

Interim Policy Consultation Report Human Rights Policy Public Feedback

Draft of Human Rights Policy, will be posted from October 2, 2024 to December 6, 2024. The Policy Office received 21 individual responses. To ensure anonymity, protect privacy, and ensure an unbiased review of all feedback received, we have endeavored to serve all identifying features from the correspondence.

The content of the submission was reviewed to ensure respectful discourse is maintained.

While identifying features have been removed. Some commentators have indicated they can be reached for further discourse. If you wish to follow up, contact the Manager of University Policy, and we can arrange a discussion.

1	<p>I have had a quick review of the university's proposed Human Rights Policy. Although I am pleased that a policy is underway, I am disappointed to find no specific reference to invisible disabilities and no mention of neurotypes or neurodiversity in the document.</p> <p>In addition with the rapid spread of Artificial Intelligence a new concept of neuro rights has emerged which are defined as ethical, legal, social or natural principles of freedom or entitlement related to a person's cerebral and mental domain. Essentially the protection of mental privacy. I realize that this is an emerging idea but I think it is worthy of consideration/addition/reference.</p> <p>More information can be found here - https://neurorightsfoundation.org/</p>
2	<p>I have looked at the draft Human Rights Policy. I don't really see this policy working out well in terms of promoting human rights. While the policy says it does not prevent anybody from pursuing a complaint at the Human Rights Commission, it seems designed to do just that. Any official at the university who adjudicates a human rights complaint is potentially in an irresolvable conflict of interest if the HR complaint is against the university or any department/admin unit within the university. Like it or not, MUN will default toward covering its own butt, not promoting the human rights of complainants. Anybody caught in the quagmire of a MUN-led process would likely be too exhausted to pursue a follow-up at the provincial human rights commission. Also, I don't believe the VPs who would adjudicate complaints have any special expertise in the field of human rights, so what credibility would their decisions have? Finally, Section 6 seems to only envision the reporting of human rights violations against individuals – nowhere is the possibility of a complaints against MUN as an institution ever entertained. My understanding is that many, if not most, human rights violations are institutional in nature, but even if it was against an individual, it would be best to have a third party adjudicated the case.</p> <p>The only way I see this process being fair is if there were a completely independent body set up to adjudicate human rights complaints. This body would have to not be answerable at all to the MUN administration. The current MUN policy would be like having cabinet ministers or deputy ministers in government adjudicate human rights complaints against government. The process would have very little credibility, akin to a fox guarding the henhouse.</p>

	<p>MUN has been subject to human rights complaints around disability, accommodation, and other issues. I don't think the institution has enough credibility on human rights issues to administer its own policy, and I think any member of the MUN community would be better off going straight to the provincial Human Rights Commission.</p>
3	<p>Some feedback on the new Human Rights Policy.</p> <ol style="list-style-type: none"> 1) Some clarification on the role of Human Rights Advisor would be helpful. Is this a new role that will be established in the Vice-Provost EDI-AR office? Will there be one per campus? Is this a role an existing person such as a senior administrator can or will take on? They seem to have a pretty key role in the process but after I read the new policy I'm not clear where they fit in the organization or how to contact them. 2) Section 6.3 needs a little edit. It reads in part "Human Rights Concerns and Complaints and Concerns" – one of the Concerns probably needs to go. 3) I wonder should the language in section 6.6 be strengthened a bit by adding some more details around duty to report suspected abuse or neglect of a minor. For example, something that would be deemed sexual harassment of someone 18+ might constitute or lead to suspicions of abuse or neglect of someone under the age of 18. Although most people on campus are not minors, there are certainly some – children in the daycare centre, kids attending camps or tours or enrichment programs on campus, kids visiting the Aquarena or the GeoCentre, and/or younger first year students who might only be 17 when they start their first semester. The Children, Youth and Families act could then be added under the "related policies" section 4) I know there are multiple references to collective agreements in this document, but I think it might be a good idea to add, maybe in section 6, that both complainants and respondents who are members of a union have the right to confer with a union representative and to have a union representative present during any procedures. 5) Should this policy provide some additional guidance as to how it applies to Indigenous individuals? Are there any scenarios where Indigenous individuals can or should engage with the VP Indigenous office and resources first, instead of, or in addition to this policy? Say someone was prohibited from holding an Indigenous ceremony on campus for some possibly discriminatory reason and they wish to make a complaint – should they raise their concerns under the Human Rights policy, or refer to an Indigenous policy or procedure, or both? What if someone knows or suspects a non-Indigenous person received a benefit intended for Indigenous individuals and wishes to make a complaint? Should there just be a statement to the effect that "nothing in this policy prohibits individuals with Indigenous background from engaging with the VP Indigenous" or something like that? Or should there be some sort of policy statement that during any procedures covered by this policy, the VP Indigenous may be engaged by the Human Rights Advisor or the Vice-Provost EDI-HR where Indigenous individuals, identity, practices etc. are impacted (and the VP Indigenous may in turn refer matters to the Vice-Provost EDI-HR)? 6) In Section 8, I wonder if there should be something mentioned regarding section 32 of the Access to Information and Privacy Protection act which explicitly permits the head of a public body to refuse to disclose personal information that is "evaluative or opinion material" including for things

	<p>like granting tenure, assessing teaching materials, admission to academic programs, etc. Full text is pasted below. The section explicitly makes reference to various post-secondary situations. This could cause difficulty and confusion in certain situations – for example, someone may believe they did not get a position, tenure, admission to a program, or an award due to a violation of the Human Rights Policy. To prove this, they may want or need to obtain confidential evaluations not only from their own evaluation, but potentially evaluations of other people competing for the same opportunity, or other people who received a certain award, admission or status in the past. This could in fact be necessary to prove explicit or systemic discrimination against someone on a prohibited ground and yet require revealing “evaluative or opinion material.” In these situations it is also possible, even likely, that the source could not be anonymized (for example, a supervisor’s or interviewer’s evaluation). On the flip side, someone unhappy with the outcome of a fair competition or evaluation process could try to use this policy to re-adjudicate, make a claim, extract information inappropriately and/or possibly retaliate – for example the “I didn’t get this because I am a white man” scenario, or “the teacher failed me in this course because she hates me” scenario. How will this policy be implemented when evaluative or opinion type information is potentially required to prove or disprove a claim, and how will information relating to 3rd parties be protected? At a minimum I think maybe it needs to be stated that the University retains the right to disclose or not disclose this type of information under ATIPPA.</p> <p>32. The head of a public body may refuse to disclose to an applicant personal information that is evaluative or opinion material, provided explicitly or implicitly in confidence, and compiled for the purpose of</p> <ul style="list-style-type: none"> (a) determining suitability, eligibility or qualifications for employment or for the awarding of contracts or other benefits by a public body; (b) determining suitability, eligibility or qualifications for admission to an academic program of an educational body; (c) determining suitability, eligibility or qualifications for the granting of tenure at a post-secondary educational body; (d) determining suitability, eligibility or qualifications for an honour or award to recognize outstanding achievement or distinguished service; or (e) assessing the teaching materials or research of an employee of a post-secondary educational body or of a person associated with an educational body.
4	<p>Here is my feedback on the Human Rights Policy that is currently out for consultation.</p> <ol style="list-style-type: none"> 1. The definitions are too numerous and some defined terms may not even be used in the Policy. Also Gender Expression and Gender Identity need to be moved up above the “H’s”. They are out of alphabetical order. 2. The policy itself tries to do too much and is too far reaching for the resources that will be allocated to it. For example, the Guiding Principles are good and it is a laudable goal to commit to identifying and addressing all forms of discrimination and power differential, in a community where not only the Human Rights Act is upheld, but also guided by things like the UN Declaration on the Rights of Indigenous Peoples and the Universal Declaration on Human Rights. However, where are the resources in the university to try to administer this wide-reaching of a policy? Who in the university is familiar enough with those other documents to ensure that they are used properly as guiding principles? 3. The policy states that complaints related to other university policies will be handled exclusively in their dedicated policies and procedures, but how will it be possible to separate out what may be an overlapping human rights issue with issues under the other policies? There is a lot of room

	<p>for gray areas as to which policy may apply. This may be extremely hard to navigate and may lead to unnecessary confusion as to where a complaint should be addressed.</p> <ol style="list-style-type: none"> 4. The policy commits to a trauma informed approach but I don't see where the resources are coming from to provide trauma informed staff to provide this approach. 5. Section 4.9 – breach of the policy may lead to disciplinary measures. These can be high stakes investigations. Who will be doing them, and what training will they have in Human Rights? The province has a Human Rights Commission that has investigators and adjudicators who are specially trained to deal with human rights complaints. Where will this expertise come from in the context of the university? This is too high stakes to get wrong. 6. Section 5.4 – who is the Human Rights Advisor and what specialized training will they have in either the trauma informed approach or in human rights? 7. Section 5.5 – the AVP EDI-AR is to maintain impartiality – but if that person is gathering the investigation results and providing a recommendation to the Provost (in the case of St. John's Campus), how will they be distinguished from the decision-maker? How can that person maintain impartiality when their role is to provide support to people who feel discriminated against? 8. Section 9.7 – if the AVP EDI-AR in consultation with the relevant head of campus is unable to find enough evidence or substance regarding the complaint – this makes it sound like the AVP EDI-AR will be looking for evidence of the violation – this virtually guarantees that they won't be impartial. 9. As a whole, the policy tries to do too much with too few resources. How will the office deal with what will almost certainly be a floodgate of general or generic complaints of discrimination? I can see the office being in over its head in a very short time. In my view, a human rights statement to start would be a better alternative, with an office to provide support and information to those who feel that they may be victims of discrimination. I keep going back to the notion that Human Rights Commission is specially trained to deal with human rights issues. I have no idea where the expertise would come from in this context. Getting this wrong could prove to be a disaster.
5	<p>Generally:</p> <ol style="list-style-type: none"> 1) The definitions are very broad and there are far too many. There could be an educational piece housed on a website that is supportive of the policy. There are definitions of terms that are not even used in the Policy. 2) The inclusion of Non-University Person can be problematic as we do need a way to gain jurisdiction over them. We can't set up an expectation that we can deal with matters in a formal way when we do not have jurisdiction to do so. [REDACTED] <p>s. 40 (1) [REDACTED]</p> <ol style="list-style-type: none"> 3) The use of similar definitions, terms and the repetition within the policy creates confusion over which rights we are talking about in various places. All terms should be consistent. 4) The "Process" section really belongs in a detailed procedures document. 5) The Vice Provost EDI-AR appears to be involved at a granular level – how does that impact on their ability to be unbiased at a later stage. The general rule is that if you are a decision maker at the beginning of a process, you could not be a decision maker at a later stage. 6) It is unclear how this policy interacts with other university policies. <p>Detail:</p> <p>1. Principle: The Employment Equity Act 1995 + Feedback: This is federal legislation and would not apply to us.</p> <p>2. Purpose + This is very broad ... we do want everyone to be treated with respect but specific rights are for protected grounds.</p>

+ 2.III. What does transparency mean in this context? Individuals have rights to privacy that we have to respect.

+ 2.V. The entire process will need full integration with and likely amendments to other University policies. There are issues of authority and collective agreements here as well.

3. Definitions

+ Accessibility: The Accessibility act defines accessibility for the purposes of that Act only. This definition limits accessibility to its definition under the act.

Note section 4 of the Act recognizes this as follows:

4. (1) Nothing in this Act or the regulations diminishes the rights and protections offered to persons with disabilities under the *Human Rights Act, 2010*.

(2) Where a provision of this Act or the regulations conflicts with a provision of any other Act or regulation, the provisions of this Act or the regulations prevail unless the other Act or regulation provides a higher level of accessibility for persons with disabilities.

Concerned with taking a definition for one purpose and using it for all. May actually be as a human rights violation.

+ Accommodation: accommodation as viewed as a protection of human rights— can include...: I would say "may include a..." We may not be able to accommodate "any". Also accommodation does not exist without reference to undue hardship. It is not unlimited.

+ Academic Accommodation:

- This differs from the Blundon Center website - should be consistent so as not to create a greater expectation or perceived entitlement than Blundon
- What is an environmental control unit?

+ Ageism: Human Rights Act allows some differential treatment based on age in certain circumstances.

+ Discrimination based on Criminal Records: This is not just criminal record - name causes confusion. s.14(2) of the Human Rights Act provides a limit too.

+ Discrimination based on prohibited grounds: "... *where specific standards are essential for job functions and cannot be adjusted without undue hardship.*" Are we sure this is the accepted legal definition of discrimination?

+ (Dis)ability:

- These are two different definitions for different pieces of legislation ... should they be melded together?
- "*Any degree of physical disability*": The HRA says "a" degree... There is a difference. We must be careful with altering definitions as it is then questionable whether we are expanding or reducing entitlement

+ Disfigurement: HRC website also states " unless for religious or cultural reasons."

+ Equity: "*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*"

- I presume this should be prevented just outcomes.
- This is a very broad statement and I don't think the University can ensure this.

+ 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 policy does not cover harassment that is not based on prohibited grounds, so this definition is overbroad. Also, there will need to be clarity as to how this interacts with multiple other policies in place that address harassment.

+ Gender Expression: This definition seems to be trying to do too much. Is this the commonly accepted definition?

+ 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"*.

- Should it be "may not" There may be times when contact is the preferred solution for various reasons.

+ Inclusion: This word is not used in the Policy so unsure why it is a defined term.

+ Interpreters: This term is not used in the Policy - not sure why it is a defined term.

+ Investigator: *"... delegate Vice Provost EDI-AR when an investigation is required in relation to a Complaint under this policy."*

- When will Head of Campus appoint an Investigator vs Vice Provost EDI-AR?
Does this really need to be a defined term?

+ Investigative Report: This term is not used in the policy.

+ Legal Authorities: What is this trying to get at?

+ Mediation: This is normally part of an informal resolution - does this contemplate something different than that?

+ Marital status: *"... 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."*

- This is not part of the Human Rights Act definition - are we expanding that definition - does this do something different?

+ Nationality: This is not the definition of nationality.

+ Non-University Person: We will have limited jurisdiction over certain non-university persons. Would need further steps to have them bound by our policy.

+ Power Differential: Is this consistent with the use of term in the policy? 4.04 does not refer to employment status socioeconomic status, source of income?

+ Poisoned environment:

- This is not used in the policy.
- *"but generally based on prohibited grounds"*: May not be based on prohibited grounds
- *"... these legal and institutional standards"*: What are these referring to?

+ Race: *"... There is no scientific basis for or discernible distinction between racial categories."*

- Is this part of the definition? Human Rights commission website has slightly different definition

+ Racism: *"... based on perceived physical (for example, skin colour) and/or cultural characteristics."*

- Should this be "race" since we have defined the term? This actually says something different than the definition of race sets out. This is inconsistent.

+ Racialized: This is not used in the policy.

+ Racial discrimination: Is this meant to be different than racism, or discrimination on the basis of race as defined by the Human Rights Act? Also, this term is not used anywhere in the policy.

+ Responsible Unit: How will this interact with all other policies and pre-established lines of authority?

+ Religious creed: Should say "religious or spiritual beliefs" to be in line with the definition on Human Rights website. Are we deliberately different?

+ Religion: This is overly broad definition - they have to be genuinely held beliefs.

+ Retaliation: *"any adverse action..."*: This is broad - also different than definition in Respectful workplace policy. Is that deliberate?

+ Sexism: Not sure this needs a definition - we would normally refer to "discrimination on the basis of sex" and discrimination on prohibited grounds is covered.

+ Sexual Orientation: Defined differently by the human rights commission. Is this deliberate? Is this a generally accepted definition?

+ Sexual Assault: Be sure this is the same language as the sexual harassment policy

+ Sexual Harassment:

- Be sure this is the same language as the sexual harassment policy
- *"Conduct or comments which constitute **sexual** harassment are outlined..."*

- + University Community: Are these definition consistent with how this is defined in other policies?
- + University-related Activity: Are these definition consistent with how this is defined in other policies?

3. Legal Framework

- + Employment Equity Act is federal legislation. How is it applicable to the University?

4. Guiding Principles

4.2. "... 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."

- + What are proactive programs?

4.3. + If a term is capitalized - it needs to be defined. Are we concerned with stating "self identify as Indigenous? I understand that this is an issue.

+ *"Prohibited forms of Discrimination include Racism, Sexism, Ageism, Transphobia, Homophobia and Discrimination Based on Gender and Political Opinion."*

- Discrimination is defined already. Why are we reiterating certain terms?

4.4.

+ "... 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*."

- Could simply state prohibited grounds. There is a question as to why some of the prohibited grounds are set out multiple times,, but not all? Less confusing to just use the broadly defined term of prohibited grounds.

+ "...This commitment is foundational to fostering an environment where every individual, regardless of their background or identity, can thrive without bias or prejudice."

- What does this commitment mean?

4.5.

- + Is this different that 4.4?

+ Employment Equity Act 1995: Federal legislation

4.6. *".. 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..."*

+ Feedback: This will require amendments to all of those policies.

4.7. Need to ensure that whatever the policy and procedures do are consistent with the collective agreements.

4.8. *"... 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..."*

+ I am not sure what this is doing? If this POlicy applies to all human rights violations then rights in other policies would not apply here. We don't want to et into determining which policies have the better rights and benefits every time. We need to determine the procedural route with the development of the policy.

4.10. Do we have these resources to support this policy statement?

5. Roles and Responsibilities

5.1. "Violation of Human Rights as defined in the *Human Rights Act 2010*, or by this Policy ..."

+ When does this policy define a violation differently from the Human Rights Act?

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

+ I don't know what this means.

5.4. Do we have this position? What does focal point mean in this context? What is the function of the human rights advisor?

5.6.ii. This should be separate from 5.6 as it sets out specific responsibilities of certain people. I don't know who is being referred to whaen we state "those with academic or administrative authority" We

	<p>need to be specific of who we are talking about if we have set specific responsibilities on them. Are they qualified to educate people in their unit about human rights? This will need significant support from the EDI-AR office as the Responsible Unit for the policy.</p> <p>5.7.4. Are we saying that every member of the University Community should facilitate a participation in education and training? I am concerned about setting up expectations that we do not have the resources to implement. How does this statement get operationalized?</p> <p>6. Reporting of Human Rights Violations</p> <p>6.2. Should be clear they can't initiate a complain on someone else's behalf; In certain circumstances we can follow up on anonymous reporting - we can't take formal action but I don't think it is true to say "will not result in any form of action".</p> <p>6.5. An analysis of this nature would normally include consultation with OCRO and OGC as well. Is it the sole decision of the Vice Provost EDI-AR? They can consult, but still make own decision?</p> <p>6.6. What is this getting at? Why would we consult the human rights commission? What is the avenue for including "other relevant child protection services"? Who is that? What age are we considering minors to be?</p> <p>6.7. <i>"...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."</i></p> <p>+ What does this contemplate?</p> <p>6.9. <i>"...if the incident happened at any of the University campuses or on online activity related to Memorial."</i></p> <p>+ Should this be a University related activity</p> <p>6.10. That is a significant burden on the human rights advisor.</p> <p>9. Process</p> <p>9.2. Concern or complaint</p> <p>9.2.a. Confusing language.</p> <p>9.2.b. I am not sure what this is saying.</p> <p>9.2.c. Does VP EDI-AR see every single concern and complaint? That could be very onerous.</p> <p>9.3. What are they assessing for?</p> <p>9.6. There are no procedures yet, so this can't state as per procedures.</p> <p>9.7. Is the Vice Provost EDI-AR doing the screening of every concern or complaint?</p> <p>9.8. Should this be "may be applied" What is COmplainant does not want to proceed?</p> <p>14. Support Services</p> <p>+ I am not sure why this is in this policy.</p>
6	<p>If the university has a process whereby someone internally finds a human rights violation and then the aggrieved person makes a complaint with the Human Rights Commission, the university essentially has admitted, by their own finding, that there was a human rights violation. This would make a human rights complaint from the HRC impossible to defend from a legal perspective.</p>
7	<p>I have reviewed the draft of the University Human Rights Policy, and I have the following comments and remarks:</p> <p>General Comments:</p> <p>1. I don't think it is clear from the policy text whether it is an overarching policy or complementary to other existing University human rights policies. If this policy intends to serve as a comprehensive or umbrella policy for all human rights issues within the University, that should be explicitly stated. Conversely, if it's meant to be supplementary, its scope should be clarified in relation to the other policies to avoid confusion and redundancy. More specifically, some referenced policies (such as the Accessibility</p>

for Students with Disabilities Policy and the Sexual Harassment and Sexual Assault Policy) clearly cover specific issues like accessibility or sexual harassment. However, the current policy text doesn't explain how it fits with these policies—for example, whether it provides general guidance on human rights violations, while the other policies provide more detailed, situation-specific guidance.

2. What is the functional relationship between the Human Rights Advisor, the Sexual Harassment Advisor, the Human Resources Consultants, the Protected Disclosure Coordinator, etc.? If this policy is intended to be an overarching document, it is unclear how the functional relationship between the Human Rights Advisor and the Sexual Harassment Advisor would operate, particularly since the latter is an independent position that reports directly to the President. How would these two roles interact when addressing overlapping issues related to human rights and sexual harassment, and is there a clear process for collaboration or delineation of responsibilities between them?

3. It is unclear if this policy takes precedence over others in cases of overlap or whether it operates alongside them. For instance, if discrimination or harassment occurs, is this policy invoked, or is the Respectful Workplace Policy or Sexual Harassment and Sexual Assault Policy the primary reference?

4. It seems that the Protected Disclosure Policy serves as an overarching policy. The definition of Wrongdoing in the policy is broad enough to cover human rights violations, including systemic discrimination. Also, the Protected Disclosure Coordinator has the authority to direct disclosures to the relevant University policies. How does this policy interact with the Protected Disclosure Policy?

5. There is no guidance on what happens when complaints span multiple policy areas (e.g., if a case involves both workplace harassment and disability discrimination). The policy should provide a clear approach to handling such cross-policy issues.

6. It is unclear what the functional and reporting relationship is between the Human Rights Advisor, the Vice-Provost EDI-AR, and Heads of Campuses.

7. The hierarchical structure outlined in this policy, especially in the roles and responsibilities, appears to lack clarity and may not adequately account for the different levels of authority within the University. For example, authorizing a Unit Assessment by the Vic-Provost EDI-AR in Section 6.13 could create potential conflicts when the Unit Head is a Vice-President or another senior executive.

8. As currently drafted, the policy contains several sections that are overly detailed or repetitive, which could detract from its clarity and effectiveness. Repetitive statements, particularly regarding the University's commitment to human rights and the responsibilities of community members, are mentioned across multiple sections (e.g., Sections 4.1, 4.3, 4.5, 5.1, and 5.6). Additionally, some procedural elements (e.g., Sections 9.1–9.10) could be better placed in the accompanying procedures rather than the policy itself. Streamlining these sections would enhance the document's readability and help maintain focus on its key objectives without unnecessary complexity or duplication.

More Detailed Comments:

1. The Purpose section contains redundant elements, particularly in the repeated references to promoting awareness, eliminating discrimination, and ensuring fair procedures. These ideas are mentioned both in the introductory paragraph and in several of the individual points. I suggest consolidating these overlapping concepts to create a more concise and streamlined section. This will enhance clarity and ensure the policy's objectives are communicated effectively without unnecessary repetition.

2. While the draft definition for academic accommodation is clear in relation to disability, I believe it should be expanded to reflect the full scope of accommodations covered under human rights legislation. Currently, the definition seems to limit academic accommodations to disability-related needs. However, accommodations should also be available for other protected grounds, such as religion, gender identity, pregnancy, family status, and others, as outlined in the Human Rights Act 2010. A more inclusive definition

could ensure that the policy provides flexibility to address the diverse needs of all students, not just those with disabilities.

3. The definition of "Bystander" refers to a "member or non-member of the University community," which introduces inconsistency in terminology. It would be helpful to align the terms used across definitions for clarity.

4. In the definition of equity, the phrase "resulted in just outcomes" seems to be a typo. It should likely read "unjust outcomes," as the goal is to address historical and systemic barriers that have resulted in unjust outcomes.

5. In the definition of "Head of Campus," the reference to "Vice-President (Academic) and Student Affairs and Services, Marine Institute" appears unclear or misaligned with the Marine Institute's actual structure. The correct title should be either "Vice-President, Marine Institute" or "Associate Vice-President (Academic and Student Affairs), Marine Institute." Additionally, the heads of campuses should be consistent with other policies; if there are discrepancies, it should be clearly stated: "For the purposes of this policy." Moreover, shouldn't the heads of campuses be on an equivalent level within the University hierarchy.

What is the rationale that Head of Campus at Grenfell is Vice-President and at the Marine Institute is Associate Vice-President?

This also applies to Section 5.2 of the policy.

6. The definition of "Investigator" states that the Head of Campus may appoint an investigator or delegate this responsibility to the Vice-Provost EDI-AR. However, it's unclear whether the Vice-Provost serves as the delegate for all campuses or if other campus heads can appoint their own delegates. Clarifying this point would enhance the understanding of the investigation process and the roles involved. Plus, it is more advisable to include the position without acronyms, especially since EDI-AR is not defined in the text.

7. The definition of "Nationality" is somewhat confusing as it states, "a person born outside Canada and/or a citizen or resident of a foreign country." Nationality should refer to the legal relationship between an individual and a nation rather than define it as a person. The definition may benefit from rewording.

8. In the definition of "Power Differential," does including "race" as an element of cultural status imply that different races correspond to distinct cultural statuses? Would it be more accurate to separate race from cultural factors to avoid potential oversimplification?

Additionally, it is advisable to maintain consistency in the terminology used. For example, citizenship/nationality.

9. In the definition of "Racism," the phrase "perceived physical characteristics" is somewhat confusing, as physical differences (e.g., skin color) are actual, observable traits rather than perceived. Would it be clearer to specify that racism is based on both actual and perceived characteristics while ensuring that actual physical differences are acknowledged?

10. The inclusion of "manager" in the definition of "Unit Head" may be misleading, as it typically denotes a lower level of authority compared to other specified roles, such as director or executive director. It might be more appropriate to exclude "manager" from this definition to ensure clarity regarding the expected level of leadership and responsibility for Unit Heads. Additionally, the definition of "Unit Head" in this policy differs from definitions in other policies, which may lead to inconsistencies in understanding roles and responsibilities.

11. The definition of "Non-University Person" appears to primarily encompass visitors, which creates confusion since visitors are also included in the "University Community" definition. Additionally, contractors should be recognized as workers of the University, further blurring the lines between these definitions. Moreover, it raises the question of how the University would exercise jurisdiction over non-University persons if their status is primarily visitor-related. The definition of "Respondent(s)" includes both members of the University Community and Non-University persons, but the implications of holding

	<p>non-University individuals accountable under University policies need further clarification. Could we explore refining these definitions to ensure clear distinctions and appropriate jurisdictional considerations?</p> <p>12. Generally, the definitions section contains several terms that may be considered self-explanatory, such as "Color," "Ethnic Origin," "Investigative Report," "Legal Authorities," "Nationality," "Political Opinion," "Religion," "Religious Creed," "Frivolous," and "Marital Status." Additionally, some definitions appear to be overly detailed, which could lead to unnecessary complexity. Reducing the number of definitions for self-explanatory terms and streamlining overly detailed definitions could enhance clarity and readability.</p> <p>13. There is repetitiveness in sections 4.1, 4.3, and 4.5, as they all convey the University's commitment to an equitable, discrimination-free environment. These points could be consolidated for clarity. Additionally, sections 4.2 and 4.4 address the varied impacts of discrimination and power differentials, which could be combined to enhance cohesion. Streamlining these sections would strengthen the overall message without redundancy.</p> <p>14. In section 6.5, should there be a requirement to consult with General Counsel before informing legal authorities? Referring matters directly to legal authorities without legal consultation could expose the University to risks, particularly concerning confidentiality and compliance with legal obligations.</p> <p>15. Could authorizing a Unit Assessment by the Vice-Provost EDI-AR, regardless of the Unit Head's rank, create an issue when the Unit Head is a senior executive, such as a Vice-President? Would this arrangement overlook the hierarchical dynamics and create potential conflicts of authority? Shouldn't there be, at minimum, consultation with the relevant Vice-President or the President in cases where the Unit Head holds a higher executive role?</p> <p>16. The Roles and Responsibilities section exhibits some redundancy, particularly in 5.1 and 5.6, both emphasizing the prohibition of Human Rights violations and the shared responsibility of the University community. Additionally, sections 5.6 and 5.7 overlap in outlining community members' responsibilities and could be consolidated for clarity.</p> <p>17. Sections 9 (Process), particularly 9.1 to 9.10, lay out detailed steps regarding how to report concerns and the processes involved. These are fundamentally procedural and should be clearly delineated in the University-Wide Procedures for Human Rights Concerns and Complaints. Outlining general rules governing the process is different than outlining the process in the policy text.</p> <p>18. Section 15.1 has confusing information and wrong titles: "by a committee of not less than five (8) people appointed by the Vice-President (Academic)."</p> <p>Overall, I believe this policy requires considerable review and refinement to ensure it effectively addresses the complexities of the University context and structures. I think it is essential for the working group to take its time in revisiting this policy to clarify the relationships between various roles, define its scope in relation to existing policies, and streamline its language for better coherence.</p>
8	<p>Please see below comments on the draft Human Rights Policy. Thank you.</p> <p>Section 1:</p> <ul style="list-style-type: none"> Committing the University "...to adhering to the...Employment Equity Act 1995" is significant. While the University has already committed to aspects of the legislation through its participation in the Canada Research Chairs and Federal Contractors programs, should it commit to the entirety of a federal statutory scheme? I understand the Federal Government may also be moving to amend this legislation; are we comfortable with those amendments given that we're saying we'll adhere to the scheme?

Section 2:

- I don't know that it's realistic to implement "...a comprehensive...complaint redress mechanism." There are a range of judicial and quasi-judicial remedies that a university policy will not provide.

Section 3:

- Note there are currently two "Section 3"s.
- **Accessibility:** I disagree with expanding the definition of accessibility beyond the *Accessibility Act* by adding "...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..." This seems to conflate the ideas of accessibility and accommodation.
- **Bystander:** establishing in policy that a non-member of the University who is aware of a human rights concern can report an incident creates a wide jurisdiction. Under the provincial *Human Rights Act* there are checks and balances in place, including discretion for the Executive Director to refuse to accept complaints from third parties.
- **Discrimination based on prohibited grounds:** By trying to emulate the *Human Rights Act* scheme in this policy, nuance is being lost. For example, subsection 9(3) of the Act creates an expansive scope for protection related to disability – I don't see it reflected in the Policy.
- **(Dis)ability:** the *Accessibility Act* doesn't use the parenthetical "(dis)ability", it uses "disability". Also, the draft Policy here combines the definition of disability from the *Human Rights Act* and *Accessibility Act*. It is confusing and overlapping. For example: "...includes a physical...impairment...this includes but is not limited to...any degree of physical disability".
- **Diversity:** why mention some prohibited grounds of discrimination but not others? Where is disfigurement?
- **Gender Expression:** was this sourced from Egale Canada? If so, why remove the language "...which are often associated with masculinity and femininity..."?
- **Gender Identity:** Definition says "...A person's gender identity may or may not correspond with social expectations or with the sex they were assigned at birth..." whereas Egale definition says "... A person's gender identity may or may not correspond with social expectations associated with the sex they were assigned at birth." Why the difference?
- **Nationality:** "...a person born outside Canada...". There must be a better definition that doesn't define by example.
- **Power Differential:** defined by a difference in power based on certain prohibited grounds, mentions race, but not other grounds. Where is disability?
- **Respondent(s):** how do you propose to exercise jurisdiction over a non-University person? If the idea is to take interim measures, such as trespassing a non-University person because of a human

rights complaint, that would seem extraordinary compared to how powers are currently exercised under the *Human Rights Act*.

- Respondent(s): Is the complainant able to name the University itself, President, VPs, etc. as Respondents? How will that proceed?
- Retaliation: this term is used in at least five other policies in the University portfolio. Those definitions seem more aligned with each other than the one used here. Consider.
- Poisoned environment: we don't have a similar concept in our Respectful Workplace Policy. Consider.
- Race: this isn't defined in the *Human Rights Act*, but it's defined the Human Rights Policy. Why?
- What basis is there for saying that the *Employment Equity Act*, *Human Rights Act* and *Accessibility Act* are all premised on the same principle?

Sections:

- 4.2: Why does this section reference various enumerated grounds and "non-enumerated factors", but none in relation to disability?
- 4.3: What is a "diverse" religious belief? Is one belief more diverse, protected, etc., than another?
- 4.4. Why mention some enumerated grounds under the *Human Right Act* but not others? Perhaps don't reference any in particular?
- 4.5. Why mention some international instruments like the UDHR and UNDRIP, but not the Convention on the Rights of Persons with Disabilities?
- 4.6. "...complaints related to the other University Policies will be handled exclusively in their dedicated procedures and policies..." Who determines deferral to another process, etc.? Will this be addressed in the Human Rights Procedures?
- 4.7: The wording here is arguably confusing - "...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..."
- 4.10. Who will the "Trauma Informed Counsellor" report to? Are they part of the decision-making structure here?
- 5.2. This Policy calls for three different VPs to "authorize and approve" the decisions and outcomes of concerns and complaints. Consider that in other disciplinary policies, like Sexual Assault and Sexual Harassment, the decision-maker is not campus specific.
- 5.4. Who will the "Human Rights Advisor" report to?

	<ul style="list-style-type: none"> • 6.1. Where do complaints regarding sex and gender go? The Human Rights Advisor or Sexual Harassment Office? • 6.5 and 6.6: Why initiate an external investigation when “safety and security” are at risk? Will you inform the legal authorities without the consent of the person whose safety and security is at risk? • 9.5: If mediation is led by the Advisor, and is unsuccessful, will they have further involvement in any decision-making? Consider that once mediation occurs with the Human Rights Commission, a different person is assigned as investigator. • 9.7: What process will the Vice-Provost and Head of Campus use to receive evidence? In-person hearing? Witnesses? Affidavits? How will procedural fairness be upheld? • 10.2: Typical remedies from the provincial Human Rights Commission are general damages, special damages, and public interest remedies. I don’t believe “interim measures” are typical. It seems extraordinary to propose for a university human rights advisor to have the power to restrain behavior on an interim basis. How common is this among our comparator universities? • 16.3: Will you have a MUNCLASS RDS in place? <p>Considerations:</p> <ul style="list-style-type: none"> • This Policy appears to combine Memorial’s Sexual Harassment and Sexual Assault Policy with elements of the provincial <i>Human Rights Act</i> regime. Arguably, Memorial has a Sexual Harassment Office because there is no comparable entity offered by the Provincial Government. We have one with the Human Rights Commission, however: it has 10 staff members, 8 Commissioners, and at least 6 Adjudicators. Perhaps we should focus on supporting University members in availing of the provincial process, rather than trying to create a new scheme here? • The vast majority of complaints to the provincial Human Rights Commission are related to disability. Will the Human Rights Advisor have specific education and expertise to handle these inquiries? • The vast majority of complaints to the provincial Human Rights Commission arise from employment. If Memorial is the employer, and a potential respondent, how will impartiality from the Advisor be addressed? Will this create liability for the University? Will the Human Rights Advisor be a compellable witness in related proceedings under the <i>Human Rights Act</i>? If an external investigator is used to address some of these concerns, what is the projected cost? • Many complaints to the provincial Human Rights Commission are dismissed by the Executive Director under s. 32 of the <i>Human Rights Act</i>. Will the Procedures construct something similar? • Why aren’t the Human Rights Procedures attached to this Policy for consultation? Per the DAAUP: “...For new policies, the relevant procedures shall be developed and approved concurrently with the new policy development so that the policy can be implemented once approved....”
9	This policy has the serious potential to create reputational, and legal risk.

Human Rights is enshrined in Federal and Provincial Legislation. It is also addressed in Labour Standards, Employment Equity Act, legal precedents, Collective Agreements and Terms & Conditions of Employment, I am not sure what this policy accomplishes. Does it create a tribunal? an Ombudsman position? A conduct and a discipline policy? Having a policy that enshrines a commitment, awareness, education, advocacy for human rights is worthwhile, but I am not sure the need to create a another process especially when the scope is not clear.

This policy allows 3 different processes (or more) to continue at the same time. There can be a grievance, a Provincial HR complaint, and this process. Normal policies allow only one to continue, and others are held in abeyance until other processes are concluded. What happens when all processes come out with different results.

What triggers this process? Is it an individual being denied opportunity based on protected criteria? Or is it simply an event or incident that involves protected categories.

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In the policy it states that you cannot discriminate on grounds of a criminal record. This is not a protected Human Rights Ground. And in fact [REDACTED] background checks, and require a clear certificate of conduct for employment. IE we wont allow a vehicle to be driven by someone who has a DUI or vehicular manslaughter.

How can the person be in charge of education, advocate, and decision maker all in one, without a conflict of interest and creating procedural fairness?

It speaks of the Human Rights Advisor conducting a threat assessment. What standard and training do they have to do this?

This policy needs to have the procedure attached, before it can be consulted on and approved. This is required for due diligence and good governance.

If we take 5 scenarios and run them through the Policy how will they play out:

- 1) Hiring and promotion of unionized and non-unionized staff. Include existing employees and external competitions.
- 2) Workplace accommodations and definitions of "hardship"
- 3) Student accommodation requests and the interaction with MUNFA,FR, the Faculty and the Blundon Center.
- 4) The vaccine mandate and requirements of COVID 19
- 5) The Palestine Occupation, encampment and trespass.

In all fairness it looks like 3 or 4 policies were mish mashed together (Code of Conduct, Health and Safety, Sexual Violence, Respectful workplace, Respectful learning Environment).Especially in the scope. Ie there are 6 pages of definitions, one page of policy and then the inclusion of measures that don't fit a human rights policy (ie threat assessment).

The policy needs to deal with criminal conduct especially hate speech and crime.

Definitions are not consistent across policy. Ie Contractor, respondent.

	<p>The Provost and VP's should not be the decision makers. They should have to deal with appeals, and final decisions.</p> <p>How can the University complain about Human Rights complaints that have nothing to do with the University (Sub 6.1).</p> <p>What happens with Specious, punitive, frivolous and vexatious complaints?</p> <p>Many items in this Policy are Procedural and not Policy.</p>
10	<p>3. Definitions</p> <p>+ Bystander — a member or non-member of the University community</p> <ul style="list-style-type: none"> • The policy defines 'non-University person(s),' but 'non-member of the university' is used here. <i>Please ensure consistent terminology throughout.</i> <p>+ Concern — A situation observed by <u>a member of the university community</u></p> <ul style="list-style-type: none"> • How is about “non-member”? <p>+ University-related Activity — means an event or activity, including those conducted online or off-campus, sponsored by, or under the auspices of Memorial University.</p> <ul style="list-style-type: none"> • This definition is also outlined in a slightly different way in the Respectful Learning Environment Policy as: 'University-related activity – Any activity that is directly related to or arises out of the operations of the University at any location.' <i>Please review this definition to ensure there are not too many variations of the same definition across the university's policies.</i> <p>+ University Community— any person who teaches...</p> <ul style="list-style-type: none"> • Should be “Member of the University Community.” <p>4.1. This policy reaffirms the <u>University's strategic vision</u>...</p> <ul style="list-style-type: none"> • What is “strategic vision”? Why don't use the university's vision, mission and values? <p>4.10. This policy commits to employing <u>a trauma-informed approach</u>...</p> <ul style="list-style-type: none"> • Should “<u>trauma-informed approach</u>” be defined? <p>5.1 & 5.6. <u>Violation of Human Rights</u> as defined in the <i>Human Rights Act 2010</i>, or by this Policy by any Member of the University Community ... <u>Human Rights Violations</u> and to deal expeditiously with behaviour that breaches Human Rights Policy</p> <ul style="list-style-type: none"> • Why are capital words used in this content, and what is their purpose in emphasizing specific points? • The policy also refers to a 'Violation of Human Rights as defined ...by this Policy,' <i>but the definition is not provided. This should be clarified.</i> <p>6. Reporting of Human Rights Violations</p> <ul style="list-style-type: none"> • How is about disclosure of human right violations? <p>9. Process</p> <p>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.</p> <ul style="list-style-type: none"> • The policy refers to the processes outlined in the University-Wide Procedures for Human Rights Concerns and Complaints. <i>Should the details in Section 9 (from 9.3 to 9.8) be left in the Procedures rather than included in the policy?</i> <p>10. Interim Measures.</p> <ul style="list-style-type: none"> • Interim measures are often applied after a formal report. <i>What measures can be implemented after the disclosure of a human rights violation when there is a significant threat to the survivor or the campus community?</i>

11	<p>I'm providing feedback on the new Human Rights Policy.</p> <p>First of all, I think it's excellent for this policy to be drafted and implemented here. My understanding is that this is long overdue, and that this will bring us one step closer to being on par with other academic institutions in the region.</p> <p>The one comment/concern that I have is not related to the wording of the policy, but rather how the policy would be implemented. The resources required by the VP EDI-AR office to lead and follow through on complaints and interim measures seems like they could be substantial. It would help to clarify in the Policy where the budgetary support will come from (presumably through the Provost) to ensure that this Policy can be advertised, explained across the entire University community (as per 5.6i), and ultimately enforced.</p>
12	<p>Thanks for the opportunity to provide feedback on the Human Rights Policy. See my suggestions and notes below:</p> <p>Section 2.1.3. (page 3). Reference to '(dis)ability' or '(dis)abilities' – I would personally encourage the drafting committee to use the terms 'disability' and 'disabilities'. Definitions in both the Accessibility Act, the Human Rights Act do not include (dis) and seems to be more a sociopolitical statement. I am not certain a university policy is a place for that.</p> <p>Section 2.1.3 (2). (page 6). Broadly speaking, is this definition of a student consistent with other university policies or procedures? Are prospective students included in this definition? If so, should we name them specifically?</p> <p>Section 4.4. (page 8). (dis)ability – see note above.</p> <p>Section 9.11.1. (page 15). Referring to "...informing the Advisor." Should this include the qualifier "...in writing..."?</p> <p>Section 13. (page 16). Referring to "...Advisor will facilitate the process of Accommodations". Some may not see the Human Rights Advisor as the person facilitating this. There are units at Memorial and people with that responsibility already. Do ensure those pathways don't get complicated, perhaps the Human Rights Advisor can be positioned to act as a 'navigator' or 'advocate' for the complainant to assist with those well established processes? The Human Rights Advisor can work with those existing units and individuals responsible for facilitating this process to ensure informed advocacy?</p>
13	<p>Hello,</p> <p>The currently proposed Human Rights Policy defines sexism as follows: Sexism — prejudice or discrimination based on sex.</p> <p>And defines sex as follows: 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.</p> <p>This definition is limiting the experience of sexism to cis-gender people. Transgender people can also experience sexism, therefore I think the definition of sexism should be expanded to include gender as well and should read:</p> <p>Sexism — prejudice or discrimination based on sex <u>or</u> gender.</p>

	Please take this feedback into consideration regarding the Human Rights Policy development.
14	<ul style="list-style-type: none"> • Seems the policy duplicates work done by Respectful Workplace, Respectful Learning Environment, Student Code, Sexual Harassment policies. Unsure how the human rights policy differentiates from above policies when it's focus is personal harassment/discrimination which these policies address. <ul style="list-style-type: none"> ○ a policy that addresses more structural issues like accessibility and large-scale practices, as that is a current gap in supports and processes, may be more impactful • Section 5.5 – the AVP EDI-AR is to maintain impartiality – but if that person is gathering the investigation results and providing a recommendation to the Provost (in the case of St. John's Campus), how will they be distinguished from the decision-maker? How can that person maintain impartiality when their role is to provide support to people who feel discriminated against? • Concerned the policy is focused on personal harassment and discrimination and will be unable to address structural or larger scale concerns. It is unlikely these larger issues will be addressed through this policy and process structure but it is very likely that the larger community will not intuitively understand this distinction. I anticipate a large volume of human rights complaints related to other processes without an avenue to readily address them. • How will complaints made based on outcomes of other processes be addressed. For example, if someone is unhappy with the outcome of a respectful workplace process and claim the process outcome is linked to a human rights issue, then how will this be managed without human rights becoming the appeals process for all policies. In the event an appeal is completed through the appropriate policy, can a complainant still file with human rights? Can human rights and another policy co-currently investigate? • How will the university manage complaints that have an outcome favoring the complainant as this would essentially signal that they should file with the NL Human Rights commission as it is essentially an admittance. • What recourse will be available for folks found to have a human rights violation? What will education and training focus on? How does a disciplinary or punitive approach support ensuring the violation is not repeated vs a slap on the wrist and no meaningful change. • Direct conflict with the policy purpose "to foster and maintain inclusivity and diversity." While only offering a punitive and adversarial process. To truly uphold this, a different process/procedure would be needed to process complainants. Inclusivity cannot be fostered by an office administering a combative and dichotomized process whereby the outcome results one person being labeled a human rights violator and the other person is labeled a survivor/victim of a human rights violation. What steps will be taken to foster inclusivity of those found to have breached the policy to ensure meaningful reintegration to the Memorial communities? <ul style="list-style-type: none"> ○ Definition in policy of 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." Based on this an individual could launch a complaint about the white Christmas trees in the UC every November/December as this does not foster inclusion for all December holidays/cultural celebrations. Can the university reasonably

tailor systems and structures to support individuals? What if the structure is too rigid by design and the Human Rights policy staff are unable to make the needed changes. Does this result in a complaint launched against the office?

- Consider a panel decision maker vs a single person. Single person upholds colonial structures and also can greatly bias an outcome of a complaint. Panel allows for many perspectives and creates a shared vision.
- Concern that there is a trauma-informed counsellor listed in the policy and no position currently exists around this.
- Distinction between advisor, vice provost, and decision maker unclear. Concerns about scope creep. Unlikely one staff will be able to manage intake of cases and initial processing. Vice provost role seems to be middle person between advisor and decision maker, unclear why this is needed.
- Language of violation of human rights too strong. Consider something else that does not indicate an outcome prior to investigation/process.
- Need to have clarity in operationalizing when considering the difference between existing in colonial structures which inherently disadvantage people and individual responsibility for human rights concerns. For example, if a department has requested an accessibility door be added to a staff office and the department head has done everything possible to get that installed but it has dragged on for months. Does the complaint concern the department head as the respondent, facilities management, carpentry? And if the appropriate respondent is identified and the outcome is yes this is a violation of the policy, then is that respondent also held to account by the NL human rights commission process? Even if it is entirely out of their control? Like for example if facilities management is the respondent but they cannot get budget approval before the next fiscal. Does the respondent become finance? If so who? The person signing off, sending emails, saying wait until next fiscal? In this example capitalism and business constraints are the respondent but one person would likely be the fall person for a systemic issue.
- 6.5 as the intake person, wouldn't the Advisor determine if there is a risk to the community? Not the vice provost? The advisor will have taken the complaint and received a window into the concerns and risks. Unsure why the vice provost would be needed at this stage as the advisor could speak directly to the decision maker to ensure appropriate risk mitigation is in place.
- If using a need to know basis, unclear why the advisor, the vice provost, and the head of campus are all needed to make decisions around interim measures and other risk assessment. Vice provost wont have any more perspective than the advisor (likely less as they wouldn't have spoken to the complainant at that stage) so why not just recommend directly from Advisor to decision maker (head of campus).
- 10.4 unsure of role with vice provost. If changes are needed to the interim measures, the Advisor will likely be the person managing these concerns. Unclear why the Advisor would not go directly to head of campus for a decision on the change (in consultation with general counsel and chief risk). Concern that the role of vice provost is micro-management of advisor. As currently written, it appears the advisor will have no autonomy in administering process even though they are most likely to have a full scope of the situation and the supports needed. Seems having to buffer from Advisor to head of campus will slow the process down and make responses to concerns less nimble.
- 15.1 inconsistency, "by a committee of not less than five (8) people" assuming bracket should contain 5 not 8.
- Consider the need for a Harlow-Specific procedure as the guiding principles, legal impacts/background, and administration of such cases will have different timelines, thresholds, risks, and legal ramifications.

	<ul style="list-style-type: none"> • Concern about the use of internal investigators and the ability to maintain impartiality/lack of bias. Even if just a perceived bias. Likely anyone with personal counsel would request external investigator be appointed. • Securing of interpreters may delay the process significantly depending on availability, language needed, etc. Deadlines tend to be important for collective agreements and administration of disciplinary decisions. This may create conflict if interpreters are not on staff or easily secured for services. • Would remove violation in policy and replace with breach of policy. • Consider replacing bona fide with genuine • Like noted with 3rd party/bystander reports. Consider adding note about anonymous reports not being used for action steps but for statistical and prevention purposes. • Unclear on role of interim measures when addressing non-violent concerns. For example, if a professor is being ableist in classroom practices what measures would be in place to reduce the risk of ableist impacts. Non-contact would not be appropriate, a safety plan would really focus on coping skills and regulation, it is unlikely that switching class times would be possible (depending on when in the semester) and it will press on academic freedom. Providing a refund if the course is dropped is not an interim measure. Wouldn't have capacity to have a staff sit in on the class and observe and again would likely become an academic freedom issue. In the event that it is a human rights concern that is violent, unclear how this policy would be invoked over respectful learning/workplace, student code, or sexual harassment. • Consider shifting title language to Personal Discrimination and Harassment Policy. • Overall, I believe a human rights statement would be a greater benefit to the University with a clear reference and guide to the existing policies and what they address. I do not see what gap in service this policy is currently filling. I am concerned it will add confusion for those experiencing harm as opposed to reducing it as it will add a layer of complexity as to which policy should be capturing the concern.
15	<p>I have read the draft of the Human Rights Policy. Mostly, I think the content is appropriate, and will be helpful for our community. However, I have comments about three specific elements: the goals of the policy, the lack of definitions of antisemitism and islamophobia, and the proposed process for filing a complaint.</p> <p>1. Purpose of the policy</p> <p><u>1. Promote awareness of human rights and the effects of discrimination and actively work to eliminate and prevent its occurrence through institutional and educational initiatives</u></p> <p>This makes sense, as long as it is clear what is meant by "human rights" and that the definition of "human rights" includes protection against antisemitism and islamophobia. These forms of hatred have persisted for centuries, and the lack of a definition for each is a failure to uphold and protect the "human rights" of these communities. Due to recent events and tensions, it is imperative that these specific forms of discrimination be clearly defined.</p> <p>2. Definitions:</p> <p>The Definitions section of this policy includes definitions of Ageism, Discrimination based on Criminal Records, Discrimination based on prohibited grounds, (Dis)ability, Harassment, Human rights, Power Differential, Racism, Racial Discrimination, Sexism, Sexual Assault, Sexual Harassment, Transphobia, and Homophobia. However, there is no clear definition for antisemitism, or islamophobia. As I've noted above, this is critical.</p>

A university distributing a human rights policy that addresses accessibility and disability exclusively in a text-based format—without options for text-to-speech functionality or American Sign Language (ASL) interpretations—is engaging in discriminatory and ableist practices. This approach neglects the diverse needs of individuals with disabilities and undermines the policy's intent to promote inclusion and equal access.

Why This Is Discriminatory and Ableist

Excludes Individuals with Visual and Neurodiversities

- **Blind or Visually Impaired Individuals:** Without embedded text-to-speech capabilities or adequate screen reader compatibility, blind or visually impaired individuals cannot access the content in a barrier-free manner.
- **Dyslexic and Other Neurodivergent Individuals:** Text-heavy formats without auditory options are inaccessible for those who process information differently, effectively denying them critical information. Attached below is an example [REDACTED]

s. 40 (1) [REDACTED]

Ignores the Needs of the Deaf Community

- **Primary Language Barriers:** For many Deaf individuals, ASL is their first language. Written English may not fully convey the policy's nuances.
- **Lack of ASL Interpretation:** Without ASL translations, Deaf individuals are excluded from fully understanding policies that directly affect them.

Violates Legal Obligations

Accessibility Laws

In Newfoundland and Labrador, institutions must comply with the **Accessibility Act of Newfoundland and Labrador**, which aims to remove barriers and promote inclusivity. Federally, the **Accessible Canada Act (ACA)** establishes similar obligations to ensure accessible communication and services for people with disabilities.

Human Rights Commitments

The failure to make policies accessible contradicts the principles of equality and non-discrimination outlined in the **Canadian Charter of Rights and Freedoms**, the **Canadian Human Rights Act**, and the **Newfoundland and Labrador Human Rights Act, 2010**. These laws affirm the right to equitable access and participation for all individuals, regardless of ability.

Perpetuates Systemic Ableism

- **Centricity of Able-Bodied Norms:** Delivering information exclusively in standard text assumes all individuals process information in the same way, marginalizing those who do not.
- **Barrier to Participation:** Inaccessible formats prevent individuals with disabilities from fully engaging with university policies and services, reinforcing social and educational disparities.
- **Disregard for Diverse Timelines:** Requiring disabled individuals to request accommodations or navigate inaccessible formats overlooks the unique time frames and cognitive demands of disabled students and scholars navigating an ableist society. Additionally, relying solely on an email-based platform for feedback is discriminatory. It excludes individuals who struggle with text-heavy communication, find email systems cognitively exhausting or re-traumatizing, or lack adequate assistive technology. These practices actively perpetuate barriers to participation by failing to accommodate diverse communication needs.

Undermines Institutional Integrity

- **Trust and Credibility Issues:** When a policy about inclusion is itself exclusionary, it signals that the institution does not genuinely value its disabled community members.

Inhibits Feedback and Compliance: If individuals cannot access the policy, they cannot provide input or hold the institution accountable for its implementation.

The Need for Accessible Formats

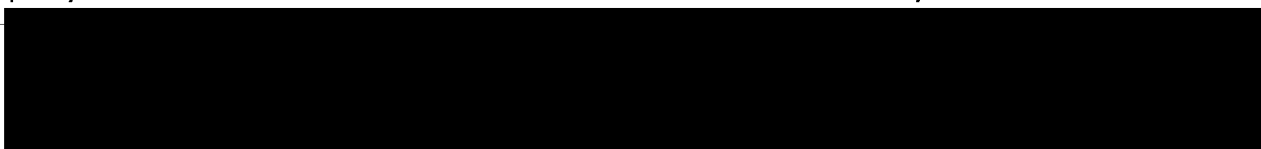
- **Multiple Modalities:** Providing the policy in various formats—such as audio recordings, embedded screen readers, braille, and ASL videos—ensures equal access for all.

Assistive Technology Compatibility: Ensuring documents are compatible with screen readers and other assistive devices is essential. Embedding accessibility into dissemination platforms, rather than placing the burden on disabled individuals to request accommodations, reflects true inclusivity.

Conclusion

By distributing a human rights policy in an inaccessible format, the university not only contradicts its purpose but also actively discriminates against the very individuals it aims to support. This practice is inherently ableist, prioritizing the needs of non-disabled individuals while marginalizing those with disabilities. To uphold its commitment to inclusivity and legal obligations, the university must provide the policy in accessible formats that accommodate all members of its community.

s. 40 (1)



17 Dear Policy Development Office,

Thank you for providing the draft Human Rights Policy and for the thoughtful effort behind it. [Redacted]

s. 40 (1)

[Redacted] I found the document challenging to engage with due to its dense formatting, heavy reliance on text, and lack of accessible alternatives.

s. 40 (1)

[Redacted] providing feedback on this issue. My initial comments emphasized that the format itself presented barriers to meaningful engagement for individuals with dyslexia and other reading or processing differences.

Feedback

Section 3: Accommodation

- Add a clear timeline for accommodation requests to be acknowledged and implemented.
 - Suggestion: Specify a timeframe for initial responses (e.g., within 5-10 business days) and for full implementation (e.g., within 20 business days), barring exceptional circumstances.
- Include guidance for communicating delays and offering interim measures if needed.

Section: Power Differential

- Add a clarifying note to acknowledge that "race" is used here due to its presence in legal frameworks (e.g., human rights laws), but the term is recognized as a socially constructed concept.
- Suggest including a statement advocating for evolving terminology, such as:
 - *"While 'race' is used in alignment with current legal frameworks, the University acknowledges that it is a socially constructed term. We support the transition toward more accurate language, such as 'ethnicity' or 'cultural background,' in legal and institutional contexts."*

Section 11: Appeals

	<ul style="list-style-type: none"> • Ensure the appeals process is accessible by providing clear instructions, reasonable timelines, and support for individuals who require accommodations or accessible formats. <p>Section 14: Support Services & Accessibility Across the Policy</p> <ul style="list-style-type: none"> • Ensure information about support services and all aspects of the policy are communicated in accessible formats, following best practices for dyslexia-friendly communication, as outlined in the British Dyslexia Association’s <i>Style Guide</i>. This includes: <ul style="list-style-type: none"> ○ Using dyslexic-friendly fonts (e.g., sans-serif fonts like Arial or Verdana) and plain language. ○ Avoiding dense blocks of text by incorporating headings, bullet points, and sufficient white space. ○ Providing multimodal formats, such as audio versions, visual guides, or simplified summaries. <p>Accessibility of Related Policies and Procedures</p> <ul style="list-style-type: none"> • Are the related policies, collective agreements, and procedures referenced in the document accessible or primarily text-based? For example: <ul style="list-style-type: none"> ○ 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 ○ And others listed in the draft. <p>If these policies are primarily text-based, consider making them available in alternative formats to ensure accessibility for neurodivergent individuals and those with disabilities.</p> <p>Section 15: Review Process</p> <ul style="list-style-type: none"> • Ensure the review process explicitly assesses whether the policy continues to: <ol style="list-style-type: none"> 1. Improve Accessibility: Evaluate whether the policy is presented in ways that all members of the University Community can understand and engage with, including individuals with disabilities or who are neurodivergent. 2. Promote Equity: Ensure the policy addresses systemic barriers and avoids disadvantaging marginalized or neurodiverse groups. <p>Thank you for considering this feedback. I look forward to seeing (and being part of) how the policy evolves to meet the needs of all members of the University Community.</p>
18	<p>Please find attached my detailed feedback on the draft Human Rights Policy currently open for consultations. While the policy reflects a commendable commitment to equity and inclusion, several areas require significant refinement to ensure clarity, feasibility, and alignment with institutional resources. Key recommendations include:</p> <ul style="list-style-type: none"> • Streamlining the definitions section for clarity and consistency. • Narrowing the scope of commitments to align with available expertise and resources, potentially through phased implementation. • Consolidating overlapping policies and processes to ensure consistency and reduce administrative burden. • Clearly defining the role of the Vice-Provost EDI-AR to focus on oversight and advocacy, with impartial investigations and decision-making conducted by an independent body. • Strengthening provisions for trauma-informed practices, specialized training, and collaboration with the Office of General Counsel to address legal implications.

These adjustments will help create a more practical and effective policy while maintaining the university's commitment to equity and human rights.

Detail Feedbacks:

1. Definitions Section (Section 3):

- The definitions provided are numerous and, in some cases, appear unnecessary, as not all defined terms are used within the policy. Streamlining this section to include only directly relevant terms would improve clarity and usability.
- Additionally, terms like "Gender Expression" and "Gender Identity" are not in alphabetical order and should be repositioned for consistency.

2. Ambitious Scope vs. Available Resources (Sections 4.2–4.10):

- While the policy's Guiding Principles (Section 4) reflect honourable aspirations, such as addressing systemic discrimination and adhering to international frameworks like UNDRIP, these commitments require significant expertise and resources. The policy fails to clarify how these resources will be secured or which individuals at the university, if any, possess the expertise to operationalize these principles.
- A phased or narrower implementation might be more realistic, focusing first on core human rights obligations before expanding to broader systemic goals.

3. Consolidating Related Policies and Managing Overlaps (General):

- There is significant opportunity to create a unified framework that bridges related policies and processes, such as the Sexual Harassment Office, the Safe Disclosure Process, and the Investigations Policy. All of these involve some form of investigation and decision-making, and having separate processes for each adds unnecessary complexity, administrative burden, and the risk of spreading expertise too thin.
- In keeping with models at comparator universities, such as the University of Calgary ([*Student Non-Academic Misconduct Policy*](#)), University of Saskatchewan ([*Standard of Student Conduct in Non-Academic Matters and Regulations and Procedures for Resolution of Complaints and Appeals*](#)), and Yukon University ([*Student Non-Academic Misconduct Policy*](#)), Memorial University could establish a single, overarching policy or process for all non-academic complaints and appeals involving every member of the university community including students, staff, and faculty. This would simplify procedures, reduce confusion, and ensure consistency in handling cases.
- Additionally, the policy must provide clear mechanisms to address overlapping issues where human rights concerns intersect with other policies (e.g., workplace respect or sexual harassment). Without such clarity, complainants may face delays or uncertainty about where to address their complaints.

4. Trauma-Informed Approach (Section 4.10):

- The commitment to a trauma-informed approach is once again commendable but unsupported by a clear plan for implementation. The policy does not specify how staff will be trained in trauma-informed practices or how these resources will be funded. Without these details, the policy risks over-promising while under-delivering on this critical element.

5. High-Stakes Investigations and Expertise (Sections 4.9, 5.4):

- Section 4.9 states that breaches of the policy may lead to disciplinary measures. Investigations of this nature require highly specialized skills. The Newfoundland and Labrador Human Rights Commission employs trained investigators for human rights complaints, and it is unclear where similar expertise will come from within the university.
- Section 5.4 assigns the Human Rights Advisor a pivotal role in the process but does not outline the qualifications or training required for this position. This omission raises concerns about the ability of the advisor to handle complex and sensitive investigations. Additionally, no clarity is provided

	<p>as to where the Human Rights Advisor will be positioned within the University. Are they to have a dedicated office much like the Sexual Harassment Advisor?</p> <p>6. Impartiality and Overreach of the Vice-Provost EDI-AR (Sections 5.5, 9.7, 10.2):</p> <ul style="list-style-type: none"> • The Vice-Provost EDI-AR is tasked with supporting individuals who feel discriminated against while also overseeing investigations and making recommendations to decision-makers (Section 5.5). These dual responsibilities create inherent conflicts, as advocacy for complainants may compromise the perception of neutrality required for adjudication. The role of the Vice-Provost EDI-AR should be refocused on policy oversight, education, and advocacy for equity and inclusion, removing direct involvement in investigations and adjudications to maintain impartiality. • Section 9.7 implies that the Vice-Provost EDI-AR evaluates evidence and determines whether a complaint has sufficient merit to proceed. This dual involvement in both investigative and adjudicative processes undermines impartiality and risks eroding trust and integrity in the process. Best practices recommend a clear separation between the roles of investigator and decision-maker. If the Vice-Provost EDI-AR retains a role in evaluating evidence, which they should not, Investigations should be conducted by a separate office or team ensure impartiality and expertise in handling evidence. • The Vice-Provost EDI-AR holds significant decision-making power over the complaints process, including approving interim measures (Section 10.2), validating complaints, and recommending outcomes (Section 5.5). Concentrating so much authority in one individual creates a bottleneck and potential for perceptions of bias. • The extensive responsibilities assigned to the Vice-Provost EDI-AR risk overwhelming the office, especially given the likely volume of complaints. This could lead to delays, inefficiencies, and diminished quality in addressing concerns. <p>7. Operational Feasibility:</p> <ul style="list-style-type: none"> • The policy's broad scope could lead to a high volume of complaints, many of which may be general or generic. Without sufficient resources and expertise, the office tasked with administering the policy risks being overwhelmed. A simpler, phased approach such as starting with a human rights statement, the consolidation of existing non-academic complaints and appeals procedures laid out above, and an advisory office to provide guidance and referrals is likely more practical. <p>8. Legal Implications of Internal Findings:</p> <ul style="list-style-type: none"> • In a case in which the university internally finds a human rights violation has occurred and the complainant later files a complaint with the Newfoundland and Labrador Human Rights Commission, this would create a significant legal challenge. An internal finding could be seen by the commission as an admission of liability. This relationship between internal findings and external legal processes must be carefully articulated. Closer collaboration and development of this policy with the Office of General Counsel is strongly recommended.
19	<p>This policy seems to identify various roles and a huge responsibility to the Vice Provost EDI-AR. At times the roles appear to be contradictory. The Authority for the policy is the provost but yet they seem to play no role other than to be a campus head.</p> <p>The document also appears somewhat quiet on issues of disability.</p> <p>There is no good sense of how other policies work in coordination with this policy.</p> <p>If the university was challenged through the provincial system, there would be no apparent defense if this process was followed.</p>

Detail Feedbacks:

1. Purpose Section: this section offers formatting challenges - see comments further on in the document.

2. Definition Section:

- I'm not clear why some of our definitions are not the same as the definitions used in the Act 2010. For example "(j) "harass" means to engage in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome" or "(k) "marital status" means the status of being single, engaged to be married, married, separated, divorced, widowed or 2 people living in the same household as if they were married;"

- 6 pages of definitions seems excessive - is there not a way that these can be pulled out into a separate document?

+ **Academic Accommodation:** refer to a change: should the word 'reasonable' be inserted? if yes, I would then suggest following with a definition of a reasonable academic accommodation: For example "Reasonable Academic Accommodation means a form of academic accommodation that addresses the limitations experienced by a student with disabilities in a manner that allows them to meet the essential requirements of a course or program of study, without resulting in undue hardship to the University. There will often be a range of reasonable academic accommodations available, and a student might not be entitled to their preferred accommodation. Because of the differences between the academic environments, students may not be entitled to the same form of accommodation that they received at a prior time in their education history (e.g. while in high school or college)."

https://www.uwo.ca/univsec/pdf/academic_policies/appeals/Academic%20Accommodation_disabilities.

+ **Advisor** —The University's Human Rights Advisor: should this be singular or would there be an occasion where this could be or should be plural? Who is this person? Where are they located?

+ **Head of Campus:** There seems to be a difference in role. The provost cannot delegate, the VP Grenfell can delegate (assuming both to be delegated to the next leadership level down) but the VP MI is not included - MI 'authority starts at the AVP level and can delegate down again? There is a definite mismatch in hierarchical authority.

- For the St. John's Campus, the Signal Hill Campus, the Harlow Campus and the Labrador Campus – Provost and Vice President (Academic): no delegate but yet the other campus locations have a delegate?
- For the Marine Institute –Vice-President (Academic) and Student Affairs and Services, Marine Institute or delegate: Isn't this **Associate** Vice-President (Marine Institute) Academic and Student Affairs (Angie Clark?)

+ **Investigator:** ... delegate Vice Provost EDI-AR..: not clear how the Vice Provost EDI-Ar fits in this sentence. Is it intended to read "...appointed by the Head of Campus or delegate, or Vice Provost EDI-AR..."? If yes, why is the Vice Provost EDI-AR involved here?

+ **Student:** this definition is not supported through academic governance.

+ Unit heads: ...associate vice-presidents...: isn't the intention to have the AVP Academic and Students at MI be the Campus head? Also, the calendar states academic unit heads to be "Head of academic unit: includes but is not limited to **co-ordinator**, dean, department head, division head, associate vice-president academic, vice-president, or equivalent."

3. Legal Framework Section

- "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.”: if this is the stated case, I again encourage standardization with definitions/identified regulatory documents.

4. Guiding Principles Section

- 4.1. I assume that this is referencing the 'inclusive' word in the Vision? "Our Vision Through innovative scholarly activities, grounded in **inclusive**, interdisciplinary practice, and as responsive partners, we help create healthy communities, and effective health systems."
- 4.2. Recognizing that I am not an expert in this field, several of these items appear to be stating the same thing but slightly differently. couldn't 4.2 4.3 and perhaps even 4.4 not be combined to provide for one strong statement?
- 4.5. how does a 'holistic policy instrument' leave us in the space of code of rights and responsibilities and the Sexual Harassment and Sexual Assault policy?
- 4.8. greater or lesser rights and benefits as defined by whom?
- 4.10. This includes training staff and including a key Trauma Informed Counsellor...: who is this? 'a key Trauma Informed Counsellor'? Do we have TIC who are not key? the 6 pages of definitions do not define this role or individual.

5. Roles and Responsibilities Section

- 5.1.or a Non-University person...: I assume that this is a non-university person on university grounds, at a university event, etc?
- 5.2. again, this position does not exist does it? Isn't it the VP Marine 'Institute and the AVP (Academic) and Student Affairs. the title is even written differently in the two sections. In the previous section it is written as "Vice-President (Academic) and Student Affairs and Services, Marine Institute " Also, here the Provost gets a delegate, above they do not.
- 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
- + not clear on the benefit of including the word 'functionally' here.
- + this last sentence seems more job descriptionish rather than policy worthy.
- 5.5. ... Vice Provost, the EDI-AR Office...: this is written differently above - office of the Vice Provost EDI-AR. consistency is key.
- 5.6.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;...
- + this sentence isn't structured to complement the 5.6 statement of "Prevention of Violation of Human Rights is a shared responsibility of:"
- + Previously education was identified as the responsibility of the Vice Provost EDI-AR to ensure that the office of the Vice Provost EDI-AR provides education. So, shouldn't this be a collaborative responsibility here?
- 5.7.1. Why is the numbering here 5.7.1, 5.7.2 but above the formatting is 5.6 i, ii?
- 5.7.2. model...: why is this not capitalized?
- 5.7.6. capital?

6. Reporting of Human Rights Violations Section

- 6.1. This has non university people being able to bring about a complaint against a non university person - no clarifier is being offered? Taken at value, anyone could complain against anyone regardless of their tie to the university grounds, teaching, research, working. Is that the intention? Also, a definition of "university community' is not provided. Are alumni part of the university community - I assume that alumni Relations would think that they are?

- 6.2. I'm not clear on this sentence. A bystander may anonymously bring forward a concern but the individual "respondent" will not be investigated or have consequences if found to have been in breach of the policy? What is the point then?
- 6.4. isn't this repetitive to sections above?
- 6.5. ... Member(s) of the University community...: why is this not capitalized as in previous places?
- 6.6. ... take appropriate steps...: what does this mean?
- 6.7. ... 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.
- + the term Advisor and human Rights Advisor seem to be used interchangeably in this document- is that correct?
- + this is one position that is not defined. Should Student Life have an identified individual? The Dean of Students perhaps?
- 6.8. isn't this repetitive from various other sections above?
- 6.9. ... if the incident happened at any of the University campuses or on online activity related to Memorial: so a student workplace incident should not be reported? A workplace for a student would not be a campus or an online activity.
- 6.10. ... the Human Rights Advisor...: I thought that this position was intended to be non biased? If yes, why are they participating in decision making at this point?
- 8. Confidentiality Section**
- 8.2. isn't this covered in other university policies?
- 8.4. In cases where the Respondent is an employee of the University...: so non university people do not have the right to receive information?
- 9. Process Section**
- 9.1. Consultations in any form (Anonymous (1), via email, telephone, in-person meetings, virtual consultation (2)). Depending on the nature of the Concern or Complaint, it may be necessary for the Advisor to travel to the respective campus (3).
- + (1) but earlier anonymous information was said to be not used against respondents.
- + (2) written correspondence?
- + (3) at a cost to what unit?
- 9.2.c. what happens in the process if the complaint is against the Vice Provost EDI-AR, a Campus head, or the Human rights Advisor?
- 9.3. & 9.4. these don't appear to be stand alone items. Is this part of the formatting issue identified earlier?
- 9.5. ...it will be led by the Advisor...: how is the advisor expected to be the point of contact for consultation, advice, decision making and then also serve in the role of mediator?
- 9.7. where is it stated that the Vice Provost EDI-AR is the investigator? How are they then making impartial decisions necessary in other parts of this document if they are the investigator?
- + "the Complaint shall lead to the closure process as defined in the University-Wide Procedures for Human Rights Concerns and Complaints.": is there an appeal process for this decision?
- 10. Interim Measures Section**
- 10.2. ...Office of the Chief Risk Officer ...: remove given recent news. Some reference to CEP should be included.
- 10.4. remove "Office of the Chief Risk Officer;" previously there is no 'the' in front of General Counsel
- 11. Appeals Section**
- ...right to appeal or grieve decisions...: what is the difference? Is grieve being used in the collective bargaining sense? If yes, is that correct?
- 12. Retaliation Section**

	<p>- 12.2. ...<u>A breach of confidentiality by any person with respect to a Concern or Complaint may also constitute retaliation.</u>: does this need to be stated because the earlier section addresses breaches of confidentiality. If it doesn't deal with it appropriately, should all items relating to confidentiality be together?</p> <p>- 12.3. this seems repetitive and able to be included in an earlier point.</p> <p>15. Review Section</p> <p>- five (8): ?</p> <p>- appointed by: all of these positions are to be part of the committee or to be making the appointments to the committee? Is there a defined chair?</p> <p>16. Records and Retention Section</p> <p>16.2. are records kept where the complaint was not substantiated?</p> <p>16.3. can this sentence not be combined with 16.1?</p>
20	<p>Feedback on Human Rights draft Policy</p> <ul style="list-style-type: none"> · It's not clear to me when this policy would be used. Some of the items listed under the purpose are covered by other existing policies. · Not all definitions can be found in the policy. Not all the definitions are consistent with the definitions used in existing policies. · The University-Wide Procedures for Human Rights Concerns and Complaints is mentioned several times throughout. A copy of this document would help inform this policy. · Section 4.6 refers to a number of policies that would be used for reporting and addressing human rights violations, but it does not list the policy and procedures from the Faculty of Medicine. Medicine has the Policy for Prevention and Resolution of Medical Learner Mistreatment in the Faculty of Medicine, the Procedure for the Resolution of Medical Learner Mistreatment in the Faculty of Medicine, and the Anonymous Disclosure of Learner Mistreatment. · Section 5.5 mentions an EDI-AR Office. Will this be a standalone office? · Section 6 - Is there a difference between a bystander and a non-university person with respect to how complaints are received and reviewed. The scope of the policy indicates that the policy is for all members of the university community. · Section 6 speaks to the reporting however it is not clear what happens. Do all complaints go to the Vice Provost EDI-AR to discuss with the head of campus/unit or just when the Advisor feels there is a concern for safety and security. · Section 6.2 says there is anonymous reporting but will not result in an action. However, Section 9.1 says there will be consultations in any form so I'm not clear what happens to anonymous reporting. · Sections 9.4 and 9.5 speak about informal process and mediation. Is there a difference in these two processes? · Section 10.2 - the Chief Risk Officer which will need to be changed

	<ul style="list-style-type: none"> · Section 13 - Accommodations - not clear when this section applies. · Section 14 – speaks to support services. I didn't see any reference to complainants or respondents being allowed to have support people with them when they attend any meetings or attend any of the processes outlined.
21	<p>Thank you for the opportunity to provide feedback on the proposed Human Rights policy. I have read the draft policy and would like to raise the following comments and questions for your consideration:</p> <ol style="list-style-type: none"> 1. Would it be possible to also share the associated procedures for informal and formal resolutions related to this new policy? Those details would be helpful for providing feedback on the draft. 2. As an overarching policy it is unclear when this policy would be invoked. There needs to be clear examples provided in any follow-up communications as part of the education and implementation of this policy. For example, section 4.6 says complaints related to existing policies would be “handled exclusively” through these policies while section 4.7 says “should other policies provided lesser rights or benefits, this Policy shall prevail” There seems to be a disconnect which could be confusing for both complainants and respondents. 3. The list of definitions is extensive. I noticed that some of the terms used are not referenced in the policy for example: “disfigurement” and “poisoned environment” -perhaps these terms will be in the procedure? 4. Section 4.6 does not reference the related human rights policy and procedures used in the Faculty of Medicine. The mistreatment policy includes an informal and formal complaints process available here: Policy for Prevention and Resolution of Medical Learner Mistreatment in the Faculty of Medicine, the Procedure for the Resolution of Medical Learner Mistreatment in the Faculty of Medicine, and the Anonymous Disclosure of Learner Mistreatment. 5. I'm not clear on the process for handling anonymous complaints. Section 9.1 references consultations in any form including anonymous consultations with the Advisor. However, section 6.2 also references anonymous concerns. Need clarity around what will happen to anonymous reports (i.e., will these be used to identify trends, annual summary reports, meeting with the unit head, etc...). 6. The Mistreatment policy used in the Faculty of Medicine should be referenced in the related links at the end of the policy 7. Related links and listing of definitions should be in alphabetical order 8. Has a time frame been identified for the Appeals process in Section 11? 9. Could section 4.3 and 4.5 be reworded- they seem similar-statements of commitment/guiding principles.

Human Rights (New)

s. 29 (1) (a)

Public Feedback

A draft of the Protected Disclosure Policy and Procedures that was posted from October 21, 2025, to November 6, 2025, the Policy Office received five (5) responses. To ensure anonymity, protect privacy, and ensure an unbiased review of all feedback received, we have endeavoured to serve all identifying features from the correspondence.

The content of the submission was reviewed to ensure respectful discourse is maintained.

Note: A previous Draft of Human Rights Policy, will be posted from October 2, 2024 to December 6, 2024. The Policy Office received 21 individual responses. This report was shared with relevant offices at that time.

1	<p>I am very disappointed that there is no reference in the new human rights policy to neurodiversity or neurodiverse individuals.</p> <p>Disappointed but not surprised.</p>
2	<p>To have a human rights policy administered out of the Vice Provost (EDI-AR) Office is inappropriate. Nothing specific to that office is the problem, but if the complaint process is to be fair, it cannot be administered by ANY office within the university. Such a system inherently raises questions about whether complaints against the university will be heard in a fair manner, and whether this is not simply a mechanism to steer complaints away from the independent provincial human rights office.</p> <p>If this policy is to be seen as one that is meant to uphold human rights, as opposed to merely managing complaints by steering them to a compliant internal office, then it must establish an ombudsperson-type office that is independent of the administrative structure of the university. You cannot have an institution adjudicate human rights complaints directed when they are directed at that same institution. While the policy may be well-intentioned, the process described does not have any credibility unless the complaints process is independent of, and shielded from, the administrative bodies at which human rights complaints are likely to be directed. That's why federal and provincial human rights offices are independent – we need the same at MUN to make sure the process has integrity.</p>
3	<p>[Warning this submission is particularly harmful and should be viewed with caution and care. The general sentiment is that this person disagrees with EDIAR on principal. It has no direct links to the terms or language in the policy.]</p>
4.	<p>In reviewing the HR policy, suggest we link out to (point to) legislatively grounded definitions rather than repeat or we may run into the situation that the policy's definitions don't align with the higher-level authority.</p>

NOTE TO APPLICANT: The feedback for item 3 can be located on pages 35 and 36.

IAP Office

5 After reviewing the draft *Human Rights Policy (2025)*, I wish to provide formal commentary as part of the consultation process. [REDACTED]

s. 40 (1)

[REDACTED] I therefore submit the following observations and recommendations with the intent of strengthening the policy so that it meaningfully protects all members of the University community.

1. Absence of Timelines and Procedural Clarity

The draft policy provides no defined timeframes for acknowledging, investigating, or resolving human rights complaints. The lack of procedural timelines has historically resulted in delayed or unresolved matters, which undermines trust in the University’s commitment to equity and justice.

Recommendation: Establish mandatory response and resolution timelines consistent with provincial human rights standards—e.g., acknowledgment within five (5) business days, preliminary review within thirty (30) days, and initiation of mediation or investigation within sixty (60) to ninety (90) days.

2. Accountability of Administrators and Supervisors

The policy lacks enforceable accountability mechanisms for individuals in supervisory or administrative roles who fail to act on reports of discrimination or harassment. In practice, this gap allows inaction and retaliation to go unaddressed as I experienced first hand.

Recommendation: Incorporate clear obligations for administrators to intervene promptly when human rights concerns arise, and specify disciplinary consequences for failure to act or for retaliatory conduct.

3. Independence and Conflict of Interest

Assigning human rights oversight to the Office of the Vice-Provost (EDI-AR) risks perceived or actual conflicts of interest, as the office ultimately reports within the same administrative structure that may be subject to complaint.

Recommendation: Establish an independent **Human Rights Office or Ombudsperson** reporting directly to the President or Board of Regents. This would align MUN’s structure with best practices at comparable universities and ensure impartiality in complaint handling.

4. Protection Against Retaliation

The policy should explicitly prohibit retaliation against individuals who report or support a human rights complaint. [REDACTED]

s. 40 (1)

Recommendation: Include a strong anti-reprisal clause guaranteeing that no member of the University community shall suffer disadvantage, discipline, or exclusion for asserting their rights or supporting others in doing so.

5. Integration and Simplification of Related Policies

The draft cross-references several other policies (Respectful Workplace, Sexual Harassment, Student Code of Rights, etc.) without explaining how jurisdictional overlap will be managed. [REDACTED]

[REDACTED] this creates significant confusion and procedural fatigue for complainants. **Recommendation:** Implement a single intake process under the Human Rights Advisor, with a

clear procedural flowchart showing how complaints are triaged, which policy applies, and what timelines and rights are in place at each stage.

6. Transparency and Public Accountability

No provision requires the University to publish annual, anonymized data about complaints, outcomes, or systemic trends. Transparency is essential to demonstrate accountability and continuous improvement. This should be addressed in a publicly funded University

Recommendation: Require the Vice-Provost (EDI-AR) to produce an **annual Human Rights Report**, disclosing aggregate data on complaints, resolutions, and institutional actions taken.

7. Mandatory Education and Prevention

Education is mentioned but not operationalized. To be effective, human rights awareness and bystander intervention must be continuous and measurable.

Recommendation: Mandate annual training for all employees and administrators, with completion tied to supervisory eligibility and renewal of appointments, especially in traditionally masculine schools such as the Marine Institute and the School of Engineering.

8. Trauma-Informed and Complainant-Centered Processes

Although the draft references trauma-informed practice, it provides no tangible support for complainants.

Recommendation: Offer access to independent support persons, legal assistance, and counseling for individuals pursuing complaints, and ensure all investigators and managers are trained in trauma-informed investigation methods.

9. Institutional Culture and Accountability

As a public academic institution, Memorial University must exemplify the human rights values it teaches. Policy language alone will not eliminate discrimination unless the University's leadership commits to transparency, timely action, and the consistent enforcement of consequences for policy violations. A culture of silence and impunity must be replaced by one of courage and accountability.

This proposed Human Rights Policy represents an important opportunity for Memorial University to rebuild trust and demonstrate its commitment to fairness, safety, and inclusion - one that I did not experience as an employee. To achieve this, the policy must move beyond aspirational language and establish enforceable standards, independent oversight, and genuine protection from retaliation.

Of all institutions, a university should model integrity, compassion, and justice. Memorial's policy must reflect not only its legislative obligations but its moral responsibility to ensure that no individual—student, faculty, or staff—is ever again made to feel powerless in the face of discrimination.

Thank you for the opportunity to provide input.

Dawe, Emily Abigail

From: ViceProvostEDIAR
Sent: Thursday, November 6, 2025 5:29 PM
To: Lokash, Jennifer
Cc: Worsfold, Scott; Evans, Rhyder John; Anderson, Catherine
Subject: FW: human rights policy

Great Evening Dr. Lokash,

Normally, this kind of information would go directly to the policy office, which you have copied here. In consultation process at Memorial, the policy office receives the feedback and passes it on to the office that is responsible for the policy.

s. 29 (1) (a)

[Redacted]

[Redacted]

s. 29 (1) (a)

[Redacted] so I have also copied Catharyn to whom I report and who is also a member of the Human Rights working group.

s. 29 (1) (a)

Thank you.

Dr. Delores V. Mullings
Professor
School of Social Work
Vice-Provost Equity, Diversity, Inclusion and Anti-Racism
Memorial University
230 Prince Phillip Drive
St John's NL, Canada
A1B 3P7

<https://www.mun.ca/edi-ar/>



Forthcoming Publications:

In Her Arms: Love and Legacy of Black Mothers and Daughters

<https://demeterpress.org/books/in-her-arms-love-and-legacy-of-black-mothers-and-daughters/>

Recent publications

African, Caribbean and Black People's Resilience during COVID-19:

<https://demeterpress.org/books/african-caribbean-and-black-peoples-resilience-during-covid-19/>

Resources

Africentric Social Work <https://fernwoodpublishing.ca/book/africentric-social-work>

Decolonizing post-secondary classrooms for rockstar learners <https://youtu.be/SW0chDCifPQ>

Decolonization of the classroom <https://scwk6314.wixsite.com/website>

Take action against anti-Black racism <https://munscwk63146.wixsite.com/spring2020>

"You can't separate peace from freedom because no one can be at peace unless he has his freedom." Malcolm X

Just like moons and like suns, With the certainty of tides, Just like hopes springing high, Still I'll rise (Maya Angelou, 1978)

We acknowledge that the lands on which Memorial University's campuses are situated in the traditional territories of diverse Indigenous groups, and we acknowledge with respect the diverse histories and cultures of the Beothuk, Mi'kmaq, Innu, and Inuit of this province.

We acknowledge the labour theft extracted from people of African descent, used to build European wealth and economies globally, and in the Canadian nation state, including Newfoundland and Labrador's shipbuilding and cod fishery industries through the violence of trans-Atlantic enslavement.

From: ViceProvostEDIAR <viceprovostediar@mun.ca>

Date: Thursday, November 6, 2025 at 4:19 PM

To: Mullings, Delores <dmullings@mun.ca>

Subject: FW: human rights policy

Hello Dr Mullings,

Please see below as discussed.

Kind regards,

From: Lokash,Jennifer <jlokash@mun.ca>

Sent: Thursday, November 6, 2025 1:03 PM

To: ViceProvostEDIAR <viceprovostediar@mun.ca>; Worsfold, Scott <dsworsfold@mun.ca>; Evans, Rhyder John <rhyder.evans@mun.ca>

Cc: Vice-President (Academic) <vpacad@mun.ca>

Subject: FW: human rights policy

Hi folks,

Copying the 3 of you because I'm not sure who is compiling feedback on the consultations around the Human Rights draft policy. Sharing the below in case this individual only wrote to me and the president.

Cheers,

Jennifer

From: Vice-President (Academic) <vpacad@mun.ca>

Date: Thursday, November 6, 2025 at 9:29 AM

To: Lokash, Jennifer <jlokash@mun.ca>

Subject: FW: human rights policy

FYI

-----Original Message-----

From: [REDACTED] s. 40 (1)

Sent: Thursday, November 6, 2025 3:35 AM

To: Policy <policy@mun.ca>

Cc: Vice-President (Academic) <vpacad@mun.ca>; President, The <munpres@mun.ca>

Subject: human rights policy s. 40 (1)

[REDACTED]

[REDACTED]

[REDACTED]

s. 40 (1)