That Guelph enhance its basic information on its website, e.g., based on other websites, other universities tend to be more proactive in communicating with their communities via updates on their websites (Carleton), newsletter (Queen's and McMaster), or social media (Queen's and McMaster). From a readability perspective, that Guelph's Human Rights Policy and Procedures be better formatted for quick readability.*
- 7. That the HREO be more user-friendly and that HREO explore new ways of communicating with the university population.*
- 8. As year over year progress in employment equity and equity overall are important benchmarks for progress and accountability for results, Guelph should strive to make its equity information more easily accessible online for both the university community and general public.*
- 9. As the three other universities compared share more information on the types of training, and course calendars (e.g., Queen's) on their websites, that Guelph consult key constituencies and develop and publish a joint forward training plan.*
- 10. That the HREO create a section on training on its website, giving more information on the types of training available to the university community.*
- 11. That Guelph consider whether any innovative practices in human rights and equity from other universities might be transferrable, within existing Guelph resources and policies.*

Annex G – Formal processes compared

University of Guelph – Formal Complaint Process



Carleton University – Formal Complaint Process

