

## Policy

<b>Policy Title</b>	Anti-Indigenous Racism and Other Forms of Discrimination
<b>Policy Holder</b>	President's Office
<b>Policy Approver(s)</b>	Senior Team
<b>Related Policies</b>	Acceptable Use of IT Code of Conduct Health and Safety Policy Investigation Protocol Non-Academic Complaints Process Records Retention Respectful Work and Learning Environment Student Code of Conduct Violence-Free Work and Learning Environment Workplace Discipline Occupational Health & Safety Act
<b>Related Procedures</b>	Address Anti-Indigenous Racism and Other Forms of Discrimination
<b>Appendices</b>	
<b>Storage Location</b>	Website - <a href="https://www.confederationcollege.ca/policies-and-procedures">https://www.confederationcollege.ca/policies-and-procedures</a>
<b>Effective Date</b>	2025-01-22
<b>Next Review Date</b>	2028-01-22

### **PREAMBLE (from the Negahneewin Vision 2012-2022)**

Confederation College is situated on the shores of Lake Superior which is the traditional land of Indigenous peoples. This historical meeting place called Anemki Wahjewe is home to the Anishinaabe. Traditionally, the Great Lakes enabled Indigenous peoples to gather for trade, alliance building, and decision making. Upon the arrival of European settlers these waterways supported the intercultural exchange that occurred. Today, Indigenous peoples and Canadians are coming to terms with the legacy of colonialism. The prospect of renewed relationships and reconciliation processes are ongoing. It is against this backdrop that Confederation College acknowledges that it is on Indigenous land. In recognition of this colonial history Confederation College is embarking on renewed relationships with Indigenous peoples as partners for change in education.

### **Purpose**

To foster an inclusive, equitable, and respectful College community that is free from racism and hate. Confederation College acknowledges its responsibility to address all forms of racism and discrimination, including but not limited to anti-Indigenous racism, anti-Black racism,

antisemitism, and Islamophobia, as well as other forms of discrimination based on race, ethnicity, or related identities.

This policy seeks to:

- Eliminate systemic, institutional, and interpersonal discrimination;
- Empower individuals within the College community to identify, prevent, and address incidents of discrimination;
- Provide clear mechanisms for reporting, responding to, and remedying such incidents; and
- Promote proactive strategies such as education, dialogue, and de-escalation to prevent harm and foster a welcoming campus culture.

This commitment aligns with the principles of reconciliation and is guided by the Ontario Human Rights Code and the College's dedication to equitable treatment for all.

## Scope

This Policy applies to all members of the College community, including, but not limited to:

- Governors, employees, students, student associations, contractors, suppliers, lessees/renters of space, volunteers, and visitors.

It governs behavior and incidents that occur:

- On College premises: Including classrooms, offices, common areas, and other physical locations.
- Off College premises: Where activities are directly related to College business, such as:
  - College-sponsored events and functions;
  - Academic or work-related travel; and
  - Virtual spaces such as online learning platforms, email communications, and social media interactions linked to College activities.

This policy does not apply to incidents that occur off College premises unless it involves specific College business (i.e. work placement situations). When incidents fall outside the College's jurisdiction but still impact members of its community and their ability to work, study, or otherwise access the College, the College will investigate and respond where feasible and appropriate, and support impacted individuals by providing resources and information on how to access external avenues of redress such as those established by the Social Justice Tribunals of Ontario, or the court system.

## Definitions

The following terms may be helpful in understanding and applying this Policy. Further definitions may be found in the *Companion Guide* to this Policy.

### Anti-Hate

Policy, procedure, and practices that prohibit actions and speech designed to frighten, harm, injure, intimidate, or harass others due to their actual or perceived race, religion, ethnic background or sexual orientation of the victim.

**Anti-Racism**

A process that acknowledges the existence of systemic discrimination and racism and, through policies and practices, seeks to actively identify, challenge and end systemic racism in all its various forms.

**Bystander**

An individual who witnesses an incident of discrimination or harassment but is not part of it.

**Complainant**

The person who makes a complaint to the College regarding concerns about racism or discrimination.

**Discrimination:**

Unfair treatment or denial of rights based on grounds protected under the Ontario Human Rights Code.

**Harassment:**

a course of conduct that is known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are embarrassing, offensive, humiliating, demeaning or unwelcome, based on a ground under the Code. Examples of harassment include:

- Epithets, remarks, jokes or innuendos related to a person's race;
- Posting/circulating offensive pictures, graffiti or materials, whether in print form or via e-mail or other electronic means;
- Comments ridiculing a person because of characteristics related to a Code ground. This includes comments about a person's dress, speech, and practices related to their creed.

**Intersectionality:**

The interconnected nature of social categorizations such as race, age, gender, sex, sexuality, ability and other factors, which create overlapping systems of discrimination or disadvantage. Understanding intersectionality is essential to addressing the unique experiences of individuals who face multiple forms of oppression.

**Knowledge Keeper**

A person recognized by their community as someone to be trusted and respected for the knowledge they hold. For the purposes of the Restorative Justice Circle, an ideal Knowledge Keeper is someone who is known and respected by the complainant and/or respondent, who is recognized for their knowledge of the issues under discussion, and who is a member of the College community. A Knowledge Keeper, for the purposes of this Policy, may also be an Elder.

**Microaggressions:**

Subtle verbal or nonverbal behaviors that convey negative or derogatory messages to individuals based on their membership in a marginalized group. Examples include dismissive comments, stereotyping, or exclusionary actions. Microaggressions may be intentional or unintentional.

**Poisoned Environment**

A workplace, classroom, or other setting where pervasive discriminatory conduct or attitudes create an intimidating or offensive atmosphere, even if not directed at a specific individual.

**Racism**

An ideology that either directly or indirectly asserts that one group is inherently superior to others. It can be openly displayed in slurs, jokes, microaggressions, or hate crimes, and is often deeply rooted in attitudes, values, and stereotypical beliefs. Racism operates at several levels: individual, systemic, and societal.

**Respondent**

The person who is accused in, or is responding to, the complaint of racism or discrimination.

**Restorative Justice**

A model adopted in numerous jurisdictions across Canada as an alternative to the mainstream justice system, based on an understanding of traditional models of justice practiced by Indigenous peoples. Encourages dialogue among victims and offenders to construct plans of action that hold offenders accountable and meet victims' needs.<sup>1</sup> The method is "restorative" because its ultimate objective is to restore (heal) community relationships. For this to happen, the offender must make themselves accountable to the community.

**Systemic Discrimination**

Patterns of behavior, policies, or practices that are part of the structures of an organization and create or perpetuate disadvantage for racialized or marginalized groups, even when no individual intent to discriminate is present.

**Governing Laws and Regulations**

Academic Collective Agreement

<https://www.confederationcollege.ca/human-resources-services/collective-agreements>

Anti-Racism Act, 2017, S.O. 2017, c. 15

<https://www.ontario.ca/laws/statute/17a15>

Human Rights Code, R.S.O. 1990, c. H.19

<https://www.ontario.ca/laws/statute/90h19>

Indigenous Education Protocol (CICan)

<https://www.collegesinstitutes.ca/policyfocus/indigenous-learners/protocol/>

Negahneewin Vision

<https://www.confederationcollege.ca/negahneewin-research-centre/what-is-negahneewin>

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<sup>1</sup> David R. Karp and Thom Allena, *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility and Reawakening the Spirit of Campus Community* (Springfield, IL: Charles C. Thomas, 2004), 7.

Support Staff Collective Agreement

<https://www.confederationcollege.ca/human-resources-services/collective-agreements>

Strengthening Accountability and Student Supports Act, 2024, S.O. 2024, c. 11 - Bill 166

<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-166>

Terms and Conditions of Employment for Administrative Staff

<https://www.confederationcollege.ca/human-resources-services/admin-staff-files>

United Nations Declaration on the Rights of Indigenous People

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

## Policy Statements

1. Confederation College affirms its commitment to human rights, and to the principle that every member of the College community has a right to equitable treatment without harassment or discrimination based on grounds prohibited by the Ontario Human Rights Code, including race, ancestry, sex, sexuality, gender, colour and ethnic origin.
  - a. Policies and procedures related to anti-racism and anti-hate will all be located in an accessible, central platform, and provide guidelines for reporting incidents and accessing support services.
2. In alignment with the Ontario Human Rights Code, Confederation College is committed to:
  - a. Conducting equity audits to identify and address systemic barriers;
  - b. Providing mandatory training on anti-racism, de-escalation, and conflict resolution for staff, faculty, and student leaders; and
  - c. Ongoing awareness initiative to educate the College community about forms racism and hate, such as anti-Indigenous racism, homophobia, transphobia, antisemitism, and Islamophobia.
3. Stakeholder consultation and engagement is integrated into the development and evaluation of anti-hate policies and procedures and reporting. This may take the form of:
  - a. Representation from student associations and employee resource groups representing marginalized communities; and
  - b. Annual feedback sessions to evaluate the effectiveness of implemented changes.
4. Confederation College recognizes the intersection between anti-racism and anti-hate efforts and the principles of academic freedom and freedom of expression. However, freedom of expression must not serve as a shield for the expression of hate speech or a justification for discriminatory behaviour. Any college community members concerned about potential discrimination or hate has the right to make a complaint to initiate an investigation.

- a. Complaints under this policy will be dealt with using the *Procedure to Address Anti-Indigenous and Other Forms of Racism*
5. Confederation College is committed to tracking and reporting data on complaints annually. Reports will include the number and types of complaints, demographics aligned with the Ontario Human Rights Code, as well as resolution outcomes and timelines. Privacy and confidentiality will be ensured while also providing transparency to the community and stakeholders in reporting.
- a. Metrics such as the reduction of complaints, increased awareness of reporting mechanisms, and stakeholder feedback will be included in annual reporting.
6. Complainants and respondents have several rights that the College will ensure through the investigation process:
- a. The complainant has the following rights:
    - i. to be treated with fairness, dignity, and respect;
    - ii. to be given access to available support and resources throughout the investigation process;
    - iii. to prompt assistance with safety planning including interim measures such as restriction of campus access, relocation of workspaces, or no-contact directives to protect all parties during investigations;
    - iv. to prompt information about referrals to available on/off campus support services and resources;
    - v. to have the process explained to them in an accessible way, including possible outcomes;
    - vi. to have their personal information kept private unless they have agreed to share it, except in limited cases where disclosure is required by law (collective agreement, or criminal/civil proceedings);
    - vii. to be told when their personal information will be shared, as listed above;
    - viii. to present their experience, and to respond to the other participant's information;
    - ix. to be accompanied by a support person;
    - x. to representation through their collective agreement, if they are a unionized employee;
    - xi. to refuse to participate in aspects of the investigation;
    - xii. to appeal (within an appropriate time) or file a grievance in relation to a decision by the College not to investigate;
    - xiii. to updates on the status of the investigation process;
    - xiv. to have opportunities to engage in alternative resolution processes where appropriate;
    - xv. to receive written notice of the outcome of a resolution or determination that impacts them;
    - xvi. to receive written notice of the outcome of any appeal or grievance that impacts them;
    - xvii. to a decision-maker in the investigation who will be impartial and unbiased.

- b. The respondent has the following rights:
  - i. to be treated with fairness, dignity, and respect;
  - ii. to be given access to available support and resources throughout the process;
  - iii. to receive prompt notice and information about the allegations against them;
  - iv. to be presumed to have not violated this policy until a fair investigation is completed;
  - v. to be included in any, including interim measures such as restriction of campus access, relocation of workspaces, or no-contact directives to protect all parties during investigations;
  - vi. to have the process explained to them in an accessible manner, including the possible outcomes;
  - vii. to have their personal information kept private unless they have agreed to it being shared, except in limited cases where disclosure is required by law (collective agreement, or criminal/civil proceedings);
  - viii. to be told when their personal information will be shared, as listed above;
  - ix. to present their experience, and to respond to the other participants' information;
  - x. to be accompanied by a support person;
  - xi. to refuse to participate in aspects of the investigation (with understanding that the process will still take place without them);
  - xii. to notice about the outcome of an investigation and any consequences related to that outcome;
  - xiii. to appeal (within an appropriate time) or file a grievance in relation to a decision by the College;
  - xiv. to receive updates on the status of the investigation process;
  - xv. to opportunities to engage in alternative resolution processes where mutually agreed upon and appropriate;
  - xvi. to receive written notice of the outcome of a resolution or determination that impacts the respondent;
  - xvii. to a decision-maker on the investigation who will be impartial and unbiased.

## **Non-Compliance**

Anyone in the Confederation College community who infringes a right protected by the Ontario Human Rights Code shall be subject to complaint procedures, remedies and sanctions in the College's policies, codes, regulations and collective agreements, and to such discipline as may be appropriate in the circumstances.

## Revision History

Version	Change	Author	Date of Change
Original	New	President's Office	
V2	Regular review and split procedure from policy	Senior Team	2021-11-03
V3	Regular review, updated policy statements and definitions, amended as per <i>Minister's Anti-Racism/ Anti-Hate Directive, Strengthening Accountability and Student Supports Act, 2024</i> .	Equity, Diversity, and Inclusion Advisor	2025-01-22