

Human Rights, Discrimination, Harassment, and Racism Prevention Policy and Procedure					
Approval Level:	Board of Governors				
Approval Date:	2019 09 18	Revised Date:	2025 01 25	Review Date:	2028 01 28
Responsible Portfolio/Unit/Committee:	Administration and Operational Support – University Policy & Regulatory Compliance				
Responsible Officer(s):	Vice President Administration and Chief Operating Officer				

1.0 Purpose

NOSM University is committed to fostering an inclusive and equitable environment that is actively anti-racist and free from systemic and individual discrimination. The purpose of this Policy is to:

- Confirm the right of every NOSM University Community Member to a learning and working environment free from discrimination, harassment, sexual harassment, and racism in accordance with the *Ontario Human Rights Code* (the Code), the *Occupational Health and Safety Act* (OHSA), and the *Strengthening Accountability and Students Supports Act, 2024*.
- Ensure all NOSM University Community Members are aware of their rights and obligations under the Code and other applicable legislation.
- Dismantle racism by identifying and addressing policies, practices, and behaviors that may be racially biased or discriminatory.
- Protect individuals from retaliation by prohibiting any form of retaliation against those who, in good faith, make complaints, or participate in investigations.

2.0 Scope

This Policy applies to all members of the NOSM University community as defined below.

This Policy applies to incidents of harassment, discrimination, and racism that are:

- (a) On-campus – where the incident(s) took place on the University’s land and/or facilities either rented or owned or using University-owned or run property or equipment including, but not limited to, telephones, computers, and computer networks.
- (b) Off-campus – the scope includes when the incident(s) occurs off campus and:
 - i. When the incident is part of a University course, placement or clinical rotation; or

Δ°ΛΡΡ.ο"◊L9Δ·6Γ`

- ii. When the incident is part of a University-sponsored event that has been defined as such, including all University related activities (authorized and non-authorized) with a clear nexus to the working or learning environments.
- (c) Virtual environments – if the activities are related to University affairs (i.e. online learning or Learning Management Systems).
- (d) Applicability to social media and off-duty conduct – This Policy may apply to conduct occurring on social media platforms or off-duty conduct where there is a clear nexus to the workplace.

In the case of conflict between the provision of this Policy and a bidding contract, Collective Agreement, or applicable legislation, the binding contract, collective agreement, or applicable legislation will prevail.

3.0 Definitions

For the purposes of this Policy:

TERM	DEFINITION
Appropriate Authority	<p>The individual having responsibility for initiation of the procedures associated with this Policy. For added clarity:</p> <ul style="list-style-type: none"> • In the case of learners and residents, the Appropriate Authority shall normally be Learner Support Services (LSS). • In the case of staff or faculty members, the Appropriate Authority shall normally be the University Policy & Regulatory Compliance Intake Unit.
Community Member	<p>Members of the NOSM University community include, but are not limited to, staff, faculty, professional staff, librarians, Board Members, stipendiary faculty, medical residents, students, all NOSM University residents and visiting learners (e.g., postgraduate residents, undergraduate students, graduate students, health sciences students), volunteers, visitors, observers, and third-party contractors while they are acting in a capacity defined by their relationship with the University, as well as institutional administrators and officials representing NOSM University.</p>
Harassment	<p>Harassment means engagement in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. Although harassment may not be tied to a prohibited ground, it may include cyber sexual harassment, sexual and/or gender-based harassment, religious based harassment and workplace sexual harassment. Examples of harassing conduct include the following kinds of behaviour: racial epithets or slurs, disrespectful jokes or banter, sexual comments about someone's physical appearance or sexual attractiveness, negative stereotypes about a particular ethnic group, homophobic remarks, disparagement of someone's religious</p>

	devotions, the circulation of insulting or demeaning written material and pictures, and unwelcome physical contact.
Sexual and/or Gender-Based Harassment	Is a subcategory of harassment and is further defined as engaging in a course of comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or any sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person knows or ought reasonably to know that the solicitation or advance is unwelcome. This can also include a reprisal or threat of reprisal for rejecting a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the person. For the purposes of this Policy, Sexual Harassment includes cyber Sexual Harassment which includes but is not limited to Sexual Harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behaviour. Faculty and learner sexual relationships are not considered harassment if consensual.
Discrimination	Discrimination means an unjust or prejudicial form of unequal treatment, whether imposing extra burdens or denying benefits, based on any of the grounds articulated in the Code. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but disadvantage certain groups of people (systemic discrimination or adverse discrimination). Discrimination may take obvious forms, or it may happen in very subtle ways. Even if there are many factors affecting a decision or action, if discrimination is one factor, then that is a violation of this Policy. Discrimination may also occur at the intersection of multiple grounds under the Code, such as race, gender, and disability. NOSM University acknowledges that individuals facing intersectional discrimination may experience compounded disadvantages, which will be carefully considered in complaints and resolutions.
Intersectionality	Intersectionality refers to the interconnected nature of social categorizations such as race, class, gender, and other protected grounds, which may create overlapping and interdependent systems of discrimination or disadvantage. NOSM University recognizes that individuals may experience multiple forms of discrimination simultaneously and is committed to addressing and considering intersectional discrimination in its policies and procedures.
Racism	Racism means engaging in a course of conduct, comment, action, whether intentional or unintentional, directly or indirectly that reinforces prejudice, discrimination, or antagonism against

	<p>individuals or groups based on their race, colour, ethnicity, or national origin. Racism can manifest in various forms, such as overt actions, subtle biases, or cultural norms that promote racial inferiority or superiority.</p> <p>Examples of racist conduct include but are not limited to: racial slurs or epithets; racially charged jokes or banter; assigning work or making decisions based on racial stereotypes; displaying or distributing racially insensitive material (e.g., posters, cartoons, social media posts); microaggressions such as assuming an individual's abilities or behaviours based on their race; exclusionary practices that prevent participation or access to opportunities due to race; denying services or benefits to individuals based on race; and making assumptions about a person's competence, behaviour, or value based on their race.</p>
<p>Systemic Racism</p>	<p>Systemic racism refers to organizational structures, policies, practices, and cultural norms that create or perpetuate unequal outcomes or opportunities for individuals or groups based on race, whether intentional or not. Unlike individual racism, systemic racism is embedded within the framework of society, institutions, and organizations and may not involve direct actions or conduct by a single individual. It results in disadvantages in employment, education, healthcare, justice, and other social services for racialized groups.</p> <p>Examples of systemic racism include but are not limited to: recruitment or hiring practices that disadvantage racialized individuals; promotional policies or practices that disproportionately affect racial minorities; biased algorithms in decision-making processes that perpetuate existing disparities; lack of representation of racialized groups in leadership roles; policies or rules that appear neutral but adversely impact racialized groups (e.g., uniform policies that do not account for cultural or religious attire); and inequitable access to resources, training, or support that hinders the advancement of racialized groups.</p>
<p>Intimidation</p>	<p>Intimidation is behaviour which instils fear and is used to denote conduct that is designed to force someone to do something they would ordinarily not do, or alternatively, refrain from doing something they would ordinarily do. It may involve using one's authority to influence other people's behaviour and can reduce the extent to which people are willing to exercise their rights. Abuse of power can involve the exploitation of trust and authority to improper ends. Sometimes abuse of power takes the form of apparently positive conduct, such as flattery that is intended to persuade someone to cooperate, or favouritism. Intimidation does not include the good faith exercise of supervisory responsibilities, including without limitation assessments and criticisms of the learner's performance or academic efforts, even where the learner does not agree with such assessment (s) or criticism (s) or finds the process uncomfortable or difficult.</p>

	<p>Examples of intimidation and abusive conduct include the following kinds of behaviour: shouting or raising one's voice, constant interruption and refusing to listen to public criticism, ridicule, singling someone out, grilling or interrogation, unjust assignment of duties or overloading someone with work.</p>
<p>Mistreatment</p>	<p>Mistreatment as defined by the Association of American Medical Colleges (AAMC) occurs when behaviour shows disrespect for the dignity of others and unreasonably interferes with the learning process. The occurrence, either intentional or unintentional, of such incidents results in a disruption of the spirit of learning and a breach in the integrity and trust between teacher and learner. Examples of Mistreatment include, but are not limited to:</p> <p>Public belittlement or humiliation, requiring performance of tasks intended to belittle or humiliate, conduct intended to insult or stigmatize a learner, intentional neglect, verbally abusive language, inappropriate anger, offensive remarks based on gender, race/ethnicity or sexual orientation, threats of physical harm or actual physical punishment (e.g. hitting, slapping, kicking), requirements to perform personal services (e.g. shopping, babysitting), being denied training opportunities based on discrimination (gender, race/ethnicity, religion, sexual orientation, age, disability), unwanted sexual advances, use of professional position to engage in romantic or sexual relationships, asking for sexual favours in exchange for grades, giving lower grades based on discrimination (gender, race/ethnicity, religion, sexual orientation, age, disability).</p> <p>Mistreatment does not include the good faith exercise of supervisory responsibilities, including without limitation, assessments and criticisms of the learner's performance or academic efforts, even where the learner does not agree with such assessment (s) or criticism (s) or finds the process uncomfortable or difficult.</p>
<p>Natural Justice</p>	<p>The legal right to be treated fairly is known as natural justice or procedural fairness.</p>
<p>Non-Code Harassment</p>	<p>Non-Code Harassment is harassment that is not related to a prohibited ground identified in the Code. Personal harassment is improper comment and / or conduct, not related to legitimate work or learning purposes. It can include psychological harassment, mistreatment or intimidation directed at and offensive to another person or persons in the workplace or learning environment and that the individual knows or ought to reasonably know would offend, harm or is derogatory, demeaning or causes humiliation or embarrassment.</p> <p>Non-Code Harassment often involves grouping of behaviours. However, a single serious incident of such behaviour that has a lasting harmful effect on a member of the NOSM University</p>

	<p>community and may also constitute Non-Code Harassment. Examples of Non-Code Harassment include, but are not limited to:</p> <ul style="list-style-type: none"> • frequent angry shouting / yelling or blow-ups; • regular use of profanity and abusive or violent language; • physical, verbal or email threats, intimidation; • violent behaviours, slamming doors, throwing objects; • targeting individual(s) in humiliating practical jokes; • excluding, shunning, impeding work performance; • spreading gossip, rumours, cyberbullying; • retaliation, bullying, sabotaging; • unsubstantiated criticism, unreasonable demands; • insults, name calling; • public humiliation; and • communication that is demeaning, insulting, humiliating, mocking. <p>Non-Code Harassment does not include:</p> <ul style="list-style-type: none"> • the normal exercise of management rights, including the rights to provide direction, to assign tasks and the right to reprimand or impose disciplinary sanctions, provided these rights are not exercised in a discriminatory, humiliating or abusive manner; • the normal exercise of academic freedom providing that academic freedom is not exercised in a discriminatory, humiliating or abusive manner that serves no legitimate or academic purpose; • a disagreement, misunderstanding or conflict between learners or co-workers; • work related change of location, co-workers, reasonable job assignment; • appropriate discipline; • a single comment or action unless it is serious and has a lasting harmful effect; and • rudeness unless it is extreme and repetitive.
--	---

4.0 Responsibility

4.1 Supervisory Staff

A supervisor is defined by the OHSA, as a "person who has charge of a workplace or authority over a worker." Supervisors are responsible for the health and safety of workers including NOSM University "community members" under their supervision. This responsibility extends to ensuring safe environments in academic, clinical, and research settings.

Supervisors include:

- Senior leadership and supervisory staff: President, Vice Chancellor, Dean, & CEO, Provost, Vice President Academic, Associate Deans, Division Heads, Vice Presidents, Associate Vice Presidents, Directors, and Managers)

Δ°ΛΡΡ.ο"◁L9Δ·bΓ`

- Academic leaders: any NOSM University faculty or staff member acting in a leadership capacity, which includes but is not limited to Section Chairs, Residency Program Directors, Site Directors, Clerkship Leads, Site Liaison Clinicians or other supervisors who are responsible for the work of clinical faculty and preceptors.
- Academic supervisors are defined as a faculty member overseeing a postdoctoral fellow/technician/undergraduate or graduate student performing research in the faculty member's laboratory.

Supervisors are legally obligated to:

- (a) **Prevent and Respond to Misconduct:** Ensure a safe environment free from harassment, discrimination, and racism. Take immediate and appropriate action to address any incidents observed or reported.
- (b) **Demonstrate Policy Knowledge and Application:** Have thorough knowledge of the Policy, including an understanding and ability to clarify what constitutes harassment, discrimination, and racism, and advise community members on their rights and responsibilities.
- (c) **Maintain Confidentiality and Documentation:** Handle all complaints confidentially and document actions taken to address concerns.
- (d) **Provide Guidance and Support:** Consult with University Policy & Regulatory Compliance or the Director of Learner Support Services as needed.

4.2 University Policy & Regulatory Compliance Staff have additional responsibilities:

- (a) **Policy Review and Support:** Regularly review the policy, provide guidance on its provisions, and support Supervisory Staff in resolving complaints.
- (b) **Training and Education:** Facilitate training for employees and promote awareness of harassment, discrimination, and racism prevention. Ensure that investigators and those involved in the complaint process receive training in cultural competency and trauma-informed practices. In addition to facilitating training for employees, University & Regulatory Compliance will ensure mandatory anti-racism and bias training is provided to all NOSM University community members. This training will be a critical part of NOSM University's approach to preventing harassment, discrimination, and racism.
- (c) **Complaint Resolution:** Offer mediation, retain external consultants, and collaborate with Legal Services on complaints.

4.3 All NOSM University Community Members

All Community Members are expected to familiarize themselves with their rights and responsibilities under this Policy, refrain from engaging in harassment, discrimination, or racism, report incidents of concern, and cooperate fully in investigations while maintaining confidentiality as outlined in Section 6.3 of this Policy.

4.4 Bystander Responsibilities

Community members are encouraged to report incidents of harassment, discrimination, or racism if they feel comfortable doing so. Bystanders are not expected to intervene directly in situations where they may feel unsafe; however, they are encouraged to report incidents through the established channels as outlined in this Policy. Empowering bystanders to act promotes a collective responsibility for maintaining a respectful environment.

5.0 Complaint Procedures

5.1 The Parties

The parties to a Complaint are:

- (a) **The Complainant:** An individual who alleges that they have experienced conduct in contravention of this policy, and
- (b) **The Respondent:** An individual named in a complaint made pursuant to this policy as a person responsible for the alleged conduct that is contrary to this policy.

Procedural Fairness and Transparency: NOSM University reaffirms its commitment to procedural fairness, ensuring that respondents are entitled to know the identity of the complainant, the specific allegations against them, and all relevant particulars if action is to be taken. This commitment ensures that investigations are conducted with integrity, balancing the rights of all parties involved and bearing in mind the principles of natural justice.

5.2 Stages of the Complaint Process

The following process applies to complaints made pursuant to this Policy. The complainant may withdraw a complaint at any time. NOSM University may have a legal obligation to continue to act on an issue arising in a complaint even when it has been formally withdrawn.

(a) Stage One – Individual Action – OPTIONAL

As an initial step, the complainant may advise the respondent(s) that their actions are unwelcome and ask the respondent(s) to stop engaging in such conduct. Confronting the respondent(s) is not required under the Policy. If the complainant chooses to raise the matter with the respondent(s), the complainant should clearly and directly describe the conduct that is unwelcome as well as its impact on the complainant and should ask the respondent(s) to stop engaging in such conduct. Alternatively, the complainant may choose to seek support from a support person, union representative, or another individual to communicate with the respondent(s) on their behalf. The complainant should retain a detailed record of any discussions or correspondence shared with the respondent(s) or the individual assisting them.

If the complainant does not wish to approach the respondent(s) or if harassment, discrimination, or racism persists after requesting the person to stop, the complainant may seek assistance from their immediate supervisor who may recommend an informal dispute resolution method such as mediation. Mediation is only available if both parties agree to the mediation.

(b) Stage Two- Formal Written Complaint and Investigation (Internal) – Contacting the Appropriate Authority

Step-by-Step Process for Complaint Intake and Escalation

Step 1: Complaint Submission

If an informal dispute resolution is unsuccessful or inappropriate, the complainant may submit their written complaint using the Human Rights, Discrimination, Harassment, and Racism Prevention Form (See Appendix 1). The Appropriate Authority responsible for

the intake of a complaint will depend on the complainant's role within NOSM University as outlined in definitions. For added clarity, following are the reporting mechanisms:

- Learners and residents should normally report issues to Learner Support Services [using the online Report/Disclose Mistreatment Form](#).
- Staff, faculty, professional staff and librarians, should normally report through the University Policy & Regulatory Compliance Intake Unit or through their union representatives.
- All members of the NOSM University community, regardless of their role, may also choose report directly to the University Policy & Regulatory Compliance Intake Unit.

Upon receipt of the written complaint, the following steps will be taken by the Appropriate Authority. In the case of Union Members, all letters/correspondence from NOSM University to respondent(s) pertaining to the application of this Policy and its procedures shall be immediately copied and sent to the Union. In addition, respondent(s) will be advised that they are entitled to Union support in the case of Union Members

Step 2: Acknowledgement and Initial Review

- (a) **Acknowledgement:** Upon receipt of the complaint, the Appropriate Authority as defined above will acknowledge the complaint within seven (7) days. Upon contact, the complainant will receive a copy of this policy and procedure and be guided on the next steps, including providing the necessary information to facilitate the resolution process.
- (b) **Assessment of Allegations:** The Appropriate Authority will conduct an initial review to determine whether the complaint falls under the scope of this Policy. The determination will be based on specific policy criteria, examples can include (but are not limited to):
 - **Frequency of Conduct:** Did the conduct occur repeatedly, or was it a single, serious incident?
 - **Impact on Complainant:** Did the conduct negatively affect the complainant's work environment or psychological well-being?
 - **Power Dynamics:** Was there a power imbalance (e.g., supervisor- subordinate) that might have contributed to the conduct?
 - **Violation of Policy:** Does the conduct potentially violate the Human Rights, Discrimination, Harassment, and Racism Prevention Policy and Procedure?
 - **Protected Grounds:** Is the complaint based on protected human rights grounds (e.g., race, gender, disability)?
 - **Corroborating Evidence or Supporting Documentation:** Are there witnesses or evidence (e.g., emails, messages) that support the complainant's allegations.

Escalation to the University Policy & Regulatory Compliance Intake Unit

If complaints are submitted via Learner Support Services (LSS) and are determined to fall within the Policy's scope based on the criteria above, they will be escalated to the University Policy & Regulatory Compliance Intake Unit for further review and action.

Step 3: Meeting with the Complainant

The University Policy & Regulatory Compliance Unit will meet with the complainant within ten (10) days to review the written complaint, clarify details, and gather any additional information necessary.

A Summary of Concerns will be developed based on the information provided, which focuses on the factual aspects of the complaint, including dates, times and witnesses. This document will be considered the full complaint and will be used to guide the investigation process. The complainant will have the opportunity to review and make edits to the Summary of Concerns prior to signing off on it. A copy of the Summary of Concerns will be provided to the respondent. In the case of a unionized employee, a copy will also be provided to the union representative.

Step 4: Review and Escalation

The Summary of Concerns will be escalated to the President, Vice-Chancellor, Dean and CEO or delegate for a decision on whether the case should proceed with:

- (a) An internal investigation led by NOSM University, or
- (b) An external investigation.

External investigations may be required based on:

- **Allegations of racism or sexual violence:** Serious allegations such as racism, sexual harassment, sexual violence, or physical violence will typically necessitate external investigation to ensure impartiality.
- **Positions of Power:** If the complaint involves high-ranking individuals in leadership or authority.
- **Complex Legal Considerations:** Any case with potential legal implications or substantial risk to the University's legal standing.
- **Conflict of Interest:** Where internal investigators may have relationships or perceived biases, an external, impartial review will be required.

Step 5: Investigation and Resolution

- (a) **Internal Investigations:** If the complaint is handled internally, NOSM University's University Policy & Regulatory Compliance Intake Unit will conduct interviews with the complainant, respondent(s), and witness(es), and compile a report to be reviewed by the President, Vice-Chancellor, Dean & CEO or their delegate.
- (b) **External Investigations:** If escalated, NOSM University will engage with an external consultant or investigative firm to conduct an investigation, including interviews and document reviews. In the case of unionized complainant or respondent, NOSM University will follow applicable Collective Agreement criteria in determining a suitable external investigator. NOSM University shall communicate with the Union to endeavour to find a mutually agreeable investigator.

Step 6: Final Report

Upon completion of the investigation, a final report will be prepared by the investigator(s). The report will include a factual summary, an analysis of the evidence, conclusions based on the findings of fact, and recommendations for appropriate actions.

The report will be reviewed by the designated senior leadership, including the President, Vice-Chancellor, Dean, and CEO, or their designate, to ensure impartiality. In cases involving conflicts of interest or high-ranking individuals, an independent reviewer may be appointed.

A copy of the final report will be provided to the complainant and respondent(s). Each part will be advised what action, if any, NOSM University will be taking to bring closure to the complaint. If a part is sanctioned, the fact of the sanction is communicated to the complainant, but not the detail. For employees who are members of a union, a copy of the final report shall be provided to the applicable union.

5.3 Interim Measures

In certain circumstances, it may be necessary for NOSM University to institute interim measures in order to protect the Parties, promote a healthy environment, facilitate the Investigation and safeguard various interests. Interim steps that can be implemented during the complaint and Investigation process may include limiting contact between Parties and/or temporarily relocating or reassigning a Party pending the outcome of the process. Any steps taken will align with the appropriate Collective Agreement, if applicable, and should not penalize the Parties or put them at a disadvantage for participating in the process. In the event of safety concerns, the Policy Administrators will seek the appropriate advice and take all necessary action.

5.4 Accessibility and Accommodations

NOSM University is committed to ensuring equal access to the complaint process of all individuals in accordance with the *Accessibility for Ontarians with Disabilities Act (AODA)* and the *Ontario Human Rights Code*. Accommodations will be provided to individuals with disabilities and other protected grounds, ensuring all parties can fully participate in the process. This includes but is not limited to providing materials in accessible formats, offering support during meetings and investigations, and making necessary adjustment to facilitate access and participation.

5.5 Support Persons During the Process

Complainants and respondents may have a support person present during meetings and investigations. This support person may be a colleague, friend, or other individual chosen by the party who does not have a conflict of interest or may be involved in the investigation as a witness. The role of the support person is to provide emotional support and assistance; however, they should not interfere with the proceedings.

5.6 Union Representation

Investigation participants who are members of the bargaining unit are entitled to union representation throughout the process in accordance with the applicable collective agreement.

5.7 Note on Timelines

While NOSM University endeavours to adhere to the outlined timelines to ensure a fair and timely resolution of complaints, it is important to acknowledge that the timing of certain steps may be influenced by the availability of the involved parties, including complainants, respondents, and other key individuals. Consequently, these timelines are approximate, and flexibility may be required to accommodate the schedules of all parties involved. Efforts will be made to keep all parties informed of any adjustments to the process.

5.8 Supportive Measures

NOSM University is committed to ensuring the well-being of all parties involved in the investigation process. To this end, NOSM University will offer access to mental health support and counselling services for complainants, respondents, and witnesses throughout the investigation and resolution process. These services are intended to provide emotional and psychological support, ensuring that all parties feel supported during what may be a difficult time.

Mental health resources will be made availability through NOSM University's Employee and Family Assistance Program (EFAP) for staff, professional staff, librarians, and faculty or through Learner Support Services for learners and residents.

5.9 NOSM University-Initiated Inquiries/Investigation

Through case management data regarding previous incidents, compilation of informal complaints or credible information from various sources, the University Policy & Regulatory Compliance Unit and/or Senior Administration may become aware of situations where an institution-initiated inquiry or investigation may be warranted including, but not limited to, circumstances where:

- (a) frequent concerns or repeated allegations are made about the conduct of the same individual;
- (b) none of those coming forward regarding issues or incidents are willing to be identified with a formal complaint because of power disparity and/or fear of retaliation;
- (c) allegations are made about the conduct of a NOSM University Community Member by an individual who is not, or no longer, a Community Member;
- (d) the allegations suggest long-standing concerns, entrenched patterns, repeated discrimination and/or harassment, potential concealment and;
- (e) NOSM University has the duty to investigate pursuant to OHSA;
- (f) available information indicates that there may be concerns of a poisoned environment;
- (g) available information indicates that there may be concerns of systemic discrimination, lack of transparency of practices, neutral rules and procedures that potentially are disadvantaging certain individuals or groups of people; and
- (h) available information indicates that there may be concerns of problematic climate or culture in an area of the NOSM University community.

6.0 Complaint Guidelines

6.1 Jurisdiction

When there are shared jurisdictions (i.e. clinical faculty), NOSM University will work with the off-site entity or other third party, such as a clinic or hospital, on a joint investigation and/or an agreement will be made to share the findings and other relevant outcomes to the parties.

6.2 Anonymous and Third-Party Complaints

The University recognizes that individual may wish to report instances of harassment, discrimination, sexual harassment, anti-racism, or other human rights issues anonymously or through a third-party (i.e. someone other than the individual directly impacted).

In cases where complaints are submitted anonymously, NOSM University recognizes the inherent challenges in fully addressing such complaints due to the inability to directly engage with the complainant. This limitation can hinder the collection of critical details and corroborating evidence, necessary for a thorough investigation using the principles of natural justice. As a result, the scope of any investigation stemming from an anonymous complaint may be restricted. Moreover, NOSM University is unable to take specific disciplinary or corrective action against individuals based solely on anonymous complaints, as procedural fairness requires that respondents are informed of the complainant's identity, the allegations made against them, and the supporting details. Information in an anonymous complaint cannot be used in any action against an individual. If the complaint does not contain enough detail, it may not be possible to proceed with an investigation.

Reports of harassment, discrimination, sexual harassment, racism, or other human rights concerns brought forward by a third-party will be accepted by the University; however, its ability to investigate and take remedial action may be constrained by the lack of identifying information. If the complaint does not contain enough detail, it may not be possible to proceed with an investigation.

However, while direct actions may not be taken against specific individuals in response to anonymous complaints, NOSM University remains fully committed to addressing the underlying issues these complaints may indicate. When an anonymous complaint is received, if deemed appropriate and necessary, NOSM University will take proactive measures by conducting a general review of the workplace or educational environment to identify any potential systemic issues related to harassment, discrimination, or racism. This review may include, but is not limited to:

- Analyzing patterns from past complaints to determine if there are recurring issues or areas of concern;
- Conducting climate surveys or assessments that allow broader community participation to provide feedback anonymously;
- Reviewing existing policies and practices to ensure they align with NOSM University's commitment to inclusivity, diversity, anti-discrimination, and anti-racism.

These proactive steps enable NOSM University to address broader cultural or environmental factors that could contribute to a hostile or discriminatory atmosphere, even if specific details remain unavailable. By fostering open channels for feedback, the institution works to enhance the safety, inclusivity, and respect within the NOSM University community.

Δ°ΛΡΡ.ο"◁L9Δ·bΓ`

Additionally, NOSM University remains dedicated to providing, confidential, and accessible reporting mechanisms for all community members. These channels may include online reporting tools that allow individuals to submit complaints anonymously while maintaining a high degree of confidentiality.

In instances where immediate safety concerns are raised through anonymous or third-party reports, the University may take precautions to ensure the safety of the community (i.e. issuing warnings, heightened security, etc.). Such precautions will be put in place after appropriate consultation with the JHSC and/or union, if required.

By offering such mechanisms, NOSM University ensures that individuals feel supported and empowered to report concerns while also acknowledging the limitations that anonymous complaints may impose on investigative outcomes.

6.3 Confidentiality and Privacy

All persons involved with a harassment, discrimination, or a racism complaint, including complainants, respondents, support persons, witnesses, management, union representatives and investigators are expected to treat the matter as confidential while the matter is under investigation. In the event of a complaint between a shared jurisdiction, the information may be shared with the clinic or hospital supervisors to support the investigation. Parties involved with a harassment and/or discrimination complaint will be required to sign a confidentiality agreement.

During an investigation, identifying information about any individuals should not be disclosed unless the disclosure is necessary for the purpose of investigating, taking corrective action, or is otherwise required by law. To protect the integrity of the investigation process, Parties to a complaint must not advise anyone in the workplace or otherwise connected to the workplace and/or service provision about the investigation, any involvement in the investigation and/or the contents of an investigation interview and/or report. Parties are not to ask individuals if they have participated in an investigation process or discuss any details about any investigation interviews.

Parties may be disciplined if confidentiality is breached by communicating with any person other than their union representative, health care practitioner, or another legal authority at any time before, during or after an investigation or resolution of a harassment and/or discrimination complaint. Supervisors are required to keep information as confidential as possible when addressing human rights concerns and are also subject to discipline for breaches of confidentiality.

Under the OHSA, complaint details, investigations, and results/reports produced under this policy and procedure are not considered to be occupational health and safety reports that are shared with joint health and safety committees. Therefore, to protect confidentiality, these documents are not to be shared with joint health and safety committees.

Subject to the requirements of procedural fairness of the investigation/resolution process, the investigator will preserve confidentiality as much as possible, or as legally required or permitted.

The Employer representatives and Union representatives will use professional discretion with respect to the information exchanged during their discussions.

6.4 Confidentiality Exceptions

NOSM University Human Resources is committed to protecting the confidentiality of its consultations, investigations and related records. Where an individual/group who has consulted NOSM University Human Resources or been involved in a complaint engages

Δ°ΛΡΡ.ο"◁L9Δ·bΓ`

another legal proceeding related to the subject matter of the Human Rights consultation/complaint, upon receipt of the legal proceeding documentation (e.g., grievance, WSIB report, etc.) and request from NOSM University Human Resources, NOSM University Human Resources will determine whether it is appropriate to:

- Confirm or deny whether it was consulted;
- Respond to specific questions regarding the consultation for the purpose of responding to the legal proceeding; and
- Provide a brief summary of the nature of the consultation.

Where a legal proceeding, including arbitration, is initiated by an individual or group, NOSM University will comply with all applicable laws, including FIPPA, and provide relevant documents as required by law or by the terms of the legal proceeding. In the event that a legal order or subpoena is issued, NOSM University will disclose documents that are in the custody and control of NOSM University as required, subject to any legal exceptions, and will consult with legal counsel to ensure compliance with applicable legal requirements.

6.5 Anti-Retaliation

NOSM University is committed to fostering a safe and supportive environment where all community members feel comfortable raising concerns without fear of retaliation. NOSM University will not tolerate any form of retaliation against individuals who, in good faith:

- Make a complaint or report under this policy
- Participate in an investigation or resolution process
- Provide information or assistance in the investigation of a complaint.
- Retaliation may include, but is not limited to:
- Adverse actions affecting employment or academic status
- Harassment or intimidation
- Threats or coercion
- Exclusion or isolation

NOSM University takes allegations of retaliation seriously and will address them promptly and appropriately. Individuals who engage in retaliation may be subject to corrective actions, which could include disciplinary measures in accordance with the University's policies, procedures, and collective agreements, if applicable.

All members of the NOSM University Community are encouraged to report any incidents of retaliation to the University Policy & Regulatory Compliance Intake Unit as outlined in this Policy. The University is committed to handling such reports sensitively and confidentially, ensuring that all individuals feel supported throughout the process.

6.6 Determination of Remedies

Where, as a result of an investigation, a complaint is substantiated, appropriate corrective action will be taken. Remedies are determined in order to improve the working and learning environment for members of the NOSM University Community and to prevent any further re-occurrences. When a participant in the investigation is a bargaining unit member, all remedies will be consistent with the member's collective agreement, and corrective action will be consistent with and limited to those measures identified in disciplinary articles.

Remedies are decided based on the merits of the case and shall be proportional to the severity of the offence. If there are mitigating and/or contextual factors in determining/implementing the sanction, the reasons shall be clearly articulated by the Supervisor. The existence of any previous findings of harassment, discrimination, racism and / or other disciplinary measures will be considered when remedies are determined, and the

Δ°ΛΡΡ.ο"ΔΛ9Δ.βΓ`

severity of a remedy may be greater as a result. Consideration will also be given to cases of intersectional discrimination, where individuals experience compounded forms of discrimination (e.g., based on race, gender, disability). Remedies in these cases will take into account the multiple dimensions of harm that may have occurred. Remedies may be used independently or in combination for any single violation and may be varied. Remedies may include, but are not limited to:

- Mandatory referral to counselling;
- Mandatory attendance at harassment and discrimination training;
- Coaching (e.g. one-on-one remedial human rights coaching, conflict coaching);
- Rearrangement or modification of study or employment arrangements to address the effects of harassment, racism and/or discrimination found, (e.g. permission to extend a program, leave or change in work responsibilities);
- Restorative Justice process that are culturally relevant and consensual. The process will be clearly defined and developed in consultation with the affected parties, including appropriate cultural considerations;
- Inclusion of the decision in a specified file(s) of the respondent(s), for a specified period of time. For bargaining unit members, all information on the decision shall be kept in a manner consistent with the appropriate Collective Agreement;
- A No Contact Order, which may include restrictions on registration for specific classes, other academic or non-academic activities, or attendance at specific meetings or events direct or indirect contact (including but not limited to in person, by phone, email, text, social media, through a third party etc.) with a specific individual or group of individuals;
- A Persona Non Grata (PNG) designation, which is given to an individual who is denied the privilege of entering designated portion(s) of NOSM University's building or grounds; and
- Reprimand up to and including termination of employment or other relationship within NOSM University, in accordance with the terms outlined in the applicable Collective Agreement.

Determination of remedies shall be articulated as follows:

- (a) The respondent(s) will be informed of all remedies imposed and can challenge their necessity or reasonableness (as per their rights under the applicable Collective Agreement for Union Members);
- (b) The complainant will receive information about any remedies taken by NOSM University, to the extent NOSM University considers appropriate, to the extent outlined in the appropriate Collective Agreement, and within the constraints or relevant legislation; and
- (c) Where required by a professional licencing body, the results of the investigation may also be communicated to that professional licencing body pursuant to the criteria for reporting established by that professional body.

6.7 Authority and Duties of the External Investigator

Depending on the scope of the external investigator's authority, they are responsible for investigating and/or making recommendations, speaking with anyone, examining any documents and entering any work location relevant to the complaint for the purposes of investigation. The external investigator shall remind witnesses of their representation rights, if any.

6.8 Systemic and Preventative Interventions

Investigations may reveal broader issues to be addressed whether or not a finding of harassment and/or discrimination has been found. In such instances, appropriate educational

Δ°ΛΡΡ.ο"◁L9Δ·bΓ`

and preventive intervention measures and/or changes to policies or practices may be recommended by the Supervisor or the University Policy & Regulatory Compliance Unit.

6.9 Vexatious Complaints

Where it is determined that the complainant filed a complaint that was knowingly vexatious or made in bad faith, appropriate corrective or disciplinary action will be taken by NOSM University. Such action may include but is not limited to requiring an apology, counselling, education, training, suspension, leave without pay, transfer, termination of employment or expulsion. When the individual deemed to have filed a vexatious complaint is a bargaining unit member, all corrective or disciplinary action will be consistent with the member's collective agreement, and corrective action will be consistent with and limited to those measures identified in disciplinary articles.

6.10 Time Limits

The time limit for the filing complaints under the Human Rights, Discrimination, Harassment, and Racism Prevention Policy and Procedures is one (1) year from the date of the last incident of alleged harassment, racism and/or discrimination.

6.11 Consultation - Advice & Assistance

Complainants may benefit from having expert information and advice before deciding how to proceed with a harassment discrimination, or racism concern. In addition to consulting Supervisory Staff as defined in this Policy or University Policy & Regulatory Compliance, additional supports or areas of consultation include the Academic Affairs Office at an Academic Health Sciences Centre, Committee to Support Student Professionalism, Learner Affairs Officers, the appropriate Assistant Dean, learner advocate and/or union representatives. These staff all have a responsibility to take action to resolve and prevent harassment, discrimination, and racism and can provide advice, assistance, coaching, and referrals to assist complainants in addressing harassment and/or discrimination.

7.0 Review

Prior to any changes to this Policy and Procedure not required by legislation, the Vice President, Administration and Chief Operating Officer shall appoint a working group, which will include representatives from bargaining units within the University, for the purpose of reviewing the policy and procedures and its operation and submitting recommendations for change.

8.0 Related Documents

Government

- Freedom of Information and Protection of Privacy Act
- The Ontario Human Rights Code
- Occupational Health and Safety Act
- Personal Health Information Protection Act
- Strengthening Accountability and Student Supports Act (SASSA) (2024):
- Truth and Reconciliation Commission (TRC) Calls to Action
- Anti-Racism Act (2017)
- Accessibility for Ontarians with Disabilities Act (AODA)
- Gender-Based Violence Strategy (MCU Initiative)

NOSM University

- [Employee and Family Assistance Program](#)
- UME – ume@nosm.ca for more information, PGE – postgrad@nosm.ca for more information, Employees hr@nosm.ca for more information
- Committee to Support Student Professionalism terms of reference (UME)

OPSEU/SEFPO Local 677 (Unit 1 and 2 Members)

- [Unit 1 Collective Agreement](#)
- [Unit 2 Collective Agreement](#)

College of Physicians and Surgeons on Ontario

- [Professional Responsibilities in Postgraduate Medical Education](#)
- [Physician Behavior in the Professional Environment](#)

PARO-CAHO

- No Discrimination/ Harassment/ Intimidation (Section 10.1-10.3)

RCPSC/CFPC

- Accreditation and the issues of Intimidation and Harassment in Postgraduate Medical Education Guidelines for Surveyors and Programs

Hospitals and other institutes affiliated with NOSM University

- Consult the policies on conduct of the appropriate affiliated hospital or institute.

DO NOT REMOVE THIS VERSION RECORD FROM THIS DOCUMENT		
Version	Date	Authors/Comments
1.0	2019-09-18	Original Policy
2.0	2025-01-28	Updated to align with Bill 166; Updated to provide clarity on procedures.

Appendix 1

Human Rights, Discrimination, Harassment, and Racism Prevention Intake Form

Instructions for completing this form: This form is intended for the use of NOSM U Community Members to report complaints and/or incidents they believe violate the Human Rights, Discrimination, Harassment, and Racism Prevention Policy and Procedure. Please ensure that you fill out every section of the form accurately, attach any supporting documentation you may have and ensure that it has been signed and dated. Upon completion of the form, please submit to HRINTAKE@NOSM.

Complainant Information

First Name	Last Name
<input type="checkbox"/> Check this box if First Name and Last Name do not apply to you because you have either a registered Birth Certificate or Change of Name Certificate bearing a Single Name. Provide your name below.	
Single Name	
Telephone Number	Alternative Telephone Number
Email	Work Location

Details of Person(s) Involved in the Complaint

Person 1		
First Name	Last Name	
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing) <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____		
Person 2		
First Name	Last Name	
Telephone Number	Alternative Telephone Number	Work Email
<input type="checkbox"/> Respondent (alleged to have engaged in wrongdoing) <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____		

Complaint Ground (check all that apply):

<input type="checkbox"/> Age <input type="checkbox"/> Ancestry <input type="checkbox"/> Citizenship <input type="checkbox"/> Colour <input type="checkbox"/> Creed/Religion <input type="checkbox"/> Disability <input type="checkbox"/> Ethnic Origin <input type="checkbox"/> Family Status <input type="checkbox"/> Gender Expression <input type="checkbox"/> Gender Identity <input type="checkbox"/> Marital Status <input type="checkbox"/> Place of Origin <input type="checkbox"/> Race	<input type="checkbox"/> Personal or Social Lifestyle <input type="checkbox"/> Record of Offence <input type="checkbox"/> Race <input type="checkbox"/> Reprisal <input type="checkbox"/> Sex (including Pregnancy & Breastfeeding) <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Sexual harassment (Sex) <input type="checkbox"/> Sexual harassment (Sexual orientation) <input type="checkbox"/> Sexual harassment (Gender Identity) <input type="checkbox"/> Sexual harassment (Gender Expression) <input type="checkbox"/> Workplace Harassment <input type="checkbox"/> Level of Literacy <input type="checkbox"/> Membership or activity or non-activity in a Union or Staff Association <input type="checkbox"/> Other
Employee (Complainant) Signature	Date (yyyy-mm-dd)