

PRIVATE & CONFIDENTIAL

Summary of Recommendations to:

Ontario College of Art and Design University (OCAD U)

January 20, 2020

**RE: Investigative Review of OCAD U's Policy and Procedural Responses to
Student Complaint ("Investigative Review")**

Prepared by:

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We have summarized below our recommendations to address OCAD U's policy and training gaps, as identified through our Investigative Review.

1. Update and clarify policies

The *Non-Academic Misconduct Policy*, effective June 1, 2009 (the "NAMP"), and the *Response to Violent or Threatening Behaviour Policy*, effective March 2011 (the "RVTBP"), were published many years ago and contain information that is out-of-date. We recommend that these policies be reviewed with a view to updating them and ensuring that they reflect OCAD U's current obligations.

Further, the NAMP and the Respectful Work & Learning Environment Policy (the "RWLEP") each appear to apply to complaints of harassment. It is unclear which policy students should use to complain about alleged harassment when the responding party/ies is a student. We recommend that a review of the NAMP and the RWLEP be undertaken with a view to clarifying the application of each policy as it relates to harassment allegations regarding student conduct.

We recommend that before finalizing any one conduct policy, it be reviewed in conjunction with the other conduct policies to ensure cohesiveness and consistency (for example, ensuring that terms are defined consistently across all policies, where appropriate).

2. Oversight of conduct policies

In conjunction with the above recommendation, we recommend that one individual be designated to have oversight of the conduct policies to ensure that: (1) the policies are reviewed at set intervals and updated as needed to reflect legislative changes and/or user experience (e.g. once yearly), (2) the policies are cohesive, and (3) OCAD U's compliance with these policies is audited or reviewed.

3. Strengthen the informal resolution process in the RWLEP

We recommend that a review of the informal process under the RWLEP be undertaken with a view to assessing its clarity and adequacy. In this regard, we recommend that OCAD U consider centralizing or narrowing the pool of OCAD U representatives from whom help can be sought on issues of harassment and discrimination.

We also recommend clarifying the obligations of those who are called upon to assist students who allege harassment; a more detailed process may be helpful here.

Further, we recommend that a more precise range of informal options be included in the RWLEP to assist OCAD U representatives in managing conflicts between students.

Finally, we recommend that among the obligations for those with responsibility for undertaking or overseeing an informal process under the RWLEP, follow-up be included. Specifically, we recommend that those tasked with responsibility for informal processes be required by the policy to follow up with the parties following the implementation of the informal resolution to ensure that the resolution addressed the parties' concerns and that the issue raised under the RWLEP has been resolved as a result. There should further be a mechanism under the informal process section of the RWLEP whereby either of the parties can raise concerns about ongoing issues relating to the informal resolution after this process has been undertaken.

4. Training

We recommend that those who have a formal role under each of the conduct policies be trained to ensure they understand the scope of the respective policies and their specific obligations under those policies. We further recommend that this training be updated as new OCAD U representatives are appointed to roles under each of these policies. As noted above under Recommendation #2, the individual with policy oversight would be

responsible for ensuring that those with mandated roles under the policy have the necessary training.

5. Inclusion of culturally relevant resources

In addition to the recommendations that follow, there is an additional source of insight into ways in which OCAD U can adapt existing and introduce new practices to support the participation of Indigenous people within the OCAD U environment. This source is the report on the Recommendations of the Provost's Task Force on Indigenous Learning, released in Fall 2018 ("Task Force Recommendations").

The Task Force Recommendations outlined proposals for change at OCAD U relating to student supports, governance, professional development to support integration of Indigenous ways of knowing at OCAD U, recruitment and retention, and integrating Indigenous knowledge and research practice.

The conduct policies themselves do not identify for the user what, if any, culturally relevant resources are available to them. As such, in the context of reviews of the RVTBP, NAMP and RWLEP, we recommend that consideration be given to culturally relevant resources, including the following:

- A statement of principles that includes a commitment to equity, diversity and inclusion of members of diverse communities;
- A commitment statement that the administrators of the policy are trained and have experience in delivering culturally competent and trauma-informed services;
- An expanded explanation of the role of a support person, why someone might choose to access a support person, and who could serve in this role, including Indigenous community elders or knowledge-keepers;

- In addition to a listing of informal and formal resolution options and possible sanctions and remedies, a statement of commitment to exploring other culturally relevant options with the parties, where requested;
- In relation to the RVTBP, inclusion of an Indigenous OCAD U resource person on the Threat Assessment Team; and
- In relation to the NAMP and the RWLEP, a commitment that, when requested by either party, the policy administrator and decision maker(s) will consult with an Indigenous resource person, either internal or external to OCAD U, prior to making a decision.

Where we have recommended above that specific reference be made in the relevant policies to the role that an Indigenous community elder or knowledge-keeper might play as a support person, we also recommend that specific practices or protocols be established which could be referenced when such individuals act or could act as a support person.

We also recommend:

- Meaningful inclusion of Indigenous representatives of OCAD U in the policy review and revision process. This will contribute to policies and procedures that provide space and safety for Indigenous community members at OCAD U.
- In-person cultural competency training and training in Indigenous issues be provided to OCAD U staff who are responsible for administering the OCAD U student conduct policies.

Date: January 20, 2020

A handwritten signature in blue ink, appearing to read 'M Roman', is positioned above a horizontal line.

Per: Marisha Roman

RUBIN THOMLINSON LLP