

## Human Rights Policy

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Category: Human Rights
Authority: The Provost and Vice-President (Academic)
Sponsor: Vice Provost EDI-AR delegated by The Provost and Vice-President (Academic)

### 1. Principle

To reaffirm Memorial University's dedication to upholding human rights and emphasize our shared responsibility to prevent discrimination on all prohibited grounds as outlined in the Newfoundland and Labrador *Human Rights Act 2010*. The University is also committed to adhering to the Newfoundland and Labrador *Accessibility Act, 2021*, and [the Employment Equity Act 1995](#),

### 2. Purpose

To provide education and instruction for the University Community on its human rights obligations and to ensure fair and equitable procedures. This policy is designed to foster and maintain inclusivity and diversity across all campuses. Its purpose is to ensure that all individuals, irrespective of their background, identity, or characteristics, are treated with dignity and respect. Hence, this policy is to:

- I. Promote awareness of human rights and the effects of discrimination and actively work to eliminate and prevent its occurrence through institutional and educational initiatives
- II. Establish a process for addressing human rights violations and discrimination incidents involving any University Community members
- III. Formulate and implement comprehensive, transparent and accountability-based informal and formal complaint redress mechanisms to resolve complaints and
- IV. Designate responsibility for handling and responding to incidents of human rights violations and managing complaints.
- V. Uphold principles of procedural fairness in all complaint handling and resolution processes which are addressed under this policy. This commitment includes maintaining clear, balanced, and impartial procedures that guarantee the rights of all parties are respected. Decisions will be based in procedural fairness and every party will have the opportunity to be heard and to respond to complaints and concerns.

## 2.1. Scope

All members of the University Community.

### 3. Definitions:

**Accessibility**— accessibility as stated in the *Accessibility Act 2021*, refers to improving accessibility by preventing, identifying and removing barriers that prevent persons with (dis)abilities from fully participating in society with respect to (a) the design and delivery of programs and services; (b) built environment; (c) information and communication; (d) the procurement of goods, services and facilities; (e) accommodations; (f) education; (g) health; (h) employment; and (i) an activity or undertaking prescribed in the regulations. It also encompasses the degree to which university environments, facilities, procedures and teaching and learning materials afford the opportunity for all members of the University Community to acquire the information or engage in the interactions and services of the University, with or without adaptation or special design.

**Accommodation** — accommodation as viewed as a protection of human rights— can include any technical aid or device, personal support, (dis)ability-related support or additional accommodation a person may require. Accommodation is provided, including the following:

- a. **Academic Accommodation** — refers to a change to teaching or evaluation procedures, which is designed to accommodate the particular needs of a student with a (dis)ability without compromising the academic integrity of the course, program, or assignment; or a change to University activities and supports, which is designed to accommodate the particular needs of a student with a (dis)ability which includes but not limited to environmental control units  
See [Examples of Academic Accommodations](#).
- b. **Workplace Accommodation**—accommodation by the University as employer to an employee or job applicant to ensure full participation in their role. It is any temporary or permanent measure used to remove barriers which prevent an otherwise qualified individual from performing or fulfilling the essential duties of a job. The University attempts to accommodate the employment needs of job applicants and employees who are protected under the *Human Rights Act 2010*, up to the point of undue hardship

**Advisor** —The University’s Human Rights Advisor

**Ageism** —stereotypes and differential treatment based on a person’s age

**Anti-Racism** — the active process of identifying and eliminating conscious/unconscious racism by changing institutional systems, organizational structures, policies, practices and attitudes so that power is redistributed and shared equitably among all interest groups in the University Community.

**Bystander** — a member or non-member of the University community who witnesses or is aware of an incident(s) of Human Rights Violation/s or Concerns. A bystander can report an incident but cannot be a Complainant in the procedure process.

**Concern** — A situation observed by a member of the university community that may be or be perceived to be a violation of Human Rights as defined in this policy and which may be resolved without proceeding to a Complaint

**Colour** — a person's skin colour.

**Complainant** — a person who brings forward a formal complaint as defined in this policy.

**Complaint** — a written statement of allegation concerning any form of human rights violation, by a complainant seeking recourse pursuant to this Policy.

**Day(s)** — A weekday when the University is open for the transaction of administrative business.

**Discrimination based on Criminal Records** — adverse treatment based on conviction for an offence that is unrelated to employment and applies to the hiring process and while a person is employed at the University.

**Discrimination based on prohibited grounds** —discrimination on the basis of the grounds enumerated in the Newfoundland and Labrador *Human Rights Act, 2010* unless the treatment is justified as a Bona Fide Occupational Requirement (BFOR), where specific standards are essential for job functions and cannot be adjusted without undue hardship.

**(Dis)ability** — as defined by the *Accessibility Act 2021* of Newfoundland and Labrador and the *Human Rights Act 2010*, (dis)ability includes a physical, mental, intellectual, cognitive, learning, communication, or sensory impairment, or a functional limitation that is permanent, temporary, or episodic in nature, that, in interaction with a barrier, prevents a person from fully participating in society. This includes, but is not limited to:

- i. Any degree of physical disability.
- ii. Conditions of mental impairment or developmental (dis)abilities.
- iii. Learning (dis)abilities or dysfunctions in any of the processes involved in understanding or using symbols or language.
- iv. Mental disorders.

**Disfigurement**— burns, scars or other disfiguring conditions that are visible but that do not cause any functional limitations. This does not include piercing or tattooing.

**Diversity**—refers to the acknowledgment and celebration of the multifaceted spectrum of human characteristics that encompass but are not limited to race, ethnicity, gender, sexual orientation, age, abilities, religious beliefs, socioeconomic backgrounds, and other dimensions of identity within the University Community.

**Ethnic Origin** — refers to sharing an origin or background, culture and tradition or language with a group of people.

**Equity**—embodies the principle of fairness and justice in the treatment of all individuals, recognizing and addressing historical and systemic barriers that have resulted in just outcomes. It is about ensuring that every member of the University Community has access to the resources, opportunities, and support they need to thrive, regardless of their background or circumstances.

**Frivolous**— devoid of merit.

**Harassment** — refers to comments or conduct that are abusive, offensive, demeaning, or vexatious and which should reasonably be understood to be unwelcome and unwanted. This can occur regardless of the intent to harm. Harassment includes actions based on prohibited grounds of discrimination. Harassment may occur during a single incident or a series of incidents. Whether or not a single incident constitutes Harassment is dependent on the nature and type of incident(s).

**Head of Campus** — i. For the St. John’s Campus, the Signal Hill Campus, the Harlow Campus and the Labrador Campus – Provost and Vice President (Academic)

ii. For the Grenfell Campus –Vice-President, Grenfell Campus, or delegate.

iii. For the Marine Institute –Vice-President (Academic) and Student Affairs and Services, Marine Institute or delegate.

**Human rights** —encompass the inherent dignity and equal and inalienable rights of all people, which form the foundation of freedom, justice, and peace in the world. In alignment with the principles set forth in the Universal Declaration of Human Rights as proclaimed by the United Nations and as recognized by *Human Rights Act 2010*.

**Gender Expression** — the way a person presents and communicates gender in a social context. Gender can be expressed through clothing, speech, body language, hairstyle, voice, and/or the emphasis or de-emphasis of bodily characteristics or behaviours. Gender expression varies depending on culture and may change over time. It is not always a reliable indicator of a person’s gender identity or sex.

**Gender Identity**—a person’s internal and individual experience of gender. A person’s gender identity may or may not correspond with social expectations or with the sex they were assigned at birth. Since gender identity is internal, it is not necessarily visible to others.

**Informal Resolution** — An informal resolution is a mutually agreed upon resolution between the complainant and respondent but does not require contact between the two parties. It is not punitive. The conditions of the resolution are tailored toward the needs of the complainant. A respondent may refuse to participate in which case other options will be discussed with the complainant

**Inclusion** — the commitment to fostering an environment where all individuals feel welcomed, respected, and valued at the University. This involves the adoption of measures to ensure accessibility and the tailoring of systems, structures, and programs to promote justice, a sense of belonging and active engagement regardless of their background or abilities, so that all members of the university’s diverse community can thrive and contribute.

**Interpreters** — trained professionals who facilitate communication across different languages in various human rights settings. Their role is to ensure that all parties can fully understand and participate in processes related to human rights consultations, complaints, and resolutions.

**Investigator**— The person (who may be internal or external and who has no real or perceived conflict of interest or reasonable apprehension of bias) appointed by the Head of Campus or delegate Vice Provost EDI-AR when an investigation is required in relation to a Complaint under this policy.

**Investigative Report** — written summary of the evidence and any conclusions reached by the

Investigator in regards to a Complaint under this policy.

**Legal Authorities** — the legal entities external to the University community who have the responsibility and jurisdiction to uphold and enforce the law.

**Mediation** — a process in which an external/internal mediator facilitates a collaborative, controlled discussion between and with the agreement of a Complainant and Respondent.

**Marital status** — refers to a person's status of being single, engaged to be married, married, separated, divorced, widowed or in a common law relationship. The prohibited grounds of marital status also protect persons from discrimination because of the identity of the individual with whom they are in a relationship.

**Nationality** — a person born outside Canada and/or a citizen or resident of a foreign country.

**Non-University Person** — A person who is not a student or employee of the University who is either on a campus of the University or participating in a University-related Activity. Examples include volunteers, contractors, their employees and agents, vendors of goods and services and their employees and agents, College of the North Atlantic residence students, and visitors to the University who have an association with the University.

**Power Differential** — The real or perceived difference in power between or among Members of the University Community deriving from authority, academic status, employment status, cultural status (e.g., socio-economic, race) or citizenship/Nationality. Examples of power differential situations include instructor or teaching assistant and student, supervisor and employee, graduate supervisor and graduate student.

**Poisoned environment** — A poisoned environment is created through comments or conduct that contribute to a discriminatory atmosphere, not necessarily targeted at specific individuals, but generally based on prohibited grounds. This encompasses behaviours or remarks that are either explicitly or implicitly condoned or not appropriately addressed by those in authority. Actions or comments can originate from any individual, regardless of their position or status within the organization. A single incident can constitute a poisoned environment if it is severe enough to breach these legal and institutional standards.

**Political Opinion** — refers to a person's political belief or support of a political party. This also includes non-partisan or politically neutral beliefs.

**Race** — a socially constructed system of categorizing humans largely based on observable physical features (phenotypes), such as skin colour and ancestry. There is no scientific basis for or discernible distinction between racial categories.

**Racism** — overt or systemic discrimination, oppression, and exploitation of specific groups of people based on perceived physical (for example, skin colour) and/or cultural characteristics.

**Racialized** — refers to a person or group of people categorized according to ethnic and/or racial characteristics and experiences of colonization and subjected to discrimination on that basis.

**Racial discrimination** — according to the International Convention on the Elimination of All Forms of Racial Discrimination (to which Canada is a signatory), racial discrimination means any

distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

**Respondent(s)** — member(s) of the University Community or a Non-University person(s) whose reported conduct or comments are the subject of a Concern or Complaint.

**Responsible Unit** — the designation of a "Responsible Unit" for every related policy and procedure, which is responsible for administration and oversight. In the case of Human Rights Policy, the responsible unit is the Office of Vice Provost EDI-AR.

**Religious creed** — a person's spiritual beliefs.

**Religion** — a person's belief in a particular faith or religious beliefs.

**Retaliation** — Any adverse action taken against a person because that person reports or alleges a violation of this Policy, seeks advice on making a Complaint, makes a Complaint, or cooperates in an investigation of a Complaint.

**Sex** — A person's classification as male, female or intersex based on biological attributes, such as external genitalia, reproductive organs, chromosomes and hormones. Generally, individuals are assigned a sex at birth by a medical professional, often on the basis of their external genitalia. The prohibited ground of sex also includes those that are pregnant or breast-feeding.

**Sexism** — prejudice or discrimination based on sex.

**Sexual Orientation** — refers to how a person describes their sexuality. For example, a person may describe their sexuality as heterosexual, lesbian, gay, bisexual or pansexual.

**Sexual Assault** — Is a criminal offence under the Criminal Code R.S.C., 1985, c. C-46 of Canada. It is any type of unwanted sexual act characterized by the use of force, threat(s), or control of a person or carried out in circumstances where the person has not freely consented (see definition of Consent.) [Memorial's Sexual Harassment and Sexual Assault Policy](#).

**Sexual Harassment** - Conduct or comments of a sexually-oriented or gender-oriented nature based on gender expression, gender identity, sex or sexual orientation directed at a person or group of persons by another person or persons, who knows or ought reasonably to know that such conduct or comments are unwelcome or unwanted. It includes Sexual Assault and assisting in Sexual Harassment. Conduct or comments which constitute harassment are outlined in [Memorial's Sexual Harassment and Sexual Assault Policy](#).

**Student** – Student is defined in this policy to include:

- 1) Persons enrolled either full-time or part-time in classes, including when on outside placements, field assignments, and practica that are part of their academic program;
- 2) Persons who are enrolled in a program but not currently registered in classes; or
- 3) Persons residing in Student Residences, who are not employees and who are not otherwise

defined as Students in this section.

**2SLGBTQIA+** — the acronym used to refer to the community of people includes 2S: recognizes Two-Spirit is a term used within Turtle Island (North American) Indigenous Nations/communities to encompass the numerous genders, gender identities, and cultural roles within the various Nations and communities, L: Lesbian; G: Gay; B: Bisexual; T: Transgender; Q: Queer or questioning; I: Intersex; A: aromantic/asexual/ally considers sex characteristics beyond sexual orientation, gender identity and gender expression; the + denotes the numerous additional sexual orientations and gender identities among human beings.

**Transgender/Trans** —refers to people who have a gender identity or gender expression that differs from the sex assigned at birth.

**Transphobia** — a baseless fear and/or hatred of transgender people. It is often exhibited by name-calling, bullying, exclusion, prejudice, discrimination or acts of violence. Anyone who is trans, Non-binary, gender non-conforming and/or gender diverse or perceived to be can be the target of transphobia.

**Homophobia**— the fear/and or hatred, or aversion of people who are attracted to or in relationship with persons of the same sex.

**Unit Assessment** — an independent third-party review of the work, study or research environment that seeks to gather information relating to issues of Human Rights Violations and Concerns in the Unit and to identify causes and effects and to make recommendations with respect to the Unit.

**Unit** —academic or administrative unit as defined in the [University calendar](#).

**Unit Heads** — For the purpose of this policy, Unit Head is the term used to mean supervisor, manager, director, executive director, department head, division head, discipline chair, school head, associate dean, vice- dean, dean, dean of libraries, university registrar and other senior administrators; vice-provost, associate vice-presidents, vice-presidents, the president, as appropriate.

**University** — Memorial University of Newfoundland.

**University Community**— any person who teaches, studies, or conducts research; workers at the University; any other person while they are acting on behalf of or at the request of the University; and visitors to the University.

**University-related Activity** — means an event or activity, including those conducted online or off-campus, sponsored by, or under the auspices of Memorial University.

## Policy

### 3. Legal Framework

This policy derives from a number of legal and regulatory documents:

The Newfoundland and Labrador [Human Rights Act, 2010](#), [Accessibility Act 2021](#), and [the Employment Equity Act 1995](#), which are premised on the principle of equitable rights and opportunities without discrimination to foster a climate of belonging and mutual respect for the dignity and worth of each person.

## 4. Guiding Principles

To achieve the purpose and commitments, the following are the guiding principles of this Policy:

4.1. This policy reaffirms the University's strategic vision, understanding that all individuals within the University Community should engage fully and openly in an environment devoid of discrimination. As an academic institution, the University is committed to advancing teaching, scholarship, and the free exchange of ideas, all grounded in upholding human rights and respecting individuals' dignity.

4.2. The University recognizes the varied impacts of discrimination, shaped by members' diverse social identities, vulnerabilities, and their positions within the organizational hierarchy. Discriminatory impacts are uniquely shaped by the confluence of protected identities under the [Human Rights Act 2010](#) with other non-enumerated factors such as migration status, linguistic, racial and Indigenous identities, socio-economic background, and historical traumas of racial, religious, and ethnic discrimination. The University is dedicated to maintaining a supportive, secure, and inclusive environment that fosters proactive programs, focuses on inspired learning, dynamic research, commitment to communities and promotion and pride.

4.3. The University is committed to ensuring that all the University Community members—including those who self-identify as Black, Indigenous, Racialized People of Colour, Gender Diverse, members of the 2SLGBTQIA+ community, persons with (dis)abilities, individuals from various nationalities and ethnic backgrounds, and those with diverse Religious and Political beliefs and Opinions—enjoy equitable access to opportunities free from any form of Discrimination. Prohibited forms of Discrimination include Racism, Sexism, Ageism, Transphobia, Homophobia and Discrimination Based on Gender and Political Opinion. This commitment extends to Accommodations (Academic and Workplace), Racial Justice, academic programs, employment, community and public engagement and recreational activities, including games, sports, and related facilities.

4.4. The University recognizes that Power Differentials may disproportionately affect members of our community based on their race, colour (dis)ability status, gender identity and sexual orientation and expression, ethnic origin and nationality, and other individual characteristics enumerated in NL [Human Rights Act 2010](#). The University is committed to actively identifying and addressing these disparities to ensure equitable treatment and opportunities for all. This commitment is foundational to fostering an environment where every individual, regardless of their background or identity, can thrive without bias or prejudice.

4.5. The University is committed to ensuring that all community members are treated equitably and without Discrimination Based on Prohibited Grounds as outlined in the [Human Rights Act 2010](#). This Human Rights Policy seeks to be a holistic policy instrument that offers protection of human rights as



defined herein, and which also seeks to uphold the principles enunciated in the *Accessibility Act 2021*, the *Employment Equity Act 1995*, the [United Nations Declaration on the Rights of Indigenous Peoples Act](#) and is inspired by the [Universal Declaration of Human Rights](#).

4.6. The Human Rights Policy provides a confidential and timely mechanism for reporting and addressing human rights violations through its University-Wide Procedures for Human Rights Complaints and Concerns. However, complaints related to the other University Policies will be handled exclusively in their dedicated procedures and policies. These include the Student Code of Rights and Responsibilities (SCRR), [Sexual Harassment and Sexual Assault Policy](#), the [Respectful Workplace, Respectful Learning Environment \(RLE\) Policy](#) and [Accessibility for Students with Disabilities](#). The procedures for academic accommodations are available [here](#), and [Workplace Accommodation](#) policy procedures are available [here](#).

4.7. The University is committed to adhere the Collective agreements in case of unionized members of the University Community and the University-Wide Procedures for Human Rights Complaints and Concerns shall be bound to adherence.

4.8. The University is dedicated to upholding the highest standard of rights and benefits. Where any other policy, code, regulation, or collective agreement at Memorial University offers greater rights or benefits than those provided under this Policy or by the *Human Rights Act 2010*, such rights or benefits shall remain unaffected. Conversely, should other policies provide lesser rights or benefits, this Policy shall prevail. Moreover, this policy does not prevent members of the University Community from pursuing complaints with the NL Human Rights Commission or seeking additional legal remedies, including criminal or civil actions.

4.9. The University holds all members of its community responsible for their actions and behaviour where applicable. Any breach of this Policy may lead to disciplinary measures in accordance with the relevant collective agreements, policies, and procedures, including the University-Wide Procedures for Human Rights Complaints and Concerns.

4.10. This policy commits to employing a trauma-informed approach in all its processes and interactions. Recognizing that many individuals experiencing discrimination or harassment may have trauma histories, this approach ensures that all procedures are conducted in a manner that is respectful of and sensitive to the potential impact of trauma. This includes training staff and including a key Trauma Informed Counsellor to recognize trauma responses, avoid re-traumatization, and supportively respond to those affected by trauma, ensuring that policies and procedures prioritize the physical, psychological, and emotional safety of all participants.

## **5. Roles and Responsibilities**

5.1. Violation of Human Rights as defined in the *Human Rights Act 2010*, or by this Policy by any Member of the University Community or a Non-University person, is prohibited. The University takes steps to prevent, where possible, or otherwise minimize, Human Rights Violations and to deal expeditiously with behaviour that breaches Human Rights Policy.

5.2. The decisions and outcomes of the Concerns and Complaints will be authorized and approved as of the below authorities:

- i. **For the St. John's Campus, the Signal Hill Campus, the Harlow Campus** and the Labrador Campus – Provost and Vice-President (Academic) or delegate.
- ii. **For the Grenfell Campus** – Vice-President, Grenfell Campus, or delegate.
- iii. **For the Marine Institute** – Vice-President (Academic and Student Affairs and Services), or delegate.

5.3. The Vice Provost EDI-AR is functionally responsible for administering this policy and ensuring that the office of Vice Provost EDI-AR performs an educational role and lead role in implementing the policy in the University community.

5.4. The Human Rights Advisor is the focal point in initiating the informal and formal University-Wide Procedures for Human Rights Complaints and Concerns, including mediation.

5.5. As the Responsible Unit, Vice Provost, the EDI-AR Office shall maintain impartiality in relation to the Policy and Procedures and be as accessible as possible to the University community.

5.6. Prevention of Violation of Human Rights is a shared responsibility of:

i) All Members of the University Community and;

ii) Those members of the University Community with academic or administrative authority bear the responsibility to maintain work and learning environments free from Human Rights Violation by initiating positive measures and taking prompt action should Human Rights Violations occur. This includes but is not limited to educating themselves and those in their unit with respect to Human Rights; seeking advice from the Advisor in order to facilitate addressing Concerns and Complaints of Human Rights Violation in a prompt, confidential and fair manner; addressing incidents of possible Human Rights Violation that occur in the unit in a timely and confidential manner; upon request, participating in the resolution of Complaints; and implementing any recommendations from an Informal or Formal Resolution Process.

5.7. All Members of the University Community should:

5.7.1. Be aware of what constitutes a Violation of Human Rights;

5.7.2. model respectful behaviour and refuse to engage in or condone behaviour contrary to this Policy;

5.7.3. Encourage an environment which is free of Human Rights Violations and Concerns;

5.7.4. Participate in and facilitate participation in education and training about this Policy and its related University-Wide Procedures for Human Rights Concerns and Complaints and;

5.7.5. Familiarize themselves and comply with this Policy and its related University-Wide Procedures for Human Rights Concerns and Complaints;

5.7.6 where and when appropriate, advise others of this Policy and its related University-Wide Procedures for Human Rights Concerns and Complaints;

5.7.7. Consult with the Human Rights Advisor regarding possible situations of Human Rights Violation.

## **6. Reporting of Human Rights Violations**

6.1. Members of the University Community and Non-University Persons may bring forward Concerns or Complaints of Human Rights Violation against a Member of the University Community or against a Non-University Person.

6.2. Bystanders may bring forward Concerns under this Policy. However, anonymous reporting will not result in any form of action against the proposed Respondent.

6.3. This Policy and accompanying University-Wide Procedures for Human Rights Concerns and Complaints and Concerns do not restrict the right of persons to file a separate complaint with the Newfoundland and Labrador Human Rights Commission, invoke the *Criminal Code* of Canada or the appropriate collective agreements, or any other applicable legal rights.

6.4. In cases of reported Concerns and Complaints, persons are encouraged to contact the Human Rights Advisor and consult the University-Wide Procedures for Human Rights Concerns and Complaints. The Human Rights Advisor shall provide information, support, advice and guidance.

6.5. If the Vice Provost EDI-AR, in consultation with the respective Head of Campus and Unit Head (if applicable), have grounds to believe that the safety and security of Member(s) of the University community is at risk with regards to Human Rights Violations, the University shall initiate an external investigation and/or inform applicable Legal Authorities. Such investigation or referrals may be made without a Complainant's consent. In these situations, confidentiality is protected to the extent possible and in accordance with Section 8.

6.6. Where there is a report that a minor has experienced a Human Rights Violation, the University shall take appropriate steps and other relevant child protection services and the Human Rights Commission may be consulted.

6.7. Students are advised to report Human Rights Violation incidents that occur during work terms, placements, internships, instructional field courses or practicums outside the University. Students may avail of the support, advice and guidance of the Advisor to do so. If there is a complaint about human rights violation, appropriate measures will be implemented by the Human Rights Advisor in consultation with Academic supervisors, Vice Provost EDI-AR and Student Life.

6.8. Non-University Persons who are Complainants may invoke this Policy and its related University-Wide Procedures for Human Rights Violations, Concerns and Complaints.

6.9. Any form of Concerns and Complaints against a Non-University Person should be reported to the Human Rights Advisor if the incident happened at any of the University campuses or on online activity related to Memorial.

6.10. Where a Complaint has been made against a Non-University Person, the Human Rights Advisor will determine the appropriate steps to be taken in consultation with the Vice Provost EDI-AR and General Counsel, respective Unit Head and Head of Campus as appropriate.

6.11. Human Rights Concerns and Complaints by a Non-University Person may result in sanctions as available in the University Wide Human Rights Complaints and Concerns Procedures.

6.13. Where circumstances warrant, the Vice Provost EDI-AR, on the advice of the Advisor, may authorize a Unit Assessment, as defined in this University Wide Human Rights Concerns and Complaints Procedures.

## **7. Conflict of Interest**

Members of the University community are subject to and must comply with the University's Conflict of Interest policy and procedures. See the Conflict-of-Interest Situations section of the Conflict of Interest policy. Members should also refer to any conflict of Interest provisions and relevant clauses in the appropriate collective agreement, University Guide for Non-Bargaining, Management and Professional and Senior Administrative Management Employees or other applicable documents.

## **8. Confidentiality**

- 8.1. All persons involved in any process related to this Policy are required to maintain confidentiality. Confidential matters are handled in accordance with the *Access to Information and Protection of Privacy Act, 2015, cA-1.2* (the "Access to Information and Privacy Act"), other privacy legislation to which the University is subject, and University policies. Nothing in this section shall be construed so as to prevent a Complainant or Respondent from seeking advice and guidance.
- 8.2. Only persons with a *bona fide* need to know the details of a situation will have access to such information and access is limited to the scope of their responsibilities. Third parties attempting to gain or gaining access to personal information with respect to a Concern or Complaint, where such information is not needed to perform the scope of their responsibilities, do so in violation of this Policy and may be in violation of *the Access to Information and Protection of Privacy Act, 2015*.
- 8.3. A breach of confidentiality by persons involved in any process related to this Policy may be subject to discipline or other appropriate action.
- 8.4. In cases where the Respondent is an employee of the University, the Respondent and Complainant are entitled to have access to relevant information created or gathered for a Human Rights Violation investigation. In addition, witnesses who participate in an investigation may request information that relates to their statements to the Investigator.
- 8.5. Confidentiality may not apply to persons subject to extra-University judicial processes, where disclosure is permitted or required by law or where the well-being, safety and security of a person or persons is a concern. In such circumstances, information, as appropriate, would only be shared with those with a *bona fide* need to know.

## **9. Process**

The processes as outlined in the University-Wide Procedures for Human Rights Concerns and Complaints can be availed of by any member of the University Community or Non-University Person(s) who wish to report a Concern or Complaint. The person may choose to proceed through:

- 9.1. Consultations in any form (Anonymous, via email, telephone, in-person meetings, virtual consultation). Depending on the nature of the Concern or Complaint, it may be necessary for the Advisor to travel to the respective campus.
- 9.2. Registration of Complaint with Human Rights Advisor, who will:
- a. Receive Concerns and Complaints complete intake forms

- b. In cases where the Concern or Complaint should be addressed under other policies, procedures and collective agreements, refer to the University-Wide Procedures for Human Rights Concerns and Complaints.
- c. Share the Complaint or Concern with the Vice Provost EDI-AR.

9.3. Initial Assessment of the Complaint and Concern by Human Rights Advisor.

9.4. Explore an Informal Resolution Process led by the Advisor according to the University-Wide Procedures for Human Rights Concerns and Complaints.

9.5. If Mediation is required, it will be led by the Advisor as described in the University-Wide Procedures for Human Rights Concerns and Complaints.

9.6. Complainants can opt to use the formal Complaint Resolution Procedures directly as per the University-Wide Procedures for Human Rights Concerns and Complaints without availing of the informal process. It is the sole discretion of the complainant to opt in and opt out of any of the Complaint procedures at any point in time after reporting the incident, even if they have opted for the informal procedure first.

9.7. If the Vice Provost EDI-AR, in consultation with the relevant Head of Campus, is unable to find enough evidence or substance regarding the Complaint, including identification of Respondent, the Complaint shall lead to the closure process as defined in the University-Wide Procedures for Human Rights Concerns and Complaints.

9.8. If the outcome of informal resolution and mediation are not accepted by the Complainant or Respondent, the formal complaint Resolution Process defined in the University-Wide Procedures for Human Rights Concerns and Complaints will be applied.

9.9. If a Complainant wishes to file a Complaint, normally, it would be filed within one year (12 months) of the incident(s) arising or one year of when the Complainant reasonably became aware of the incident(s). Recognizing that time and reflection may be needed for a Complainant to decide whether to file a Complaint, at the request of the Advisor, the Vice Provost EDI-AR, in consultation with the relevant Head of Campus, has the discretion to extend the time limit.

9.10. Legal and civil proceedings may have a different prescribed timeline. Events prior to the one-year period may be referenced by the Complainant if the incident(s) is relevant and part of a series of incidents. However, the passage of time may affect the University's ability to address the matter.

9.11. A Complaint is considered withdrawn when:

9.11.1. The Complainant withdraws the Complaint at any stage of the process by informing the Advisor.

9.11.2. the Complainant chooses not to participate in any of the processes outlined in section 9.

## **10. Interim Measures**

10.1. Where a Concern or Complaint of Human Rights Violation has been reported, the University will exercise care to protect and respect the rights of the Complainant and the Respondent. The University understands that Complainants may wish to control whether and how their experience will be dealt with.

10.2. In certain circumstances, the Advisor, in consultation with Vice Provost EDI-AR, the relevant Head of Campus, Office of the Chief Risk Officer and the General Counsel may implement Interim Measures to protect the well-being, safety and security of the Complainant or Respondent, or both. Interim Measures are also taken to protect other members of the University Community while a Complaint or Concern is being resolved, investigated or decided.

10.3. Any decision and action by the Head of Campus to implement Interim Measures in response to a request from a Complainant or Respondent shall be without prejudice to the rights of the Complainant or the Respondent under these Procedures and shall not in any way be deemed to be an indication of bias or guilt and does not constitute evidence in the Procedure.

10.4. Failure to comply with the conditions of an Interim Measure may become part of any investigation. The Vice Provost EDI-AR, in consultation with the relevant Head of Campus, Office of the Chief Risk Officer and the General Counsel, may make changes to the Interim Measures where necessary. If a change is made to interim measures, notice of the change shall be provided by the Vice Provost EDI-AR or the Advisor in the same manner as the original notice of interim measures.

## **11. Appeals**

Respondents have the right to appeal or grieve decisions or discipline imposed, and Complainants have the right to appeal and or grieve decisions in accordance with section 6 of The University-Wide Procedures for Human Rights Concerns and Complaints.

## **12. Retaliation**

12.1. No person shall retaliate against another for initiating a consultation, for bringing forward a Concern or Complaint of Human Rights Violation or for being involved in any process under this Policy, including as a witness. The University considers retaliation at any stage to be a serious offence.

11.1. Where there is evidence of retaliation, the instances will be dealt with under the University-Wide Procedures for Human Rights Concerns and Complaints. A breach of confidentiality by any person with respect to a Concern or Complaint may also constitute retaliation.

12. 3. Any imposed discipline related to retaliation will be taken in accordance with the Procedure for Discipline in the University-Wide Procedures for Human Rights Concerns and Complaints.

### **13. Accommodation**

In certain circumstances, the duty to accommodate for services, facilities and academic purposes may be required under the provisions of the Newfoundland and Labrador *Human Rights Act, 2010*. In these circumstances, the Advisor will facilitate the process of Accommodation while maintaining confidentiality. See also the University's Workplace Accommodation policy and Accommodations for Students with Disabilities policy.

### **14. Support Services**

The University makes support and services, including providing information, counselling, access or referrals to medical services, and academic and other accommodations, available to Members of the University community who have experienced Human Rights Discrimination. Support services are also available to Members who are Respondents.

### **15. Review**

15.1. This Policy will be reviewed on an interim basis every four years, as per the University Policy Framework, by a committee of not less than five (8) people appointed by the Vice-President (Academic), Head of Campuses and Vice Provost EDI-AR. The committee shall include at least two (2) students. The committee may make recommendations to the Board of Regents for amendments to the Policy.

### **16. Records and Retention**



- 16.1. All records are handled in accordance with the University's Information Management policy, the Privacy policy, the Access to Information and Protection of Privacy Act and other applicable legislation.
- 16.2. The Advisor keeps a confidential record of consultations, any advice given and any outcome achieved. Any reports of a general nature generated by the Advisor will only include non-identifying information, for statistical purposes only.
- 16.3. Record retention is in accordance with the Procedure for Record-Keeping in the University-Wide Procedures for Human Rights Concerns and Complaints

### **Related policies, collective agreements and procedures**

- Accessibility for Students with Disabilities Policy
- Equity, Diversity and Inclusion in Employment Policy
- Respectful Workplace Policy
- Sexual Harassment and Sexual Assault Policy
- The Respectful Learning Environment Policy
- Supporting and Accommodating Breastfeeding Policy
- Workplace Accommodation Policy
- Protected Disclosure Policy
- Student Code of Rights and Responsibilities (SCRR)
- Human Rights Act, 2010
- Examples of Academic Accommodations
- Accessibility Act
- Employment Equity Act
- Labour Standards Act
- Privacy Policy
- Electronic Data Security Policy
- Information Management Policy
- Access to Information and Protection of Privacy Act