

**SIR SANDFORD FLEMING COLLEGE
OF APPLIED ARTS AND TECHNOLOGY
PUBLIC MEETING OF THE BOARD OF GOVERNORS**

**The November 23 meeting was moved to
Wednesday, December 14, 2016
3:00 p.m.
Sutherland Campus
Scholfield Boardroom, B3330
Peterborough, ON**

2015-2018 Strategic Priorities
1. Deliver Outstanding Student Learning and Experiences
2. Collaborate and Prosper with Our Communities
3. Excel as an Organization
4. Enhance Financial Health and Sustainability

A G E N D A
– Revised –

Pages

M = Motion D = Discussion U = Update

- 1. Call to Order**
 - Confirmation of Quorum
 - Welcome to the Traditional Territory, Introduction of Guests
 - Conflict of Interest Declarations (if any)

- 2. Additions/Deletions/Approval of Agenda** 1-2
- 3. Unanimous Consent Agenda** 3
The following items have been identified for the Consent Agenda; any Governor may request any item be removed from this section by advising the President/Board Chair/Board Secretary in advance of the meeting or before approval of the agenda at the meeting. Items not moved will be considered adopted by consent without debate.
 - Approve the**
 - 3.1 minutes of the October 26, 2016 Public Board meeting 4-7
 - 3.2 Revised College Policy #3-311, *Harassment and Discrimination Prevention* 8-34
 - 3.3 Revised College Policy #5-506, *Student Rights and Responsibilities* 35-50
 - 3.4 Revised College Policy #3-343, *Sexual Violence Prevention* 51-71
- Receive as information the:**
 - 3.5 College Activity Report 72-74
 - 3.6 Investment Portfolio Review – June and September 2016 75-123

- 4. Business Arising from Previous Meetings (not otherwise covered on the agenda)**
None identified.

- 5. Matters for Board Decision**
 - 5.1 Board Guideline: Board and Committee Meeting Attendance (Briefing Report enclosed)** 124-126
M 5 min. *From Executive Committee*

 - 5.2 2016-2017 Financial Plan Update (Briefing Report enclosed)** 127-144
M 10 min. *Presenter: Vice-President Baker with Ms. Sims, Director Budget Services*

5.3 New Programs (Briefing Reports enclosed)

M 20 min. *Presenter: Vice-President Limkilde*

- a) Ontario College Graduate Certificate: Nutrition Management 145-159
- b) Ontario College Diploma: Human Resources 160-173
- c) Fleming College Certificate: Hydronics 174-187

5.4 Transfer of Nogies Creek Property (Briefing Report enclosed)

188-201

M 10 min. *Presenter: Vice-President Baker with Dean Linda Skilton and Mr. Rob Messervey*

6. Matters for Board Discussion

6.1 Status Report: Frost Campus Vision 2013-2016 (Report enclosed)

202-209

Agreement to incorporate the Report into the Frost Campus Update, scheduled for March 2017

6.2 Status Report: Initiatives Under the Indigenous Education Protocol (Report enclosed)

210-214

D 20 min. *Presenter: Vice-President Limkilde*

7. Other Business

7.1 “Community Connections” Roundtable

U 10 min.

Includes verbal reports from the Chair and President and brief summaries from attendees at the 2016 Higher Education Summit.

8. Move to In-Camera Meeting approx. 4:15 p.m.

9. Report from the In-Camera Meeting (1 min.)

10. Adjournment of the Public Meeting approx. 4:30 p.m.

Private Session (Governors Only)

*Governors are reminded that a **confidential meeting evaluation form** will be available from **noon December 14 until end of day December 15** on the **Surveys and Questionnaires** page of the **Board Portal**.*

CONSENT AGENDA

Public Board Meeting
November 23, 2016

Agenda Item 3

CONTEXT / PURPOSE

To ensure the Board of Governors has sufficient time at its monthly meetings to deal with substantive policy issues and time to review and strengthen its own operations, minor or non-controversial Board matters will appear on a Consent Agenda for both the public and in-camera meetings. Items listed on the Consent Agenda do not require discussion and are approved en bloc.

BACKGROUND

- Board Policy 1-102L, *Guidelines for the Consent Agenda*

Attachments:

As listed below

RECOMMENDATION

THAT the Board of Governors of Sir Sandford Fleming College approve the minutes of the

- 3.1 Public Board meeting held on October 26, 2016**
- 3.2 Revised College Policy #3-311, *Harassment and Discrimination Prevention***
- 3.3 Revised College Policy #5-506, *Student Rights and Responsibilities***
- 3.4 Revised College Policy #3-343, *Sexual Violence Prevention***

and receive as information the

- 3.5 College Activity Report**
- 3.6 Investment Portfolio Reviews – June and September 2016**

Board of Governors PUBLIC MEETING
Wednesday, October 26, 2016
Sutherland Campus, Scholfield Boardroom, B3330
Peterborough, ON

Draft Until Approved

MINUTES

Present: Mr. Paul Downs
 Ms. Lori Geens (Chair)
 Mr. George Gillespie
 Ms. Heather Kerrigan
 Mr. Joon Kim
 Ms. Sue Kloosterman
 Mr. Mike Leonard
 Ms. Katherine MacIver
 Mr. Dan Marinigh
 Dr. Nancy Martin-Ronson
 Mr. Mike Perry
 Ms. Patti Watson
 Dr. Tony Tilly

Regrets: Ms. Dana Empey
 Ms. Holly Falconi
 Ms. Shelley Knott-Fife
 Ms. Rosemarie Jung

Ms. McFadden, Board Secretary

Senior Administration: Ms. Judith Limkilde, Vice-President Academic
 Ms. Sonia Crook, Vice-President Human Resources and Student Services
 Mr. Drew Van Parys, Executive Director Marketing and Advancement

Staff Presenters:

- *Item 5.2:* Ms. Sue Sanders, Director Finance
- *Item 6.1:* Dr. Brenda Pander-Scott, Executive Director International Education, Enrolment Management & Registrar

Guests:

- Laura Copeland, Communications Officer

1. Call to Order

Confirming quorum, the Chair acknowledged holding the meeting on the traditional lands of the Mississauga and Anishinaabe peoples and called the meeting to order at 3:46 p.m. Staff and guests were welcomed.

Presentation of Tartans: The Board has a tradition of presenting incoming governors with a tie or scarf made from the cloth of the Murray Clan Tartan. Our College's namesake was born in Scotland and the Fleming family was a sub-clan of the Murray clan, hence our association with the Murray Tartan. This tartan is used officially by Fleming's Board. Governors Leonard, Marinigh and Kim were each presented with a tie, College pin and nametag.

Conflict of Interest Declarations: None declared.

2. Additions/Deletions/Approval of Agenda

It was moved by Mr. Kim, seconded by Ms. Kloosterman and carried to approve the agenda.

3. CONSENT AGENDA

Governors were requested to identify those items to be removed from the Consent Agenda and placed on the regular Public meeting agenda.

Moved and Seconded by Mr. Gillespie and Mr. Downs

THAT the Board of Governors of Sir Sandford Fleming College approve the Consent Agenda for the June 22, 2016 meeting and, by unanimous consent,

- 3.1 approve the minutes of the May 25, 2016 Public Board meeting;
and receive as information the
- 3.2 Chair's Report;
- 3.3 President's Report;
- 3.4 College Activity Report;
- 3.5 Report on Actions Taken by the Executive Committee during the Summer Recess;
- 3.6 Report on Contracts Awarded for the June 1 through September 30, 2016 Timeframe;
and
- 3.7 Schedule of 2016-2017 Program Advisory Committee Meetings.

Motion Carried
(Resolution BoG Oct26-2016 #1)

4. Business Arising from Previous Meetings

None identified.

5. Matters for Board Decision

5.1 Appointment of External Auditors: Governor Gillespie presented the recommendation of the Audit Committee who met earlier in the day.

Moved and Seconded by Mr. Gillespie and Mr. Leonard

THAT the Board of Governors of Sir Sandford Fleming College appoint KPMG LLP as the College's external auditors for the fiscal year ending March 31, 2017.

Carried
(Resolution BoG Oct26-2016 #2)

5.2 Strategic Investment Fund (SIF) Governance and Borrowing Approvals: Introduced by Dr. Tilly, the College has received confirmation our two SIF projects were approved for funding by both the federal and provincial governments, totalling \$16,983,500. The College will be required to contribute approximately \$7.1-million to these projects which will come from a combination of financial reserves, fundraising and borrowing. The Ministry of Advanced Education and Skills Development has provided approval for the College to borrow funds from the Ontario Financing Authority (OFA), the official lending agency for the Ministry of Finance, subject to requirements as set out in the Ministry's letter dated September 26, 2016.

Moved and Seconded by Ms. MacIver and Mr. Marinigh

THAT the Board of Governors of Sir Sandford Fleming College approve the *Health Sciences Cluster, Renewal, Modernization and Sustainability Improvement Project* approved for SIF funding at a total cost of \$12,463,000.

Carried
(Resolution BoG Oct26-2016 #3)

Moved and Seconded by Ms. Kerrigan and Ms. Watson

THAT the Board of Governors of Sir Sandford Fleming College approve the *GeoCentre and Environmental Science Facilities Renewal, Modernization and Sustainability Improvement Project* approved for SIF funding at a total cost of \$4,520,500.

Carried
(Resolution BoG Oct26-2016 #4)

Moved and Seconded by Mr. Gillespie and Ms. Kloosterman

THAT the Board of Governors of Sir Sandford Fleming College authorize Administration to enter into a loan agreement with the Ontario Financial Authority for up to \$5-million (up to \$3.6 million for the *Health Sciences Cluster Project* and up to \$1.4 million for the *GeoCentre and Environmental Sciences Facilities Project*) to be used to finance the two capital projects that have been approved for SIF funding by the Federal Government.

Administration will ensure the Board receives the repayment plan for this loan.

Carried

(Resolution BoG Oct26-2016 #5)

5.3 Terms of Reference for the Board Committee-of-the-Whole: Presented on behalf of the Executive Committee, Governor Gillespie noted the document completes the process undertaken by the Board in 2014.

Moved and Seconded by Mr. Gillespie and Ms. Watson

THAT the Board of Governors of Sir Sandford Fleming College approve the *Committee-of-the-Whole Terms of Reference*, for inclusion as Attachment 2 to Governance Policy 1-102J.

Motion Carried

(Resolution BoG Oct26-2016 #6)

5.4 Guideline for Governor Participation at Conferences and Workshops: Presented on behalf of the Executive Committee, Governor Gillespie noted the document formalizes current practice.

Moved and Seconded by Mr. Gillespie and Ms. Watson

THAT the Board of Governors of Sir Sandford Fleming College approve the *Guideline for Governor Participation at Conferences and Workshops*.

Motion carried

(Resolution BoG Oct26-2016 #7)

6. Matters for Board Discussion

6.1 Postsecondary Enrolment Update: Dr. Pander-Scott provided an overview of the Fall 2016 enrolment and the projected Winter 2017 enrolment. Overall, both international and domestic enrolment has declined slightly over last year. In response to the Board's request to identify some of the reasons why a student would withdraw, particularly an international student, Dr. Tilly indicated a small percentage apply to a college, obtain their student visa, arrive then transfer to a Private Career College; this is not specific to Fleming, but happens within the system. Dr. Pander-Scott further explained that Fleming tracks all withdrawals; for the most part, students arrive with a genuine intent to stay but may choose a different program or even to go out of province.

7. Other Business (information or update items and items removed from Consent Agenda)

7.1 “Community Connections”: Members were afforded an opportunity to note participation in a variety of events. The Board congratulated Governor Gillespie on his recent designation as a *Fellow of the Chartered Professional Accountants of Ontario*.

7.2 On the Table: Members were provided with a copy of the Summer 2016 edition of Fleming Ties, postcards on Education Pathways, and an invitation to the College's Open House events on November 5.

8. Report from the In-Camera Meeting: The Board held a brief In-Camera meeting earlier in the day and approved objectives for 2016-2017, appointed Governor Marinigh as the Board's representative to the College Recognition Committee for 2016-2017, and approved an increase to the student employee hourly rate.

For the public record, the Board objectives for 2016-2017 are:

- (1) Evaluate progress on the 2014-2017 Strategic Mandate agreement, determine parameters for the next SMA, and approve the final draft for negotiation with the Ministry of Advanced Education and Skills Development.
- (2) Monitor progress on major initiatives in the 2015-2018 Strategic Plan with a particular focus on innovation and change.
- (3) Focus on the College's mandate to "contribute to community and economic development" through continued familiarization with and assessment of current and potential partnerships.
- (4) Review for currency and update By-Law 1-102 and the policies, procedures and processes of the Board of Governors.
- (5) Carry out the Board responsibility for a new Executive Compensation Program consistent with provincial regulation and College needs.

9. Adjournment of Meeting: It was moved by Dr. Martin-Ronson, seconded by Mr. Leonard and carried to adjourn the Public meeting at 4:26 p.m.

Private session: Senior Administration and guests were thanked for attending the meeting and the Board moved into a private session.

Governors were reminded that a questionnaire to evaluate the overall effectiveness of the meeting would be available until end of day Thursday on the Surveys and Questionnaires page of the Board Portal.

BOARD BRIEFING REPORT

| | |
|---|--------------------------------|
| SUBJECT: Revised College Policy – Harassment and Discrimination Prevention Submission to: Public Board Meeting Meeting Date: November 23, 2016 Requested Action: Decision / Approval | Consent Agenda Item 3.2 |
|---|--------------------------------|

1. CONTEXT / PURPOSE

A report seeking approval of minor revisions to the current policy as an outcome of the regular review process.

2. BACKGROUND

The original policy was approved in June 2012 and updated in June 2015. In order to comply with the *Sexual Violence and Harassment Action Plan Act, 2016*, a number of College policies – including the Harassment and Discrimination Prevention policy – require minor revisions.

Attachments:

- College Policy #3-311, with **revisions highlighted**
- *For information*, the related Administrative Operating Procedure #3-311 OP

3. ANALYSIS / PROPOSED OPTIONS

Fleming College is required to develop and maintain a policy on harassment and discrimination and to train employees accordingly. The policy represents Fleming's commitment to fostering a diverse and inclusive working and learning environment and provides a framework for ensuring compliance with a variety of legislation. These updates represent new legislative requirements and best practice implementation.

4. ASSESSMENT OF POTENTIAL RISK – *required for all matters seeking Board decision/approval*

Category (select all that apply): Strategic Compliance Operational Reputational N/A

The policy is reviewed regularly to ensure ongoing compliance with regulation and other College processes.

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN / VISION / MANDATE

The College Policy builds on legal compliance requirements while fostering and protecting diversity.

6. RECOMMENDATION *(if a decision is requested, provide a motion for Board consideration)*

THAT the Board of Governors of Sir Sandford Fleming College approve revised College Policy #3-311, *Harassment and Discrimination Prevention*.

AUTHORED BY: Nick Duly, HR Consultant and Human Rights Officer

COLLEGE POLICY

| Harassment and Discrimination Prevention | |
|--|--|
| Policy ID: | #3-311 |
| Manual Classification: | Section 3 – Human Resources |
| Approved by Board of Governors: | <i>Original: June 26, 2013</i> |
| Revision Date(s): | June 24, 2015; <i>scheduled for Nov 23, 2016</i> |
| Effective Date: | <i>Scheduled for November 2016</i> |
| Next Review Date: | June 2017 |
| Administrative Contact for Policy Interpretation: | Vice-President Human Resources and Student Services |
| Linked to Operating Procedure: | #3-311OP <i>Harassment and Discrimination Prevention</i> |

Policy Statement

Fleming College is committed to fostering a working and learning environment that is free from harassment and discrimination and one where all individuals are treated with respect and dignity.

The College acknowledges that groups/individuals covered under this policy have a right to full participation in employment and the receipt of education and related services and confirms that it is committed to the goal of eliminating discriminatory barriers where and if they exist.

Purpose

This policy will confirm Fleming College's commitment to fostering a diverse and inclusive working and learning environment that is free from all forms of harassment, discrimination and bullying as enshrined in the Ontario Human Rights Code (OHRC), the Accessibility for Ontarians with Disabilities Act 2005 (AODA) and its related Standards/Regulations, the Pay Equity Act, the Employment Standards Act, 2000 (ESA), the Occupational Health & Safety Act (OHSA), and the Charter of Rights and Freedoms.

Reporting mechanisms for incidents of workplace harassment are contained in Appendix C of Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*.

Scope

It is the responsibility of all members of the College community to uphold the principles of this policy. Detailed responsibilities for members of the College community are described in Appendix B of the Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*.

This policy and complaint procedures will apply in cases concerning students, staff, faculty, contractors and third party service providers as well as governors, volunteers or visitors of Fleming College:

1. occurring within or affecting people or property within the physical boundaries of the College;
2. occurring on or affecting College owned or controlled property, including student residences;
3. occurring with the use of computer and telephone systems, and College and private vehicles being used for college business or for travelling between work and study locations;
4. at a College-sponsored event;
5. occurring off-campus which are likely to have an impact on the working and/or learning environment at the College

Incidents occurring off campus which have no or little likelihood of any impact on the working/learning environment at the College would be pursued by individuals through the regular external processes.

Complaints by students regarding harassment or discrimination on the basis of any prohibited ground under the Ontario Human Rights Code may be addressed within this policy. Students who wish to make complaints regarding bullying against other students that is not on the basis of any prohibited ground are referred to College Policy #5-506, *Student Rights and Responsibilities* for investigation and resolution.

Allegations related to sexual assault and/or sexual violence will be addressed in accordance with College Policy #3-343, *Sexual Violence Prevention*. Sexual assault and sexual violence are violations of both College Policy #3-311, *Harassment and Discrimination Prevention* and College Policy #4-420, *Violence Prevention*.

Issues related to other violent or threatening behaviour are addressed through College Policy #4-420, *Violence Prevention*.

Definitions

Workplace Harassment: Under the Ontario Occupational Health & Safety Act, Workplace Harassment means

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b) Workplace Sexual Harassment.

Within this policy, this definition will include any form of harassment, bullying, or psychological harassment including harassment on any protected ground in human rights legislation.

Workplace Sexual Harassment: Under the Ontario Occupational Health & Safety Act, Workplace Harassment means

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace 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
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Subsection 1 (4): A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Prohibited Grounds of Discrimination: The Ontario Human Rights Code prohibits discrimination or harassment in employment based upon citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed (religion), sex (including pregnancy), sexual orientation, marital status, family status, record of offenses, gender identity and gender expression.

College-Sponsored Event: For the purposes of this policy, the words "College-sponsored event" shall be broadly construed and will include events sponsored by the Student Administrative Council (Sutherland), the Student Association (Frost), and other bodies affiliated with the College.

Further definitions and examples are contained in Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*.

General Principles

1. The College recognizes that achieving equity in employment and education requires institutional support, pro-active educational programming, effective complaints procedures, co-operation from every member of the College community, and informed leadership at every level of the institution.

2. Management staff at all levels have a legal obligation to act expeditiously upon information concerning incidents of workplace harassment and discrimination.
3. The College recognizes its obligation to ensure that this policy and the procedures are fair and applied fairly. Both complainants and respondent are to be treated fairly and given equal opportunity to present their version of events, while preserving the dignity, privacy and self-respect of all persons involved.
4. Action(s) or behaviour(s) which are consistent with or permitted by the Ontario Human Rights Code shall not constitute discrimination for the purposes of this policy.
5. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.
6. The College has a high regard for and will strive to ensure confidentiality as a top priority throughout complaint processes subject to disclosure obligations required by law.
7. Because the intent of these procedures is educational and preventative rather than punitive, the investigative process may stop at any step.

Related Documents

This Policy may at times contain references to the following policies and legislation:

- The Canadian Charter of Rights and Freedoms
- The Criminal Code of Canada
- Ontario Human Rights Code, R.S.O. 1990
- Ontario Human Rights Commission Policy on Competing Human Rights
- Ontario Human Rights Commission Policy on Preventing Sexual and Gender-Based Harassment
- Ontario Occupational Health and Safety Act, R.S.O. 1990
- Ontario Ministry of Labour Code of Practice to Address Workplace Harassment Under Ontario's Occupational Health and Safety Act
- The Accessibility for Ontarians with Disabilities Act, 2005 and its related Standards and Regulations
- Ontario Employment Standards Act, 2000
- Ontario Pay Equity Act, R.S.O. 1997
- Academic Employees Collective Agreement
- Support Staff Collective Agreement
- College Policy #3-343, *Sexual Violence Prevention*
- Administrative Operating Procedure #3-343 OP, *Sexual Violence Prevention*
- College Policy #4-412, *Safety*
- College Policy #4-420, *Violence Prevention*
- Administrative Operating Procedure #4-420 OP, *Violence Prevention*
- College Policy #5-506, *Student Rights and Responsibilities*
- Administrative Operating Procedure #5-506 OP, *Student Rights and responsibilities*

Appendices

N/A

History of Amendments/Reviews:

| Section(s) | Date | Comments |
|--------------------------------|-----------|---|
| Full policy review | June 2013 | Replaced Policy #3-311, <i>Respectful Working and Learning Environment</i> <ul style="list-style-type: none">• Board approval of policy (Resolution BoG June26-2013 #5) |
| Full policy review; new format | May 2015 | Updates as a result of new policy developed for Sexual Assault/Sexual Violence; reviewed by Executive Leaders Team <ul style="list-style-type: none">• Board approval of policy (Resolution BoG June24-2015 #2) |
| Regular review process | June 2016 | Minor edits for clarity and to reflect legislative requirements <ul style="list-style-type: none">• |

ADMINISTRATIVE OPERATING PROCEDURE

| Harassment and Discrimination Prevention | |
|---|--|
| Procedure ID: | #3-311 OP |
| Approved by Executive Leaders Team: | <i>Original:</i> June 2015 |
| Revision Date(s): | November 2016 |
| Effective Date: | Current |
| Next Review Date: | 2017 |
| Monitoring Responsibility: | Human Resources Consultant/Human Rights Officer |
| Linked to a College Policy: | #3-311 <i>Harassment and Discrimination Prevention</i> |

Policy Statement

Fleming College is committed to fostering a working and learning environment that is free from harassment and discrimination and one where all individuals are treated with respect and dignity.

The College acknowledges that groups/individuals covered under this policy have a right to full participation in employment and the receipt of education and related services and confirms that it is committed to the goal of eliminating discriminatory barriers where and if they exist.

Definitions/Acronyms

Workplace Harassment: Under the Ontario Occupational Health & Safety Act, Workplace Harassment means,

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b) Workplace Sexual Harassment;

Within this policy, this definition will include any form of harassment, bullying, or psychological harassment including harassment on any protected ground in human rights legislation.

Workplace Sexual Harassment: Under the Ontario Occupational Health & Safety Act, Workplace Harassment means,

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace 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
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Subsection 1 (4) A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Additionally, the Ontario Human Rights Code states:

Sexual harassment Harassment because of sex in workplaces

(2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or

her employer or agent of the employer or by another employee. R.S.O. 1990, c. H.19, s. 7 (2); 2012, c. 7, s. 6 (2).

Sexual solicitation by a person in position to confer benefit, etc.

(3) Every person has a right to be free from,

- (a) a 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 making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- (b) a reprisal or a threat of reprisal for the rejection of 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. R.S.O. 1990, c. H.19, s. 7 (3).

Prohibited Grounds of Discrimination: The Ontario Human Rights Code prohibits discrimination or harassment in employment based upon citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed (religion), sex (including pregnancy), sexual orientation, marital status, family status, record of offenses, gender identity and gender expression.

College-Sponsored Event: For the purposes of this policy, the words "College-sponsored event" shall be broadly construed and will include events sponsored by the Student Administrative Council (Sutherland), the Student Association (Frost), and other bodies affiliated with the College.

Further definitions and examples are contained in Appendix A.

Operating Procedure

Complaints

An investigation will be conducted into incidents and complaints of workplace harassment, (including sexual harassment), discrimination, or harassment that is appropriate in the circumstances. Such complaints will be investigated according to the procedures described in Appendix C.

The complaint process in Appendix C will be used to investigate complaints against or involving employees under College Policy #3-343, *Sexual Violence Prevention*.

Program Awareness of the Policy and this Procedure

The College will ensure awareness of the Policy and this Procedure by:

1. Making both documents available to any existing and new member of the College. Both documents will be posted on the Human Resources website. Alternative formats will be made available upon request to the Human Rights Officer.
2. Providing information and instruction to all employees, ensuring those persons with managing, supervising, and leadership responsibilities are aware of their obligations under the policy and are able to implement its requirements. This training will discuss recognizing what constitutes workplace harassment and discrimination, the resolution process, complaint procedures and mechanisms available under the policy.
3. Reviewing the training program to ensure that it adequately implements the Policy. This will be done at least annually.

Related Documents

This procedure may at times contain references to the following policies and legislation:

- The Canadian Charter of Rights and Freedoms
- The Criminal Code of Canada
- Ontario Human Rights Code, R.S.O. 1990
- Ontario Human Rights Commission Policy on Competing Human Rights
- Ontario Human Rights Commission Policy on Preventing Sexual and Gender-Based Harassment
- Ontario Occupational Health & Safety Act, R.S.O. 1990
- Ontario Ministry of Labour Code of Practice to Address Workplace Harassment Under Ontario's Occupational Health and Safety Act
- The Accessibility for Ontarians with Disabilities Act, 2005 and its related Standards & Regulations
- Ontario Employment Standards Act, 2000
- Ontario Pay Equity Act, R.S.O. 1997
- Academic Employees Collective Agreement
- Support Staff Collective Agreement
- College Policy#6-601, *Information and Communications Technology Appropriate Use Policy*
- College Policy #3-343, *Sexual Violence Prevention*
- Administrative Operating Procedure #3-343 OP, *Sexual Violence Prevention*
- College Policy #4-412, *Safety*
- College Policy #4-420, *Violence Prevention*
- Administrative Operating Procedure #4-420 OP, *Violence Prevention*
- College Policy #5-506, *Student Rights and Responsibilities*
- Administrative Operating Procedure #5-506, *Student Rights and Responsibilities*

Appendices

Appendix A: *Further Definitions and Examples*

Appendix B: *Additional Related Information*

Appendix C: *Complaint Reporting and Resolution Process*

Appendix D: *Academic Contact Information for Students*

Appendix E: *Investigating / Resolving Complaints Made Against the President / Board of Governors*

History of Amendments/Reviews:

| Section(s) | Date | Comments |
|-------------|-----------------------|--|
| Full review | June 2015 | New format, updated language • ELT approval of operating procedure (June 2, 2015) |
| Full review | August – October 2016 | • ELT approval of operating procedure (November 15, 2016) |

Appendix A to Operating Procedure 3-311 OP: *Further Definitions and Examples*

Definitions and Examples

No policy can provide a full description and definition of every behaviour that falls within the meaning of workplace harassment, sexual harassment, and discrimination. This policy encompasses harassment and discrimination based upon every prohibited ground under the OHRC as well as non-human rights definitions of harassment and bullying as outlined in the OHSA (Bills 168 and 132) and the collective agreements for both academic and support staff employees

Complaints by students regarding harassment or discrimination on the basis of any prohibited ground under the Ontario Human Rights Code may be addressed within this policy. Students who wish to make complaints regarding bullying against other students that is not on the basis of any prohibited ground are referred to the Student Rights and Responsibilities Policy (# 5-506) for investigation and resolution.

Workplace Harassment, as defined within the Policy, includes the following terms:

1. **Bullying (Harassment):** refers to any vexatious behavior that is known, or ought reasonably to be known, to be unwelcome and that:
 - Adversely affects an employee's dignity, or psychological or physical integrity by making them feel threatened, humiliated, vulnerable, and/or undermines the recipient's self-confidence and/or reduces the recipient's feelings of self-esteem and self-worth and/or
 - Takes the form of repeated conduct such as persistent, offensive, abusive, intimidating or insulting behavior, abuse of power and/or unfair punitive sanctions which could reasonably be regarded as intending to intimidate, offend, degrade or humiliate, and/or
 - Results in a harmful working environment.

Examples include, but are not limited to:

- berating/belittling an employee or an individual
- unreasonably questioning an individual's abilities, skills, or decision making when not related to an appropriate evaluation of performance
- excluding or isolating a person by making others avoid him/her
- ignoring a person in the workplace or classroom
- making repeated unwarranted criticism
- undermining or deliberately impeding a person's work
- spreading malicious rumours or gossip
- making physical gestures intended to intimidate, offend, degrade or humiliate an employee or an individual
- making comments that are threatening, degrading, or defamatory, or using abusive language whether verbally or written, including voice mail, email, on-line chats and comments posted on websites or social media).
- making a person perform useless, humiliating or demeaning tasks that are not reasonably expected to be part of that person's employment
- unreasonably ceasing to give a person work on an on-going basis

The definition of bullying / workplace harassment refers to persistent behaviour or a course of comment or conduct. Notwithstanding this, in some exceptional circumstances one single incident can constitute Workplace Harassment when it is demonstrated that it is severe and has a significant and lasting impact on the complainant.

Bullying or harassment does not include differences of opinion or minor disagreements between co-employees, or an occasional raised voice or argument. It does not include reasonable actions taken by the College or a manager relating to the management and direction of workers in the workplace, or other reasonable actions by the College, a manager, by the Union or its representatives, by students, employees, individuals or by groups.

Examples of such reasonable actions include but are not limited to:

- the transfer, demotion, discipline, counsel or dismissal of an employee in a reasonable manner;
- a decision, based on reasonable grounds and facts, not to promote or grant another benefit in connection with an employee's employment or performance;
- the legitimate right and responsibility of managers to conduct on-going evaluation of employee performance at work, which may result in reasonable changes to a person's assignment as a result of an evaluation;
- the legitimate right of Union members and officials to reasonably conduct grievance investigations, file grievances, conduct inspections, lawfully picket and, without limiting the aforementioned, generally conduct Union business in a reasonable manner;
- the legitimate right and responsibility of employees to correct inappropriate student behavior and maintain order in the work environment in a reasonable manner;
- respectfully expressing disagreement or reasonably stating a contrary point of view;
- the legitimate exercise of freedom of thought and inquiry, and expression.

Bullying and Harassment will not be condoned under the guise of strong management when employees are not treated with dignity and respect.

2. **Sexual Harassment:** may be one or a series of comment(s) or conduct of a gender-related or sexual nature that is known or ought reasonably to be known to be unwelcome/unwanted, offensive, intimidating, hostile, derogatory, or inappropriate.

Sexual harassment may include but is not limited to:

- invading personal space
- using language that puts someone down and/or comments toward women (or men, in some cases), sex-specific derogatory names
- making gender-related comments about someone's physical characteristics or mannerisms
- making comments or treating someone badly because they don't conform with sex-role stereotypes
- showing or sending pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including on-line)
- sexual jokes, including passing around written sexual jokes (for example, by e-mail)
- rough and vulgar humour or language related to gender
- using sexual or gender-related comment or conduct to bully someone
- spreading sexual rumours (including on-line)
- making suggestive or offensive comments or hints about members of a specific gender
- bragging about sexual prowess
- demanding dates or sexual favours
- making an employee dress in a sexualized or gender-specific way
- acting paternally in a way that someone thinks undermines their self-respect or position of responsibility

- demeaning gestures, remarks and jokes, slurs, taunting, or innuendo unwanted physical contact, leering, inappropriate comments about clothing, physical characteristics or activities
- unwanted questions or comments about one's private life, sexual orientation, marital or family status
- the production, display or distribution of pornographic or other sexually offensive or derogatory pictures of material
- solicitation of, or implied or expressed promise of reward or benefit in return for sexual favours
- pressing an individual to accept unwelcome invitations or sexual propositions, including repeated telephone calls, letters, emails or other electronic communications including social media
- implied or expressed threat or act of reprisal if sexual favours are not given
- Sexual Assault. (Sexual Assault is an offense under section 271 of the Criminal Code of Canada and will be responded to in accordance with College Policy #3-343, *Sexual Violence Prevention* and College Policy #4-420, *Violence Prevention*.)
- Gender/Sexual Orientation Harassment (defined below)

3. **Harassment Based upon Prohibited Grounds in the Ontario Human Rights Code:** may be one or a series of vexatious comment(s) or conduct related to one or more of the prohibited grounds that is known or ought reasonably to be known to be unwelcome/unwanted, offensive, intimidating, hostile, derogatory, or inappropriate. Such harassment may be based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, gender identification, sexual orientation, age, marital status, family status, disability, record of offences (in employment only), and receipt of public assistance (in accommodation only) as defined by the Ontario Human Rights Code.

In addition to the above, the following denotes examples of harassment based upon Prohibited Ground in the Ontario Human Rights Code which may occur:

(a) Racial Harassment may be one or a series of comment(s) or conduct of a racial nature that is known or ought to reasonably be known to be unwelcome/unwanted, offensive, intimidating, hostile, derogatory or inappropriate.

This may include but is not limited to:

- verbal abuse, threats, derogatory name-calling, racist slurs, insults and/or jokes
- ridicule of an individual on racial or cultural grounds
- comments which imply that race impairs the person's ability
- exclusion from normal workplace interactions or social events
- unfair allocation of work and/or responsibilities
- racist graffiti, insignia, objects or pictures or display and/or publication of racist material
- physical assault or unwelcome physical contact (Assault is an offense under the Criminal Code of Canada and will be responded to in accordance with the Violence Prevention Policy # 4-420)
- inciting others to commit any of the above (sections 318 and 319 of the Criminal Code of Canada explicitly prohibit acts inciting hatred or violence towards any identifiable group on the basis of colour, race, religion, national or ethnic origin, age, sex, sexual orientation, or mental or physical disability.).

(b) Gender-Based Harassment is a form of both Workplace Harassment and Sexual or Human Rights Harassment which often stems from homophobia and heterosexism. Gender-based harassment is any behaviour that polices and reinforces traditional heterosexual gender

norms. It is often used to get people to follow traditional sex stereotypes (dominant males, subservient females). It is also used as a bullying tactic, often between members of the same sex.

It may consist of offensive comments and/or actions, and/or exclusion from that to which a person(s) would otherwise have a right or privilege, which demean and belittle an individual(s) and/or cause personal humiliation on the basis of gender and/or sexual orientation. Homophobia means harassing, prejudicial treatment of, or negative attitudes about, lesbian, gay, bisexual, trans-identified, transgendered, inter-sexed, two-spirited, or queer persons and those perceived to be of these sexual orientations or gender identities.

Homophobia includes a range of feelings and behaviours from discomfort and fear to disgust, hatred and violence. Heterosexism is based on societal values that dictate that everyone is, or should be, heterosexual.

In addition to the examples from Sexual Harassment, Section 2 above, further examples of Gender-Based Harassment may include:

- making derogatory comments, innuendos, insults, slurs, jokes or threats about sexual orientation or sexual practice, including voice mail, email, online chat or posted on a website
- silencing talk of sexual or gender diversity
- forcing people to “come out” or to “stay in the closet” (disclose or hide their sexual orientation)
- linking homosexuality with pedophilia (child abuse)
- defacing notices, posters or property with homophobic graffiti
- removing or defacing notices, posters, postcards, or other property of the Fleming Association of Queers (FAQ) or other awareness initiatives on campus
- rejecting or excluding individuals or groups because of their sexual orientation or gender identity.
- physical violence, including sexual violence (Assault and Sexual Violence are offenses under the Criminal Code of Canada and will be responded to in accordance with College Policy #3-343, *Sexual Violence Prevention* and College Policy #4-420, *Violence Prevention*)
- inciting others to commit any of the above (sections 318 and 319 of the Criminal Code of Canada explicitly prohibit acts inciting hatred or violence towards any identifiable group on the basis of colour, race, religion, national or ethnic origin, age, sex, sexual orientation, or mental or physical disability.).

(c) Disability Harassment may also consist of offensive comments and/or actions, and/or exclusion from that to which a person(s) would otherwise have a right or privilege, which demean and belittle an individual(s) and/or cause personal humiliation on the basis of a disability.

Discrimination Based upon Prohibited Grounds in the Ontario Human Rights Code may be one or a series of action(s) or behaviours(s) based on a prohibited ground that results in the unfavourable or differential treatment which negatively affects the employment status of an employee or academic status of a student, or the provision of a College service.

This may include, but is not limited to, the refusal to provide goods, services or facilities, exclusion from employment or employment benefits, unequal treatment in employment, exclusion of support

persons or service animals for disabled persons, and/or refusal to work with, teach, or study with someone based on a prohibited ground of discrimination.

The Code requires that a person who has the authority to prevent or discourage harassment and discrimination may be held responsible for failing to do so. All persons in positions of authority have a particular legal duty to be alert to signs of harassment and discrimination in the workplace and/or educational environment. They must take action to address any incidents of which they are aware or ought reasonably to have been aware. This also applies to faculty because of their unique role as managers/facilitators of the learning environment. Decisions made by courts and human rights tribunals in recent years have emphasized this responsibility.

Types of discrimination that are prohibited under the Ontario Human Rights Code include:

- a) **Direct Discrimination** refers to differential treatment which negatively affects an employee or student and which is directly related to a prohibited ground of discrimination. Such differential treatment need not be intentional or overt to constitute direct discrimination.
- b) **Indirect or Adverse Impact Discrimination** occurs where a requirement, qualification or factor which appears neutral results in the exclusion, restriction or preference of a person because of his or her membership in a group identified by a prohibited ground of discrimination.
- c) **Systemic Discrimination** includes policies, practices, procedures, displays, materials, actions or inactions that appear neutral, but have an adverse impact associated with one of the prohibited grounds. This may include, but is not limited to, negative stereotypical portrayal of groups/individuals in materials, attendance policies that do not reasonably accommodate religious responsibilities, and course selection and/or job posting criteria that are not bona fide. Where, as a result of a College investigation, systemic bias is determined within any college policy, procedure and/or practice, the positive actions may include amendments, revisions or elimination of existing College policy, procedure or practice.

Additional Definitions

Negative Environment: One or a series of comments or conduct that creates a negative environment for individuals or groups and are related to the prohibited grounds. The comment or conduct has the effect of "poisoning" the working or learning environment. A complainant does not have to be a direct target to be adversely affected by a negative environment. It includes conduct or comment that creates and maintains an offensive, hostile, or intimidating climate for learning or work.

Examples may include exposure to graffiti, signs, cartoons, remarks, exclusion, adverse treatment related to one or more of the prohibited grounds.

Hate/Discriminatory Material: It is an offense under the Criminal Code of Canada to publish, display, transmit, or distribute before the public or direct to an individual, or cause to be published, displayed, transmitted or distributed within Fleming College or through the use of College resources, with the intent of inciting others to discriminate, any notice, sign, symbol, emblem or other representation that expresses or implies discrimination or an intention to discriminate. In addition, it is a violation of the Ontario Human Rights Code to publish or display before the public, or cause the publication or display before the public, of any notice, sign, symbol, emblem or other similar representation that indicates the intention of the person to discriminate, or is intended by the person to incite discrimination, contrary to the Code.

Disability: as set out in the Ontario Human Rights Code, means,

- a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes, mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;
- b) a condition of mental impairment or a developmental disability;
- c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- d) a mental disorder; or
- e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act.

Vexatious complaint or complaints made in bad faith: A complaint made in bad faith is one that is known by the complainant to be false and/or one in which a complaint is made for a purpose other than gaining a satisfactory remedy. A vexatious complaint is one that is instituted maliciously and without probable cause and/or one which is not based on reasonable factual ground but is merely vindictive. In determining whether a complaint is vexatious or made in bad faith, the knowledge and intention of the complainant will be considered. If the complainant is merely bringing the complaint to annoy or embarrass the respondent and knows that there is no discrimination or harassment per se, then it can be said that the complaint is vexatious or made in bad faith.

Appendix B to Operating Procedure 3-311 OP: *Additional Related Information*

1. Coverage

1.1 External Relationships: Visitors, contractors, and/or suppliers of services who attend a Sir Sandford Fleming College campus location will be subject to complaints if they engage in prohibited or inappropriate conduct as defined in this policy. All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with all current legislation and relevant College policies. Breach of the clause may result in penalties, cancellation or debarment if a contractor is found in violation of the College's policy or government statutes.

1.2 Student Work Placements: Students completing work placements are covered by the relevant occupational health and safety and workplace harassment policies of the individual placement agency while they are on placement. Placement coordinators should ensure that students are aware of applicable policies during the student's introduction and orientation to the placement. College representatives will engage in discussions with the student(s) and agency as appropriate and will support the resolution of workplace harassment and discrimination issues once they are made aware of an incident.

2. Specific Roles and Responsibilities

2.1 Supervisors and Management

Supervisors and Managers represent the College, and as such it is their key responsibility to create a positive, respectful working environment free from Workplace Harassment and discrimination. Supervisors and managers are required to:

- Comply with this Policy and refrain from any acts of harassment or discrimination
- Be familiar with the requirements of this policies and the signs of workplace harassment
- Ensure, as much as reasonably practical, that no employees are subjected to Workplace Harassment. Take allegations of violence or harassment seriously and follow-up appropriately.
- Take corrective action with anyone under their direction who subjects employees to harassment.
- Attend training and information sessions provided by the College to reduce incidents of harassment and discrimination
- Set a good example and maintain a high standard of conduct in all dealings with others.

2.2 Employees

Every employee contributes to the creation of a safe and healthy work environment by demonstrating professional, respectful and appropriate conduct at work. All employees must accept as a personal responsibility their own role in eliminating the risk of Workplace Harassment in the day-to-day activities of their own work. Therefore, employees are required to:

- Comply with this Policy and refrain from any acts of harassment or discrimination
- Work together in a professional manner and resolve issues in a respectful manner
- Report to their immediate supervisor any incidents they experience or witness.
- Attend training and information sessions provided by the College to reduce incidents of harassment and discrimination
- Co-operate with investigators or other authorities as required during any investigation related to this Policy
- Set a good example and maintain a high standard of conduct in all dealings with others.

Additionally, faculty members are reminded that because of their unique role as managers / facilitators of the learning environment they as they are in a position of authority and have a

particular legal duty to be alert to signs of harassment and discrimination in the educational environment. Faculty members must take action to address any incidents of which they are aware or ought reasonably to have been aware.

2.3 Students

Like employees, students are expected to demonstrate respectful and appropriate conduct in the classroom. Students must accept as a personal responsibility their own role in eliminating the risk of harassment and bullying. Students are expected to:

- Comply with this Policy and refrain from any acts of harassment or discrimination
- Work with each other and College staff in a professional manner and to resolve issues in a respectful manner
- Report any incidents of bullying or harassment that they experience or witness.
- Co-operate with investigators or other authorities as required during any investigation related to this Policy

2.4 The College Human Rights Officer

The College's Human Rights Officer administers this Policy. They provide consultation and support to managers and individuals with regards to this Policy and its application. They identify and support training opportunities throughout the College and provide summary data to stakeholders as requested. The Human Rights Officer may assist with or assume an investigation upon request from a supervisor, manager, or Dean, or from the Vice President, Human Resources and Student Services. Such a request may occur where there are or could be concerns expressed with regards to objectivity or a conflict of interest.

3. Records

The Human Rights Officer will maintain a confidential file pertaining to each internal investigation complaint for the current calendar year plus seven (7) years following the conclusion of the internal investigation complaint process, after which time the contents of the file will be destroyed.

The Vice-President, Human Resources and Student Services is responsible for maintaining a confidential central file pertaining to each External Investigation made under this policy and of the resolution of same. Files will be accessible only to the President, the Vice-President, Human Resources and Student Services and the Human Rights Officer, or as may be required by law. Files on formal investigations will be retained for the current calendar year plus seven (7) years following conclusion of the appeal period, after which time the contents of the file will be destroyed.

Statistical information on the number, nature and type of complaints will be kept and reports filed annually by the Human Rights Officer. Annual reports will be distributed to the Joint Health and Safety Committee, Vice-President of Human Resources and Student Services, the College President, and the Executive Leadership Team.

Where an investigation results in disciplinary action, this information will be placed in the respondent's personnel file or student file. Where the complaint has not been substantiated, no reference will be placed in the personnel or student file of either party. When an individual has lodged a complaint that is later found to have been trivial, frivolous, vexatious or made in bad faith, and discipline has been imposed, a letter regarding the same will be placed in his/her personnel file or student file.

Once each year, an individual may appeal to the Vice President, Human Resources and Student Services to have the letter on file removed, a decision on which is at the discretion of the College.

Appendix C to Operating Procedure 3-311 OP: *Complaint Reporting and Resolution Process*

1. Principles of the Complaint Reporting and Resolution Process

- a) This complaint process will be used to investigate complaints against or involving employees under College Policy #3-343, *Sexual Violence Prevention*.
- b) In accordance with the Ontario Occupational Health & Safety Act (OHSA), the College will conduct an investigation into incidents and complaints that is timely, fair, and appropriate in the circumstances. Two or more complaints alleging a violation engaged in by the same person, or having facts in common, may be dealt with in the same proceeding.
- c) In appropriate circumstances (e.g. where personal safety is at risk or a strongly negative environment exists), the College will take immediate interim measures to stabilize the situation before the complaint process is initiated or concluded. Where such measures are taken, a time frame for review of the situation will be established.
- d) This policy does not preclude a Complainant from initiating an alternative complaint procedure, for example, to use the criminal process (if the action warrants), launch a civil lawsuit, complain to the Human Rights Tribunal of Ontario, the Ministry of Labour, or to access the grievance procedures outlined in their collective agreements and the terms and conditions of their employment. The College acknowledges that it is not a court of law or a quasi-judicial system.
- e) A complainant or respondent may choose to seek legal advice at her/his own expense. However, legal counsel cannot participate in proceedings under this policy. Complainants and respondents may bring a college representative of his/her choice (e.g. union member, student representative, parent/guardian, college counsellor) to any meetings throughout the proceedings for support.
- f) The Complainant has the right to withdraw the complaint at any time during the process up to the conclusion of the formal appeal process. Regardless, the College may determine that it is appropriate to continue the investigation. The Complainant must understand that withdrawal of the complaint will most likely result in discontinuation of the investigation, and will be taken to mean that the complainant has abandoned his/her claim that workplace harassment or discrimination has occurred.
- g) A person who is the subject of a complaint made under these procedures and who has reason to believe that the complaint is vexatious, in bad faith, or itself a form of harassment, has the right to file a complaint.
- h) **Confidentiality:** In accordance with the OHSA, information obtained about an incident or complaint of Workplace Harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigation or taking corrective action with respect to the incident or complaint, or is otherwise required by law such as grievance arbitrations, Human Rights Tribunal proceedings, Occupational Health & Safety disclosure requirements, and judicial proceedings. Such disclosures may also be subject to the Freedom of Information and Personal Information Protection and Electronic Documents Acts
- i) **The College's Obligation to Act:** The Ontario Human Rights Code and the Occupational Health & Safety Act requires that a person who has the authority to prevent or discourage workplace harassment or discrimination may be held responsible for failing to do so. All College members in positions of authority have a particular duty to take reasonable steps to deal with incidents of workplace harassment or discrimination when they know of or ought reasonably to have known of the incident.

In order to comply with its legal obligations, the College may, under appropriate circumstances, initiate a complaint procedure without a request to do so from a complainant. As well, where appropriate, the College may choose to continue with a procedure even after a complainant has decided to terminate the process.

- j) **Incidents of Harassment Not Resulting in Complaints:** Members of the College Community who witness incidents of harassment which do not result in complaints on the part of the victim are still required to report this harassment to the respondent's supervisor or Dean following the complaint reporting procedures below. The College will follow the complaint process in this Procedure to investigate the complaint.
- k) **Incidents of Harassment When the Harasser is Unknown:** In circumstances where the harasser is unknown such as cyber-harassment the College will make reasonable and appropriate efforts to protect the individual and to end the harassment. This may include notifications to external agencies and/or law enforcement.
- l) **Time Lines:** A complaint under this Policy must be filed within six (6) months of the circumstances giving rise to the complaint, unless the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay. Substantial prejudice, as defined by the Human Rights Tribunal of Ontario exists where it can be shown that proceeding with the complaint will deprive the respondent of an essential right such as the right to a complete defense (e.g. the destruction of material evidence by unforeseen event such as fire, flooding, etc.; death or significant incapacity of material witnesses). The passage of time or inconvenience in finding witnesses or locating documents does not amount to substantial prejudice. This decision as to whether or not any delay was incurred in good faith will be made by the Vice President, Human Resources and Student Services and communicated to all parties involved.
- m) **Systemic Discrimination:** In the event that a College policy, procedure or practice is the subject of a complaint based on the prohibited grounds of discrimination, the complaint is to be brought to the attention, orally or in writing, to the College Administrator who is responsible for that policy, procedure or practice. The Administrator will engage in discussion or internal investigation / informal fact-finding investigation, whichever applies depending on the form and substance of the complaint, and will follow the principles and timelines of the applicable process described above.
- n) **Anonymity:** Individuals are reminded of their responsibility to cooperate with a bullying or harassment investigation under this policy. Those who may be reluctant to provide information relevant to an investigation for fear of reprisal or retribution are reminded that the College will in no way permit or tolerate any such form of intimidation or retaliation. Information received anonymously by the College with respect to an investigation will be reviewed but may or may not be taken under consideration. Potential conflicts with regards to anonymity may be reviewed by the Vice President, Human Resources and Student Services. Such requests for anonymity may be reviewed based upon the level of the investigation and the severity of the accusations.

Competing Human Rights: The College may engage in a competing human rights analysis as it deems appropriate using the Ontario Human Rights Commission's Policy on Competing Human Rights as its reference document.

2. About Making a Complaint Under This Policy

Individuals who may have been subjected to harassment are advised to make notes of the offensive behaviour, the date and time that it happened, what was done about it, and who may have witnessed the incident(s).

Speak Up About Harassment and Discrimination

Whenever possible, students and employees are encouraged to attempt to resolve conflicts directly. Employees and students of the College who experience workplace harassment or discrimination should first attempt to make it known to the individual(s) responsible that the behaviour is offensive, contrary both to law and to the College's policy and request that it stops.

Complaints Against Contractors and Third-Party Service Providers

Members of the College community who wish to make complaints against contractors and third-party service providers are requested to speak with the respondent individual's supervisor. The College will support members of the College community in having their complaint properly investigated and resolved. For assistance in this regard please contact the Human Rights Officer.

Supports for Individuals Considering Making a Complaint

Employees or students who are considering whether or not to make a complaint and who have questions about the complaint process may speak with their Union representative (if applicable), joint health and safety committee member, or the Human Rights Officer. Additionally, students may also speak with their Student Administrative Council (Sutherland), the Student Association (Frost) or the Human Rights Officer.

If a student is unaware who the Dean is for their program they should consult Appendix D of this Operating Procedure for clarification. Students who are unsure as to which Dean to approach should speak with their own Dean or Academic Chair.

During the investigation process, the Respondent may choose to be accompanied by a third party in a supportive capacity. This may be a union member (if applicable) or a SA / SAC representative if the Respondent is a student. A third party may not speak on behalf of the complainant but may provide assistance with regards to the process.

Reporting Incidents Where the Employee's Supervisor is the Alleged Harasser

Under this procedure, employees who are considering whether or not to make a complaint about their direct supervisor should ideally make the complaint to their supervisor's supervisor. Should this be impractical or for additional support the employee is asked to please speak with the Human Rights Officer, joint health and safety committee member, or their Union representative (if applicable).

Mediation

Before pursuing an internal investigation, individuals may decide to request mediation. Mediation is a simple, effective and rapid conflict resolution method that brings together only those persons concerned by or involved in the situation. Mediation seeks to put an end to the alleged harassment, discrimination or bullying by finding, with the help of an impartial third party, mutually acceptable solutions for the people concerned. In order for mediation to succeed, participation in the process must take place in a context of good faith.

Individuals may also consider using traditional mediation methods such as talking circles or healing circles.

Mediation may be requested through the Human Rights Officer, and the selection of the mediator must be agreed to by both parties. The mediation will normally be concluded within twenty (20) working days of the receipt of the case by the mediator. The mediator's responsibility will be to provide a forum for discussion in a neutral setting. The mediator will not impose his/her point of view or that of either of the parties to the process. The mediator will also ensure that the parties have given their free and enlightened consent to any potential settlement that may be reached between them.

If the mediation results in a mutually acceptable agreement, a copy of the agreement will be forwarded to the Human Rights Officer. If the complainant and respondent so agree, the decision may be made available to an investigator in the case of any future formal process. The agreement will be treated as confidential.

If the mediation is not a viable option or does not result in an agreement, the complainant may choose to initiate the next investigative step within five (5) working days of the conclusion of the attempt to reach an agreement

3. How to Make a Complaint

The Complaint Reporting and Resolution Process consists of two steps: an Internal Investigation or Fact-Finding Process, and/or an External Investigation Process.

STEP 1 – Internal Investigation / Fact Finding Process

The Complainant submits a written detailed complaint to the respondent employee's supervisor, or the respondent student's Dean. The supervisor or Dean (or their delegate) then investigates the allegation(s) and makes a determination using a balance of probabilities as to whether there has been a contravention of this Policy. A delegate may be preferable in instances where there is the possibility of perception of a conflict of interest, or an issue of availability. Typical delegates may include the Academic Chair for the school, a Dean or Chair from another school, the Human Rights Officer or a Human Resources Consultant. Some investigations, such as those initiated through College Policy #3-343, *Sexual Violence Prevention*, may require a second investigator in order better reflect issues of complexity and gender balance. Investigations involving students may also require the involvement of an additional investigator from Student Services.

The Investigative Process

1. The Complainant initiates a fact-finding process by notifying the supervisor of the respondent employee or the Dean of the responding student's school in writing with the nature and substance of the complaint. This complaint should include relevant details such as the nature of the specific offensive behaviour / language, dates, times, and names of witnesses as well as the requested outcome desired.
2. Within ten (10) working days of receiving the complaint, the supervisor or Dean (the Investigator), or their delegate will meet with both the complainant and the respondent in order to attempt to verify the details of the complaint. The Investigator may request the production of documents or information from the complainant, respondent, witnesses or other resources that is relevant to the fact-finding process. The Investigator will share details of the complaint with the Respondent including a copy of a written complaint. Information provided by the Respondent may be reviewed by the Complainant and vice versa as necessary. Timelines may be extended if delays are experienced in good faith.

Determination and Judgment

1. At the conclusion of the investigation, the Investigator will write a report summarizing the steps taken during the investigation, the complaint, the allegations, the response from the respondent, the evidence from witnesses and other evidence gathered. It will set out the findings of fact and come to a conclusion stating whether or not the complaint is substantiated. This conclusion will be based on the balance of probabilities (which means that it is either more likely or not likely that the incident(s) of harassment or discrimination occurred as defined within the Policy). This is consistent with the burden of proof required

by civil law and is different from the "beyond a reasonable doubt" burden required by criminal law.

2. Should the complaint be substantiated, the Investigator will make a determination of appropriate sanctions/ remedies as applicable (see Corrective Actions and Protection From Reprisal, Section 3.0).
3. Should the complaint not be substantiated under this Policy, the Investigator will determine whether the complaint is proven to be trivial, frivolous, vexatious or made in bad faith (see Malicious / Fraudulent Complaints, Section 4.0).
4. This report will be communicated to the complainant, the respondent, and the Human Rights Officer orally and in writing within ten (10) working days of the completion of the investigation. The report will inform the complainant of the results of the investigation and corrective action that has and will be taken. This report will not provide specific details of disciplinary action or sanctions issued.
5. Where, as a result of an Internal Investigation / Fact-finding process, systemic bias is determined within any College policy, procedure and/or practice, the Investigator will recommend actions to the Human Rights Officer which may include amendments, revisions or elimination of existing College policies, procedures or practices.

Appeal

1. Should either the Complainant or Respondent be dissatisfied with the results or outcome of an the Internal Investigation / Fact-Finding process, they may appeal the matter in writing within fifteen (15) working days of receiving a decision to the Vice President Academic (if the respondent is a student) or to the Vice President, Human Resources and Student Services (if the respondent is an employee).
2. The Vice-President Academic/ Vice-President Human Resources and Student Services will ensure that all aspects of the findings are reviewed and that a final decision is communicated within fifteen (15) working days of receipt of the appeal.

STEP 2 – External Investigation

If the Complainant is not satisfied with the results of the Internal Investigation / Fact-Finding process and has already appealed the decision, they may request an External Investigation into the matter. The College may also choose to initiate this step at its own discretion.

Initiation of an External Investigation

A request to initiate an External Investigation should be made as soon as possible, and must be within fifteen (15) days of the completion of the Internal Investigation / Fact-Finding Process. This request will proceed as follows:

1. The Complainant submits a written request to the President. This written request must indicate the nature of the original complaint and the grounds for the appeal of the Internal Investigation / Fact Finding Process.
2. The Complainant must understand that they will be required to speak further on this matter, and that the Respondent(s) will be given a copy of the request for initiation of an external investigation.

3. The President will review the complaint and determine whether there are sufficient grounds to initiate an external investigation. If the President is the named Respondent, the request will be directed to the Vice-President, Human Resources and Student Services. They will communicate their decision in writing to the complainant within ten (10) working days. The decision by the President as to whether or not to initiate an External Investigation will be final.

Investigative Process

Once it has been determined that it is appropriate to initiate an External Investigation, the following steps in the investigation process shall occur:

1. The Human Rights Officer will meet with the Respondent to review the process and provide a copy of the written complaint.
2. The Vice President, Human Resources and Student Services in consultation with the Human Rights Officer shall contract with an investigator who is external to the College community. If the Vice President, Human Resources and Student Services is the named Respondent, the President shall select the investigator. If the President is the named Respondent, the complaint will be directed to the Vice-President, Human Resources and Student Services, who will follow the procedure outlined in the Addendum: Investigating/Resolving Complaints Made against the President/Board of Governors (Appendix E).
3. The Investigator will have training and experience in what constitutes workplace harassment and discrimination, the Ontario Human Rights Code, dispute resolution, and effective investigation procedures. They will also have received the College's Harassment and Discrimination Prevention Policy and its complaint procedures. The investigator may request the production of documents that may be relevant to the investigation. The investigator will investigate the complaint in the following manner:
 - The investigation will be limited to what is within the jurisdiction of this policy.
 - The Investigator will determine who will be interviewed.
 - The Respondent will be given a full and fair opportunity to respond to the complaint orally and in writing.
 - The Investigator reserves the right to refer the complaint back to the Human Rights Officer if a resolution is possible.
4. Both the Complainant and the Respondent will have the right and responsibility to provide all information as accurately and promptly as possible, including dates, times, location of allegations and any other information that would assist in the investigation.
4. The Human Rights Officer will be in communication with the Investigator, the Complainant, and the Respondent until the process is concluded. The Complainant and Respondent will be informed on an on-going basis of the status of the investigation, but not of details of the interviews.
5. During the investigation, both the Complainant and the Respondent may choose to be accompanied by a third party in a supportive capacity. This may be a union member (if applicable) or a SA / SAC representative if the individual is a student. Should the Complainant or Respondent choose to acquire legal advice throughout the process, this is done at his/her own expense. Third parties cannot speak on behalf of parties to the complaint nor disrupt the proceedings.

6. The Investigator will make every effort to complete the investigation of a human rights complaint within thirty (30) working days of receipt of the complaint. If it is necessary to exceed 30 days, this decision will be made by the Vice President, Human Resources and Student Services and the complainant and respondent will be informed as soon as possible of the revised time line.
7. At the conclusion of the investigation, the Investigator will write a draft report stating whether or not the complaint is substantiated based on the balance of probabilities (which means that it is either more likely or not likely that the incident(s) of harassment or discrimination occurred). This is consistent with the burden of proof required by civil law and is different from the "beyond a reasonable doubt" burden required by criminal law.
8. The Investigator will provide a copy of the draft report to the Complainant and the Respondent who will have five (5) working days to notify the investigator, in writing, of any errors or omissions in the report, or in the description of the facts or allegations provided by each of them to the investigator.

The Investigator will make any further enquiries or amendments, if required, in order to prepare the final written report. The written report will be submitted confidentially to:

- the Complainant;
- the Respondent;
- the executive leader of the respondent's division (e.g. Vice-President Academic, Vice President Finance, Chief Information Officer);
- the College President;
- the Vice-President, Human Resources and Student Services;
- the Human Rights Officer.

The investigator's notes and transcripts (if applicable) will be turned over to the College.

9. If a complaint is found to be substantiated, the Executive Officer, Vice President, Human Resources and Student Services, and the President will determine appropriate remedies/sanctions as applicable (see Corrective Actions and Protection From Reprisal, Section 3.0).

If a complaint is not substantiated, the Executive Officer, Vice President Human Resources and Student Services, and the President will determine whether the complaint is proven to be trivial, frivolous, vexatious or made in bad faith (see Malicious / Fraudulent Complaints, Section 4.0).

The results of this determination will be communicated in writing to the complainant and the respondent by the Vice President, Human Resources and Student Services, under an obligation of confidentiality, within ten (10) working days of receipt of the investigator's report.

10. The results of a determination made through the External Investigation process are final and must be abided by.
11. Where, as a result of a formal investigation, systemic bias is determined within any College policy, procedure and/or practice, the Executive Officer, Vice President, Human Resources and Student Services, and the President will prescribe actions which may include amendments, revisions or elimination of existing College policies, procedures or practices.

3. Corrective Actions and Protection From Reprisal

3.1 Remedies

Remedies are intended to restore the Complainant to the position s/he would have experienced had the incident not occurred and to have respondents recognize the inappropriateness of, and need to change their behavior. Remedies for a complainant who is an employee may include offers of employment or reinstatement or monetary compensation. For students, remedies may include transfer, review of academic standing, provision of learning support services, or adjustment/reimbursement of tuition fees. College counsellors will provide students with supportive counseling upon request.

3.2 Sanctions

A substantiated act of workplace harassment or discrimination may be cause for disciplinary action by the College up to and including the possibility of discharge in the case of an employee and other appropriate actions for other groups covered by this policy including the application of penalties or sanctions under the Student Rights and Responsibilities Policy for students.

Remedies and sanctions applied as a result of an investigation initiated through College Policy #3-343, *Sexual Violence Prevention* will take into account the outcome(s) requested by the survivor of the sexual violence.

3.2.1 Corrective Action where the Respondent is an Employee

If Management decides there has been a violation of this Harassment and Discrimination Policy and Procedures by an employee, the following criteria will be considered in determining the appropriate level of sanction:

- the seriousness/severity of the incident(s),
- the reliability of evidence,
- remedies sought by the complainant, and
- the documented history of the respondent (or the complainant in the case of malicious/fraudulent complaints) regarding related issues or incidents

Where sanctions are taken against an employee, a range of progressive sanctions are possible which conform to generally accepted standards of employee discipline and the two collective agreements. Some or all of the following corrective actions may be considered depending on the particular incident and the above factors:

- Apology
- A requirement for additional training
- Referral to an assistance program
- Reassignment or relocation
- Report to a professional body
- Suspension (with or without pay)
- A “last-chance” agreement or behavioural contract
- Termination of employment or contractual relationship
- Legal action

3.2.2 Corrective action where the Respondent is a student

Where the Respondent is a student, sanctions shall be applied through the authority in College Policy #5-506, *Student Rights and Responsibilities*. These may include:

- Apology
- Written Reprimand
- Restitution or Fines
- Temporary Dismissal

- Restricted access to a physical area of the College and/or property
- A “last-chance” agreement or behavioural contract
- Probation
- Suspension
- Expulsion

3.2.3 Corrective Action where the Respondent is neither an Employee nor a Student

If the Respondent is not an employee or a student, the College will take whatever measures are reasonably available to ensure the safety of its’ employees and students including any of the actions listed in 3.2.1 and 3.2.2.

3.3 Protection from Reprisal

Subject to section 4.0 below, every individual has the right to file a complaint of workplace harassment or discrimination, participate or co-operate in an investigation, provide information relevant to the complaint, in any role under the policy and/or procedures, without fear of retaliation or reprisal. Any form of retaliation or reprisals will not be tolerated and will be treated as workplace harassment and/or discrimination. Workers exercising their rights under the Occupational Health and Safety Act to report an incident or participate in a workplace harassment investigation will not be penalized provided that this is done in good faith and subject to Section 4.0 below.

4 Malicious / Fraudulent Complaints

The College will take disciplinary action in situations where complaints are proven to be malicious, fraudulent, trivial, vexatious, or made in bad faith. Discipline will be consistent with the two collective agreements, the Student Rights and Responsibilities Policy, and Section 3.0 of these procedures, as they apply. A person who is the subject of a complaint made under these procedures and who has reason to believe that the complaint is trivial, frivolous, vexatious, in bad faith, or is itself a form of harassment, has the right to file a complaint.

Appendix D to Operating Procedure 3-311 OP: Academic Contact Information for Students

| Program / Campus | Dean / Principal | Office Location | Phone | Email |
|--|-------------------------|------------------------|--------------------------|--|
| Cobourg Campus | Deborah Clifford | Cobourg 305 | 905-372-6865 | deborah.clifford@flemingcollege.ca |
| Haliburton Campus | Sandra Dupret | Haliburton Campus | 705-457-1680 | sandra.dupret@flemingcollege.ca |
| School of Business | Maxine Mann | B3130 | 705-749-5530 Ext 1257 | maxine.mann@flemingcollege.ca |
| School of Environmental & Natural Resource Sciences | Linda Skilton | Frost 289A | 705-749-5530 Ext 3216 | linda.skilton@flemingcollege.ca |
| School of General Arts & Sciences | Silvana MacDonald | B3327 | 705-749-5530 Ext 1218 | silvana.macdonald@flemingcollege.ca |
| School of Health & Wellness | Carol Kelsey | A2146.1 | 705-749-5530 Ext 1251 | carol.kelsey@flemingcollege.ca |
| School of Justice & Community Development | Carol Kelsey | A2146.1 | 705-749-5530 Ext 1251 | carol.kelsey@flemingcollege.ca |
| School of Trades & Technology | Maxine Mann | B3130 | 705-749-5530 Ext 1257 | maxine.mann@flemingcollege.ca |

Appendix E to Operating Procedure 3-311 OP: Investigating/Resolving Complaints Made Against the President/Board of Governors

This procedure is to be utilized whenever a complaint is made by any member of the College community or by anyone on College property or at a College-sponsored event against the President of the College or external members of the Board of Governors.

The procedure covers complaints of harassment, discrimination and bullying, violations of the Student Rights and Responsibilities document, or any allegations of physical altercations or violations of safety and security.

This option has been provided in order to address the imbalance of power, or even the perception of imbalance of power, due to the positions held by the respondents.

Procedure

1. If the respondent is the President, a written complaint related to an incident of harassment and/or discrimination, physical altercation or a violation of safety and security, must be submitted to the Board Chair. The submission must outline the details, dates, times and places related to the allegation. If the respondent is a member of the Board of Governors, a written complaint related to the same areas, as above, which outlines details, dates, times, and places must be submitted to the Board Chair or Board Vice-Chair.
2. As soon as the President or a member of the Board of Governors is aware of a complaint or potential complaint (as outlined in #1 above) against him/her, s/he will report this immediately to the Board Chair or Board Vice-Chair, whichever is most appropriate. The Board Chair will provide a copy of the written complaint to the President/Board member. The Board Chair or Vice-Chair will, as soon as reasonably possible, notify all Board Executive members and inform them of all the known details.
3. With the support of the Board Executive, the Board Chair or Vice-Chair shall, with the assistance of the Vice-President Human Resources and Student Services, appoint an independent investigator from a prepared roster of investigators to investigate and make recommendations to the Executive of the Board. The Board Executive will also be responsible for determining the appropriate manner and time to inform the whole Board.
4. After due consideration of the findings and the recommendations, the Board Executive will determine what action, if any, should be taken and as appropriate bring the details to the full Board.
5. The independent investigator shall follow the investigation procedure as generally outlined in the College's Harassment and Discrimination Complaint Reporting and Resolution Process.

BOARD BRIEFING REPORT

SUBJECT: Revised College Policy - Student Rights and Responsibilities

Submission to: Public Board Meeting

Meeting Date: November 23rd, 2016

Requested Action: Decision / Approval

Consent Agenda Item 3.3

1. CONTEXT / PURPOSE

A report seeking approval of policy revisions as an outcome of the regular review process.

2. BACKGROUND *(pertinent to item; a chronology of events including previous discussions/decisions by the Board)*

Since the Royal Assent of Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016, changes to the College Policy and Administrative Operating Procedure were mandated through the Ministry of Advanced Education and Skills Development. As a result, a more transparent process has been implemented in other College procedures.

To keep the Administrative Operating Procedure aligned with the policy on Sexual Violence Prevention, revisions have been made. These changes include increasing transparency into the reporting and resolution processes, providing more information to employees and students.

The only area where there is a change in operating procedure is the inclusion of informal resolution practices. Shifting further away from a purely punitive model into one that encompasses more opportunity for education and conflict management, there have been some procedural and language changes to the way we ask students to make complaints, and to the way we respond. This is in line with recommendations made by The Council for the Advancement of Standards in Higher Education (CAS).

Attachments:

- Revised College Policy #5-506, *Student Rights and Responsibilities*
- *For information*, related Administrative Operating Procedure #5-506 OP

3. ANALYSIS / PROPOSED OPTIONS

While the current documents are sufficient to address needs, the proposed changes allow for an accessible, easy-to-access documents for both students and employees. The transparency provided allows for individuals to make informed decisions about what types of situations meet the criteria for reporting, as well as what to expect should they chose to come forward with a report. The intention is that increased transparency will lead to higher levels of trust within the institution and higher levels of self-efficacy for employees and students navigating the process.

The inclusion of informal processes allows employees, students and the Office of Student Rights and Responsibilities more flexibility in responding to incidents.

4. ASSESSMENT OF POTENTIAL RISK – required for all matters requiring Board decision/approval

Category (select all that apply): Strategic Compliance Operational Reputational N/A

| Risks that would impact or jeopardize the success of the proposal or project | Likelihood High / Medium / Low | Impact High / Medium / Low |
|--|-----------------------------------|-------------------------------|
| 1. The thought that informal responses are not enough of a response | Low | Low |
| 2. An increase in reporting now that the process is easier to understand | Medium | Medium |
| 3. Not having enough capacity within the College to perform informal responses | Low | Low |

Additional risks may be identified here: N/A

Actions proposed to prevent / reduce the likelihood of the risk occurring or to reduce the severity of / manage the risk

1. A checklist has been implemented to help Case Managers determine which cases would be appropriate for informal resolutions and which ones will be going to an adjudication process.
2. An increase in reports is always a possibility regardless of any changes made to the policy. The new Student Rights and Responsibilities Officer position has been created to meet the increase in workload demand. This will continue to be monitored.
3. There are no/low cost external partnerships being explored to assist with this possibility. ||

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN/ VISION / MANDATE

Excelling as an organization.

Having a resolution process that is well researched, evidence based, and transparent is closely linked to this priority. We are continuously improving our practices to keep people informed, engaged and accountable to their community.

We are improving the effectiveness of our processes. This also connects with the strategic priority of delivering outstanding student learning and experiences. By implementing new procedures, we are not only likely to reduce recidivism, and teach practical life skills such as conflict resolution and problem solving, the combination of skill building and supportive responses may also increase retention.

6. RECOMMENDATION (if a decision is requested, provide a motion for Board consideration.)

THAT the Board of Governors of Sir Sandford Fleming College approve revised College Policy #5-506, *Student Rights and Responsibilities*.

AUTHORED BY: Amie Kroes, Student Rights and Responsibilities Officer

COLLEGE POLICY

| Student Rights and Responsibilities | |
|---|---|
| Policy ID: | #5-506 |
| Manual Classification: | Section 5 – Student Services |
| Approved by Board of Governors: | <i>Original:</i> September 2, 1992 |
| Revision Date(s): | May 24, 2006; June 25, 2014 |
| Effective Date: | <i>Scheduled for November 2016</i> |
| Next Policy Review Date: | <i>Scheduled for 2022</i> |
| Administrative Contacts for Policy Interpretation: | Vice-President Human Resources and Student Services and Vice-President Academic |
| Linked to Operating Procedure: | #5-506 OP <i>Student Rights & Responsibilities</i> |

Policy Statement

Admission to Fleming College carries with it certain rights and responsibilities. There is an expectation that students will conduct themselves as responsible members of the College community. The College will create a climate of understanding and mutual respect for individual dignity and worth, in which each person has the opportunity to develop as an individual and contribute positively to the College community.

Purpose

The College shall publish a set of procedures regarding the rights and responsibilities of students that shall:

- promote the primary right of the student to learn and to refrain from interfering with the rights of others,
- promote respect for the integrity of the learning process,
- promote a respect for the dignity of all members of the College community,
- communicate the responsibilities to all members of the College community,
- provide a system of procedural due process to protect the rights of all concerned, and,
- provide an equitable system of enforcement.

Scope

It is the responsibility of all members of the College community to uphold the principles of this policy.

This will apply in cases concerning students, employees, contractors and third party service providers as well as governors, volunteers or visitors of Fleming College:

1. occurring within or affecting people or property within the physical boundaries of the College;
2. occurring on or affecting College owned or controlled property, including student residences;
3. occurring with the use of computer and telephone systems, and College and private vehicles being used for college business or for travelling between work and study locations;
4. at a College-sponsored event;
5. occurring off-campus which are likely to have an impact on the working, living and/or learning environment at the College

Incidents occurring off campus which have no or little likelihood of any impact on the environment at the College would be pursued by individuals through the regular external processes.

Any student who violates any section of the Criminal Code of Canada or any other federal, provincial, municipal statute, College policy or regulations while on College property or at a College activity is subject to this policy.

Reports by students regarding harassment or discrimination on the basis of any prohibited ground under the Ontario Human Rights Code may be addressed by College Policy #3-311, *Harassment and Discrimination Prevention*.

Students who wish to make reports regarding sexual violence should refer to College Policy #3-342, *Sexual Violence Prevention*.

Any student who has a complaint about their program of study or any other academic concern should refer to College Policy #2-201, *Academic Regulations*

Definitions/Acronyms

College Community: Any person who studies, teaches, conducts research at or works at or under the auspices of the College and includes, without limitation, employees or contractors; appointees (including volunteer board members); students, visiting scholars and any other person while they are acting on behalf of or at the request of the College.

FIPPA: Freedom of Information and Protection of Privacy Act of Ontario

General Principles

1.0 STUDENT RIGHTS

As with all other individuals in Ontario, students at Fleming College enjoy rights under both the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms, and Accessibility for Ontarians with Disabilities Act. Fleming College is subject to these statutes and supports the students' right to legitimately and appropriately exercise these rights and freedoms. The extent of a right or freedom may reasonably vary with the circumstances, so that an exercise of a right which may be appropriate in a public place, may not be appropriate at an educational institution. All students have the right to a safe environment that is free from harassment or reprisals.

At Fleming College, the student's most essential right is the right to learn. In this regard, students have a number of specific rights.

1.1 To Learn

1. The right to receive reasonable accommodation to compensate for a documented physical, learning or psychological disability.
2. The right to physical conditions within the College facilities that promote learning and well-being.
3. The right to be treated with respect and dignity by College employees.
4. The right to be considered the owners of any work submitted for which the College does not provide the materials.
5. The right to own any project work when the materials are purchased by the student.
6. The right to see his or her own submitted course work and the right to have the evaluation explained if applicable within the Academic Regulations timeframe and impartially graded.

7. The right to receive academic information as may be necessary to understand the requirements to successfully complete their course or program of instruction, including course information sheets for each course of study.

1.2 **To Privacy**

In recognition of students' rights, under the Freedom of Information and Protection of Privacy Act of Ontario (FIPPA), the College shall protect the privacy of student records and will make records available to Students in accordance with the provisions of that statute. Students under the age of majority in Ontario will also fall under FIPPA.

1. The right of confidentiality and access to personal records as provided for under the "Freedom of Information and Protection of Privacy Act". All student records and information, including academic, health, and student conduct are considered to be confidential personal information, which will be protected. Refer to College Policy #5-503, *Maintenance of and Access to Student Records*.

1.3 **To Be Informed**

1. The right to receive the rules and regulations of the College that affect students, including all policies, procedures and regulations, at the beginning of the academic year.
2. The right to accessibility of the College's definition of cheating and plagiarism and the consequences for such acts of academic dishonesty.
3. The right to inquire into, and be informed about, the reasons for the rules and regulations which affect students.

1.4 **To Be Heard**

1. The right to address appropriate College administration for changes to the rules and regulations that affect students.
2. The right to have the Student Government or other student representation be present during a meeting.
3. The right to make a complaint concerning academic or other College matters and to receive a response.
4. The right to be informed of, and be able to respond to, allegations of unacceptable behaviour or any conduct for which sanctions may be imposed.

1.5 **To Appeal**

1. The right to appeal, subject to the Student Rights and Responsibilities policy, any decision/sanction taken or imposed by the College as a result of a formal process affecting his or her standing within the Fleming community. For all other College appeals refer to the particular policy for specific procedures.

1.6 To Organize

1. The right to form, join in, or take part in a lawful group or organization for intellectual, religious, social, economic, political, cultural or recreational purposes subject to College policy.

1.7 To Use College Facilities

1. The right, as a member of a student body recognized by the College, to use facilities designated by the College as available for student use, including religious and spiritual purposes. Students will abide by any College regulations in regard to such use, including the payment of fees or expenses.

2.0 STUDENT RESPONSIBILITIES

Within the Fleming Community, the student's most fundamental responsibility is to actively take responsibility for his/her own learning, supporting and promoting an environment that is conducive to learning for all. The responsibilities listed below and the specific examples of breaches of those responsibilities are designed to educate and to ensure that a safe, equitable and respectful learning environment is maintained at Fleming College. Students who breach any of these responsibilities may receive a sanction according to the associated procedures. Students have a right to expect that all other members of the College Community will meet the standard of behaviour outlined in the following responsibilities.

2.1 Respect for Persons

Students have the responsibility to respect the well-being, and the sense of personal worth and dignity of other students and members of the College Community.

Breaches of this responsibility include, but are not limited to the following:

- a) Any student who assaults any person on College property or any member of the College Community, whether on College property or while at a College activity.
- b) Any student who threatens, communicates or acts in an intimidating manner against any person on College property or any member of the College Community, whether on College property or while at a College activity.
- c) Any student who commits an act of sexual violence against any other person or threatens another person with sexual violence on College property or elsewhere (as a result of College-related business). This includes, but is not limited to, sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, degrading sexual imagery, distribution of sexual images or video without consent, cyber harassment and cyber stalking (refer to College Policy #3-343, *Sexual Violence Prevention*).
- d) Complaints of sexual harassment are dealt with through the Harassment and Discrimination Prevention policy established by the College (refer to College Policy #3-311, *Harassment and Discrimination Prevention*).
- e) Any student who harasses another person on College property or any member of the College Community, whether on College property or while at a College activity on any grounds, including but not limited to ancestry, place of origin, colour, ethnic origin, citizenship, sex, marital status, family status, disability, race, creed, sexual orientation, age or economic status. Violations of the Ontario Human Rights Act will be dealt with through the Harassment and Discrimination Prevention policy established by the College.
- f) Any student who makes false statements, whether written or spoken, which are damaging to the reputation of another member of the College Community.

- g) Any student who acts in a disrespectful way to another person while on College property or while at a College activity including but not limited to yelling, swearing, using profanity or by using demeaning speech, communication or gestures.

2.2 **Respect for Property and College Facilities**

Students have the responsibility to respect College Property, the property of other members of the College Community and to respect the proper use of College facilities. Acts of theft should also be reported to the police.

Breaches of this responsibility include but are not limited to the following:

- a) Any student who commits an act of theft or is in possession of stolen property while on College property, or engages in an act of theft or possession of stolen property affecting the property of the College or any member of the College Community.
- b) Any student who fails to return borrowed College property after the date for its return and/or demand for its return has been made.
- c) Any student who intentionally or carelessly damages or defaces College property or the property of any member of the College Community.
- d) Any student who litters the campus.
- e) Any student who enters any part of College property where that person has no right to be or who enters College property after having been excluded from entry by a sanction or legitimate order from a College agent or employee is a trespasser.
- f) Any student who violates the Information Technology Appropriate Use Policy.
- g) Any student who disobeys rules and regulations concerning the use of campus buildings and other College owned or operated facilities.
- h) Any student who possesses, duplicates or uses any College key without proper authorization.

2.3 **Maintain Orderly Learning and Working Environment**

Students have the responsibility to contribute to an orderly learning and working environment while on campus or any other learning experience associated with the College.

Breaches of this responsibility include but are not limited to the following.

- a) Any student who disrupts a class, laboratory, placement situation, field trip, extra-curricular activity or who is disruptive in a resource centre, whether by sounds or actions, or by failing to follow the directions of any teacher, or person in authority.
- b) Any student who by sounds or actions creates a disturbance anywhere on College property, or otherwise interferes with the peaceful use of College property by others.
- c) Any student who creates a false alarm on College property by any means.
- d) Any student who is in possession of a weapon including a weapon restricted or prohibited by the Criminal Code of Canada on College property or at a College activity (outside of accepted curricular activities related to weapons) for purposes not otherwise approved. Refer to College Policy #4-407, *Firearms*.

2.4 **Alcohol and Prohibited Substances**

Students have the responsibility not to abuse alcohol, medical or prohibited substances while on College property or at a College activity.

Breaches of this responsibility include but are not limited to the following:

- a) Any student who is on College property or is involved in a College activity and is in a state of intoxication due to alcohol consumption or another substance.
- b) Any student who is in possession of alcohol while on College property or while involved in a College-related activity, except where such possession is licensed, authorized or permitted under the laws of the province of Ontario.
- c) Any student who is in possession of any substance prohibited under the Controlled Drugs and Substances Act or the Food and Drug Act while on College property or involved in a College activity or who offers or sells such substances.

2.5 **Honesty**

Students have the responsibility to be honest with respect to academic matters and to be honest when dealing with other members of the College Community.

Breaches of this responsibility include but are not limited to the following:

- a) Any student who breaches academic integrity. Refer to College Policy #2-201, *Academic Regulations*.
- b) Any student who misrepresents any fact to the College or fails to disclose a fact, or assists another to do so, where such misrepresentation affects admission, matters of academic standing or another College process.

Related Documents

- Administrative Operating Procedure #5-506 OP, *Student Rights and Responsibilities*
- College Policy #3-343, *Sexual Violence Prevention*
- College Policy #4-420, *Violence Prevention*
- Administrative Operating Procedure #4-420 OP, *Violence Prevention*
- College Policy #3-311, *Harassment and Discrimination Prevention*
- Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*

Appendices

N/A

History of Amendments/Reviews:

| Section(s) | Date | Comments |
|--|---------------------|--|
| Student Responsibilities policy #3-326 created | 1992 | • Board approval of policy (Resolution BoG Sept2-1992 #3) |
| Policy reviewed and revised, renamed and reclassified as policy #5-506 | May 2006 | • Board approval of policy / procedure (Resolution BoG May 24-2006 #6) |
| Reviewed and updated | 2014 | Extensive revisions made to operating procedure portion of the document • Board approval of policy including procedure (Resolution BoG June 25-2014 #7) |
| Reviewed and updated following legislative requirements of Bill 132 | August-October 2016 | Ensures consistency with existing College policies. Separation of procedure from policy. |

ADMINISTRATIVE OPERATING PROCEDURE

| Student Rights and Responsibilities | |
|--|--|
| Procedure ID: | #5-506 OP |
| Approved by Executive Leaders Team: | <i>Original:</i> September 2, 1992 |
| Revision Date(s): | May 24, 2006; June 25, 2014; Sept 13, 2016 |
| Effective Date: | November 2016 |
| Next Review Date: | <i>Scheduled for June 2019</i> |
| Monitoring Responsibility: | Associate Vice-President Student Services |
| Linked to a College Policy: | # 5-506 <i>Student Rights and Responsibilities</i> |

Policy Statement

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Definitions/Acronyms

College Community or Fleming Community: Any person who studies, teaches, conducts research at or works at or under the auspices of the College and includes, without limitation, employees or contractors; appointees (including volunteer board members); students, visiting scholars and any other person while they are acting on behalf of or at the request of the College.

FIPPA: Freedom of Information and Protection of Privacy Act of Ontario

Operating Procedure**PREAMBLE**

Students attending Fleming College are expected to know and understand their rights and responsibilities. These expectations allow for each person to have the opportunity to develop as an individual and contribute positively to the College community. From time to time, members of the College Community may feel that a student has violated their responsibilities as a student at Fleming. The College encourages the resolution of complaints informally and in a timely manner. Individual circumstances, however, may make an informal resolution impractical or inappropriate. The College recognizes mental health may be a factor influencing behaviour and where appropriate will work with a student(s) to mitigate or manage their symptoms.

When a formal report of non-academic misconduct is submitted, the Student Rights and Responsibilities Officer (or designate) will review the allegation and may decline to proceed with the Student Rights and Responsibilities process (and will inform in writing) in cases where the resulting opinion is:

- a) The report falls within the jurisdiction of another policy, procedure or regulation and it is more appropriate to proceed under that policy, procedure or regulation.
- b) The report does not constitute a violation of, or is outside the scope of, non-academic misconduct, as defined by the Student Rights and Responsibilities Policy and Procedure.
- c) The report has been adequately addressed by another process;

- d) The report could more appropriately be addressed through conflict resolution coaching, mediation, or other non-disciplinary options.
- e) The report is being addressed by another process and it is unreasonable to put the allegation in abeyance pending the outcome of such a process.
- f) The report is deemed trivial, false, frivolous or vexatious.

1.0 PROTECTION FROM REPRISALS

In order to protect individuals who make use of this policy or participate in proceedings as part of the complaint procedure, the College prohibits reprisal or threats of reprisal against these individuals and will take appropriate action against those who disregard this prohibition.

2.0 TIME LIMITS

A complaint may be made by students registered at the time of the occurrence of the incident giving rise to the complaint. A complaint must be made within 30 days of the incident(s) except in extenuating circumstances which, in the opinion of the College, would justify an extension.

Complaints on behalf of a student by a third party will only be accepted as an informational report and an investigation cannot take place without the person directly involved participating in the complaint process.

3.0 VIOLENT OR POTENTIALLY VIOLENT SITUATIONS

In order to protect the safety of all members of the College Community, violent or potentially violent situations must be dealt with expediently. This means involving the College's Behavioural Management Assessment Team (see Administrative Operating Procedure #4-420 OP, *Violence Prevention* Appendix B for more information) and/or proper authorities, including police and security, in a timely manner. Procedural fairness will be used to respond to complaints in a timely manner after a situation of immediate violence or potential violence has been managed.

In the event of a violent incident or imminent danger:

- Move to a safe location
- Contact Police, dial 911
- Call College security at ext. 8000 where there is a guard service
- Contact your supervisor or any manager (for employees)
- Contact any college employee (for students)

4.0 VIOLATIONS OF STUDENT RIGHTS

A member of the college community has the right to lodge a complaint if they feel their rights have been violated or that a student has violated their responsibilities. A person who lodges a complaint is called "complainant" through the rest of this procedure. The person named in a complaint is called "respondent" throughout this procedure.

4.1 Informal Resolution Process

Informal processes are an alternative to a formal complaint process in effort to find mutual conflict resolution between two or more parties. It is encouraged for students and employees to begin with

one of these options, as appropriate. It is recognized that informal processes will not be appropriate in all cases, and as such, formal process are also one of the options available to respond to policy violations under this policy. Similarly, if the issue is unresolved, or behaviour escalates beyond informal conflict resolution capacities, the student, or the employee may always pursue the formal complaint process at any point. The following options for informal resolution include:

4.1.1 Dialogue: If a student has a complaint about the actions of a College employee, another student, or a member of the College community feels that a student has violated their responsibilities, they are encouraged to meet with that person in an attempt to resolve the conflict. In cases where the incident precipitating the complaint is of a serious nature (e.g. assault or threatening behaviour) the complaint will be dealt with under the formal complaint process. If the complainant does not feel comfortable speaking with the person directly, they are encouraged to speak with the manager or employee responsible for the department in question, that individual will work with the student to resolve the issue as they have the specific knowledge necessary to respond (See Conflict Coaching in 4.1.2).

4.1.2 Conflict Coaching: Students seek counsel and guidance from administration to engage a conflict more effectively and independently. Guidance can be sought from Student Government, Counsellors, Residence Life Staff, the Office of Student Rights and Responsibilities, or the manager/chair of the area where there is conflict.

4.1.3 Mediation: Student(s) access the Office of Student Rights and Responsibilities, and are given a non-partial third party to coordinate a structured session aimed at resolving a conflict and/or constructing future agreements.

4.1.4 Restorative Justice Practices: As an informal process, or as a part of a formal process, the Office of Student Rights and Responsibilities will coordinate space and facilitate services for students taking responsibility for harmful behaviour and those who are/were affected by the behaviour. The purpose of this practice is to have both parties jointly construct an agreement on how to repair harm, or restore relationships moving forward.

4.2 **Formal Report**

If a complaint cannot be resolved through one of the informal processes, the student or College community member can initiate a formal complaint by documenting their complaint and submitting online through the College Portal.

Interim Measures:

Interim measures are measures taken to ensure the safety of all participants involved during the fact findings process. These measures do not mean there is a finding of guilt, but rather acknowledges the seriousness of the report and works to reduce the possible impacts of further harm to both the complainant and respondent. These measures are temporary for the duration of the fact finding process and may be removed or replaced by sanctions based on the outcome of the investigation.

Some examples of possible interim measures may include, but are not limited to:

- A temporary dismissal by a College employee that a student leave a classroom, laboratory, placement situation, resource centre, or other area on campus or where a College-sponsored activity is occurring;
- A behavioural contract outlining specific conditions, such as no contact;
- A student being moved from one section of their program to another;

- A student being moved within residence, or removed from residence;
- A student being asked to participate in their academics online or from home;
- A temporary dismissal or suspension of academic or work privileges, including access to College campuses and/or residence.

Formal Complaint Procedures:

The Student Rights and Responsibilities Officer/designate will acknowledge receipt of the complaint, except in exceptional circumstances, within 3 business days. The complaint will then be assigned to a Student Rights and Responsibilities Case Manager who will investigate.

The Student Rights & Responsibilities Case Manager hearing the complaint shall ensure that there is procedural fairness, taking care to see that all persons affected by the decision are given a reasonable opportunity to present their case and that the Case Manager listens fairly to all sides and reaches a decision without bias. The Case Manager will follow up with a decision and provide a written response to the complainant and the respondent.

The Case Manager will investigate the complaint with the stakeholders involved in one of two ways (as determined by the Case Manager) within 15 business days:

1. By conducting a fact-finding process with the stakeholders involved and providing a written decision, within 15 business days except in exceptional circumstances of receipt of the documented complaint, or
2. Or on rare occasions by appointing a Tribunal which will conduct a fact-finding process and render a decision, except in exceptional circumstances within 15 business days of receipt of the documented complaint.

The Tribunal is comprised of the following trained individuals:

- The Case Manager hearing the complaint
- A faculty or staff member from a different department or service area
- One student chosen by the Student Administrative Council/Student Association

3. Rights of the Complainant and the Respondent
 - a) Complainants and respondents may attend meetings with a (non-participating) support person. The College considers requests to attend meetings with additional support persons and with legal or other representation on a case-by-case basis, with a view to promoting a fair and expeditious process. The College may still question and expect direct answers from an individual who is being supported.
 - b) Present submissions and request voluntary witnesses as might be required to support an argument.
 - c) Present a line of questioning to the Case Manager or Appeal Tribunal as reasonably required for a full and fair disclosure of the facts.
 - d) To be notified about the outcome of any process or appeal decision.
 - e) The respondent has the right to be found responsible ONLY on proof based on a balance of probabilities (which means that it is either more likely or not likely that the incident(s) occurred). This is consistent with the burden of proof required by civil law and is different from the beyond a reasonable doubt burden required by criminal law).

4.3 **Procedural Fairness**

Procedural fairness, for the purposes of this policy, includes an opportunity for all parties involved to be able to provide their versions of the event(s) to a Case Manager. The Complainant and Respondent are given the same rights as described in section 4.2.3 above, including the opportunity to provide documentation and request witnesses to support their version of the event(s). Finally, the resolution process will take place in a timely fashion, based on the timelines provided within this Policy, except for in extenuating circumstances. If there are extenuating circumstances, both the complainant and the respondent will be informed of the delay, and the cause of the delay.

In cases where the complaint has not been dealt with within 15 business days in the manner described in 4.2 above, the complainant can take their complaint to the Director of Housing, Food & Conference Services and Student Conduct. This complaint must be made in writing. The Administrator of the Student Rights and Responsibilities policy will investigate the reasons for the delay and respond to the complainant in writing within 3 business days with a course of action.

4.4 **Resolution**

After a decision is made regarding the violation of a student's rights, the Case Manager hearing the complaint will follow up by providing a written decision to the complainant and respondent outlining the decision and what action is to be taken, if any, within 15 business days, except in exceptional circumstances.

5.0 **Possible Sanctions**

If a student is deemed to have violated their responsibilities, sanctions may be imposed by the Case Manager hearing the complaint under the direction of Administrator of the Student Rights and Responsibilities Policy. If sanctions are imposed, they will be fitting and appropriate to the seriousness of the behavior in question, the impact of the behaviour on the College Community and whether there have been previous violations. Any sanction calling for the suspension of more than 5 days and/or expulsion of the student must be approved by the Associate Vice-President Student Services. All lesser sanctions will be approved by the Administrator of the Student Rights and Responsibilities Policy.

5.1 **Written Reprimand**

A written reprimand is a formal letter to the student that will remain on file for the duration of a student's time at the College. The letter includes the following information:

- a) Description of the behaviour in question;
- b) Description of the consequences if the behaviour is repeated: i.e. continuation or repetition of conduct found to be in violation of Student Responsibilities may be cause for more severe disciplinary action if another violation occurs within a stated period of time;
- c) Information regarding resources within the College the student may access for assistance.

5.2 **Restorative Justice Practices**

The Office of Student Rights and Responsibilities will coordinate space and facilitate services for students taking responsibility for harmful behaviour and those who are/were affected by the behaviour. The purpose of this practice is to have both parties jointly construct an agreement on

how to repair harm, or restore relationships moving forward. This agreement will be documented and part of the formal sanction record.

5.3 **Restitution or Fines**

Fines or restitution orders may be imposed to compensate the College or community member(s) in the event of defacement, damage to, or misappropriation of property.

5.4 **Behavioural Contract**

A behavioural contract is a written document between the College and the student which specifies certain behaviours that the student must comply with. It will normally limit campus activities and may include specific terms and conditions.

5.5 **Suspension**

Suspension refers to exclusion from classes, field placement and other privileges or activities for a stated period of time. Suspension will include exclusion from the campus and property belonging to the College for a stated period of time unless otherwise stated. Any sanction calling for the suspension of a student for 5 days or less must be approved by the Administrator for the Student Rights and Responsibilities policy. Any sanction calling for the suspension of the student for more than 5 days must be approved by the Associate Vice-President Student Services.

5.6 **Expulsion**

Expulsion refers to the permanent termination of a student's access to academic instruction, including access to College campuses. Any sanction calling for the expulsion of a student must be approved by the Associate Vice-President Student Services. Re-admission may not be sought.

5.7 **Adherence to Sanctions**

Failure to adhere to imposed sanctions, including the payment of restitution or a fine within the time limit prescribed, or if a behavioural contract is broken, the student will face further disciplinary action, including up to expulsion from the College. No refunds for fees will be issued for any College related activities in accordance with College policies.

6.0 **REQUESTING AN APPEAL**

6.1 Appeals will only be considered if they meet the appropriate grounds for an appeal. Grounds are reasons that can be used to challenge the decision made by the case manager following the summary of an investigation of a formal complaint, or the sanction. The College will only consider an appeal based on the following grounds:

- a) **Personal Bias / Unfair Treatment:** perceived unfair treatment based on the case manager not following the process as outlined in this policy. Perceived unfair treatment based on the sanction not fitting or appropriate based on the policy violation, as stated in Section 5: Possible Sanctions.
- b) **New information / Extenuating Circumstances:** If the complainant or respondent has new information, or documentation of extenuating circumstances that was not available at the time of the original investigation.

Students must submit appropriate documents to support their request at the time they submit the request for appeal.

- 6.2 An appeal of the above decisions must be made within 10 business days of the decision being appealed. An appeal not made within the time limit will not be heard unless there are, in the opinion of the College, exceptional circumstances.
- 6.3 Appeals dealing with a suspension of more than 5 days or expulsion will be heard by the Vice President Academic. All other appeals will be heard by the Associate Vice-President Student Services.
- 6.4 The student will complete an online Appeal Request Form which will include the following information: the name of the student appealing, the decision being appealed, the ground(s) for requesting an appeal, and the solution which the student appealing is requesting from the appeals process.
- 6.5 The purpose of the appeal is to review whether the proper process, as outlined in this procedure was followed without unfair bias, and with all relevant information available. The purpose of the appeal is not to initiate a repetitive fact finding process.
- 6.6 An Appeals Request will be returned to the student requesting the appeal and explained in writing if appropriate grounds are not met.
- 6.7 The Associate Vice-President Student Services / Vice President Academic or designate will hear the appeal in the following way:
 1. Convening an Appeals Tribunal which will hear the appeal and provide a written decision within ten (10) business days except in exceptional circumstances of receipt of the documented appeal.

The Appeals Tribunal will consist of the following members:

- The Associate Vice-President Student Services/Vice President Academic or designate (Committee Chair)
 - One faculty or staff member, from a different department or service area
 - One student chosen by the Student Administrative Council/Student Association
- 6.8 Any individual who has been involved in or has made a decision with regard to the issue being appealed shall not be part of the appeal process.
 - 6.9 The Office of Student Rights and Responsibilities or designate shall co-ordinate the procedures at an appeal ensuring procedural fairness, taking care to see that all persons affected by the decision of the Tribunal are given a reasonable opportunity to present their case and that the Appeals Tribunal members listen fairly to both sides and reach a decision without bias.
 - 6.10 All parties to the proceedings of the Appeals Tribunal shall be given reasonable notice of the time, place and purpose of the meeting. Neither the Complainant nor the Respondent needs to attend, but will be invited to attend if they would like, or they can send a pre-arranged proxy, or write a letter to the Appeals Tribunal.

- 6.11 Other individuals may, subject to advance consultation with the Tribunal Chair, present submissions relevant to the matter in question.
- 6.12 A student involved in an appeal procedure will have the right, upon request, of access to all relevant data bearing on the decision being appealed subject to the College's Access to Privacy Policy or other appropriate policies.
- 6.13 Within three (3) business days of the decision by the Appeals Tribunal, the Associate Vice-President Student Services/Vice President Academic or designate shall notify the student of the decision in writing stating the reasons for the decision. The Case Manager will notify, in writing, the other party involved in the case to inform them of the decision.
- 6.14 The Appeal decision shall be final and binding.

7.0 RECORD KEEPING AND ACCESS TO RECORDS

All records resulting from formal Student Rights and Responsibilities reports will be kept in a secure central registry, and are not a part of the academic record. Managing these records will be the responsibility of the Administrator of the Student Rights and Responsibilities Policy, under the direction of the Associate Vice-President Student Services. Access to these records will be restricted to appropriate College staff as per the Colleges' Access to Privacy Policy, or as may be required by law. All records will be kept according to College Policy #6-603, *Data Record Retention and Disposition*.

Related Documents

- College Policy #5-506, *Student Rights and Responsibilities*
- College Policy #5-503, *Maintenance of and Access to Student Records*
- College Policy #3-311, *Harassment and Discrimination Prevention* and related Administrative OP
- College Policy #2-201, *Academic Regulations* and related Administrative OP
- College Policy #6-601, *Information Technology Appropriate Use Policy*

Appendices

N/A

Summary of Amendments/Reviews:

| Section(s) | Date | Comments |
|--|--------------|--|
| Student Responsibilities policy #3-326 created | 1992 | Document included operating procedure approved by the Board (Resolution BoG Sept 2-1992 #3) |
| Procedure extensively revised to separate academic complaints/ concerns and student behaviours from rights/ responsibilities | 2014 | <ul style="list-style-type: none"> • Board approval of revised policy (included procedure) (Resolution BoG June 25-2014 #7) |
| Regular review. | January 2016 | Consultations with stakeholders (Academic Leaders, Student Service Managers, SR&R Case Managers) |
| Resolution and Complaint process developed. | Summer 2016 | <ul style="list-style-type: none"> • ELT approval of revisions, process (September 13, 2016 meeting and email feedback) |

BOARD BRIEFING REPORT

SUBJECT: Revised College Policy - Sexual Violence Prevention
Submission to: Public Board Meeting
Meeting Date: November 23rd, 2016
Requested Action: Decision / Approval

Consent Agenda Item 3.4

1. CONTEXT / PURPOSE

A report seeking approval of policy revisions as an outcome of the regular review process and to meet legislated requirements.

2. BACKGROUND

Since the Royal Assent of Bill 132, Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016, changes to College Policy and Procedure were mandated through the Ministry of Advanced Education and Skills Development. As a result, a more transparent process has been implemented.

The policy title has been changed (from Sexual Assault and Sexual Violence) to "Sexual Violence Prevention" to highlight the commitment of the College to not only respond, but work to prevent incidents from occurring. Content changes are minor and now provide more information for what to expect from the College, the rights of the parties involved, and more robust definitions. These changes aid both employees and students reading the policy, as well as administrators responding to reports of policy violations.

Attachments:

- Revised College Policy #3-343, *Sexual Violence Prevention*
- *For information*, the related Administrative Operating Procedure #3-343 OP

3. ANALYSIS / PROPOSED OPTIONS

Legal Impact: Many of the changes proposed in this amendment of the policy are mandated by legislation and need to be effect in every publicly funded postsecondary institution by January 1, 2017. There would be compliance issues if the College does not respond by updating this policy.

Furthermore, the inclusion of more definitions and procedural steps allows for more consistency and direction for administrators responding to reports of policy violations. With the topic being one that is highlighted in the media, human rights tribunals and civil court, documenting exactly how the College holds itself responsible for responding to reports reduces the concern for possible legal action against the College.

Student and Employee Impact: The transparency provided allows for individuals to make informed decisions about the different options for reporting a policy violation under this policy, as well as what to expect should they chose to come forward with a report. The intention, or hope, is that increased transparency will lead to higher levels of trust within the institution, and higher levels of self-efficacy for employees and students navigating the process.

4. ASSESSMENT OF POTENTIAL RISK – required for all matters requiring Board decision/approval

Category (select all that apply): Strategic Compliance Operational Reputational N/A

| Risks that would impact or jeopardize the success of the proposal or project | Likelihood High / Medium / Low | Impact High / Medium / Low |
|--|-----------------------------------|-------------------------------|
|--|-----------------------------------|-------------------------------|

| | | |
|---|--------|--------|
| 1. Not approving the revised policy before January 1, 2017 would put the College in a position of non-compliance with Provincial Legislation. | High | High |
| 2. An increase in reporting now that the process is easier to understand. | Medium | Medium |
| 3. The policy lists all Fleming employees as disclosure points, all employees may not know how to respond. | Medium | Low |

Additional risks may be identified here: N/A

Actions proposed to prevent / reduce the likelihood of the risk occurring or to reduce the severity of / manage the risk

- The changes in the policy have been extensively reviewed with internal and external stakeholders. Stakeholders include two different Police departments, the hospital, the Kawartha Sexual Assault Centre, student governments, faculty, staff and administrators. Changes have been compared and contrasted with other institutional policies, and meet all legislative requirements, and include terminology from our legal counsel.
- An increase in reports is always a possibility regardless of any changes made to the policy. The new Student Rights and Responsibilities Officer position has been created to meet the increase in workload demand. This will continue to be monitored.
- There has been extensive training to support staff, managers and student workers/leaders on how to receive a disclosure, and where to go for resources and reporting support. More work needs to be done in this area with the academic teams.

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN/ VISION / MANDATE

Excelling as an organization. The way in which we have implemented our policy, and worked with the College around education makes us a leader among our peers in higher education. Fleming has endorsed a community engagement model when developing the policy and procedure, making sure to not only meet legislative requirements, but in many areas to go above and beyond. Our process is well researched, and follows best-practice models on a difficulty subject matter that is still in its infancy in regard to post-secondary policy creation.

Delivering outstanding student learning and experiences. We are continuously improving our practices to keep people informed, engaged and accountable to their community. A part of the policy articulates the College’s commitment to not only responding to violations of the policy, but to educate on the topic, and implement preventative strategies as well. This increases a sense of safety on campus, and helps create a culture of caring.

Organizational competency of “Belong”. The process involved in the creation of this policy, and the intention behind the outcome of this policy include working collaboratively, building relationships, working to build accountability and integrity as well as balancing the needs of the organizational and individual priorities to create and maintain a health College environment.

6. RECOMMENDATION *(if a decision is requested, provide a motion for Board consideration.)*

THAT the Board of Governors of Sir Sandford Fleming College approve revised College Policy #3-343, *Sexual Violence Prevention*.

AUTHORED BY: Amie Kroes, Student Rights and Responsibilities Officer

COLLEGE POLICY

| Sexual Violence Prevention | |
|--|--|
| Policy ID: | #3-343 |
| Manual Classification: | Section 3 – Human Resources |
| Approved by Board of Governors: | <i>Original:</i> March 25, 2016 |
| Revision Date(s): | <i>Scheduled for November 2016</i> |
| Effective Date: | <i>Scheduled for November 2016</i> |
| Next Policy Review Date: | August 2019 |
| Administrative Contact for Policy Interpretation: | <ul style="list-style-type: none"> • Vice-President Human Resources and Student Services • Vice-President Finance and Administration |
| Linked to Operating Procedure: | #3-343 OP <i>Sexual Violence Prevention</i> |

Policy Statement

Sexual assault and sexual violence are unacceptable and will not be tolerated. Fleming College is committed to preventing sexual violence and creating a safe space for everyone in our College community. The College is expected to be a safe and positive space where members of the College community feel able to work, learn and express themselves in an environment free from sexual violence.

All reported incidents of sexual violence will be responded to in a manner that ensures procedural fairness. This policy’s intention is to make individuals feel safe and enable them to make a report in good faith about sexual violence that they have experienced or witnessed.

We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender, gender identity or relationship status as articulated in the Ontario Human Rights Code. We also recognize that individuals who have been affected by sexual violence may experience emotional, academic or other difficulties.

Purpose

This document sets out our policy and response procedure to sexual violence and ensures that those who experience sexual violence are believed and their rights respected; that the College has a process of fact finding that protects the rights of individuals; and holds individuals who have committed an act of sexual violence accountable.

Scope

It is the responsibility of all members of the College community to uphold the principles of this policy.

This policy and related operating procedure will apply in cases concerning students, employees, contractors and third party service providers as well as governors, volunteers or visitors of Fleming College:

1. occurring within or affecting people or property within the physical boundaries of the College;
2. occurring on or affecting College owned or controlled property, including student residences;
3. occurring with the use of computer and telephone systems, and College and private vehicles being used for college business or for travelling between work and study locations;
4. at a College-sponsored event;
5. occurring off-campus which are likely to have an impact on the working, living and/or learning environment at the College.

Incidents occurring off campus which have no or little likelihood of any impact on the working/learning/living environment at the College would be pursued by individuals through the regular external processes.

Reports by students regarding harassment or discrimination on the basis of any prohibited ground under the Ontario Human Rights Code may be addressed by College Policy #3-311, *Harassment and Discrimination Prevention*. Students who wish to make reports regarding inappropriate behaviour by students that is not on the basis of any prohibited ground, and is not related to sexual violence, are referred to College Policy #5-506, *Student Rights and Responsibilities*.

Issues related to other violent or threatening behaviour are addressed through College Policy #4-420, *Violence Prevention*.

Definitions/Acronyms

College Community: Any person who studies, teaches, conducts research at or works at or under the auspices of the College, or student governments and includes, without limitation, employees or contractors; appointees (including volunteer board members); students, visiting scholars and any other person while they are acting on behalf of or at the request of the College.

Complainant: The person who reports a policy infraction, in this case, a person who reports sexual violence that they have been affected by.

Respondent: A person who is responding to a report of a policy infraction. In this case, a person who is responding after being named in a report of sexual violence.

Sexual assault: A criminal offence under the *Criminal Code of Canada*. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

Sexual violence: Any sexual act(s) targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Instances of sexual violence covered by this policy include those that occur in person, through a third party, or online.

Sexual consent: The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose enthusiastically, at multiple stages, in a mutually agreed upon sexual experience. This means that there must be an understandable exchange of affirmative words, acts or gestures which indicates a willingness to participate. It is also imperative that everyone understands the following:

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.

- A person who is drugged is unable to consent.
- A person is usually unable to give consent when under the influence of alcohol and/or drugs (including prescription medication and over the counter medications that may interact with other drugs and/or alcohol).
- A person may be unable to give consent if they have an intellectual, developmental or physical disability preventing them from fully understanding the sexual acts.
- The fact that consent was given in the past to a sexual, dating, or domestic relationship does not mean that consent is deemed to exist for all future sexual activity.
- A person can withdraw consent at any time during the course of a sexual encounter.
- A person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach, or an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

For more information on related terms, please see Administrative Operating Procedure #3-343 OP, *Sexual Violence Prevention*.

General Principles

1. We are committed to:

- 1.1 assisting those who have been affected by sexual violence by providing choices, including detailed information and support, such as provision of and/or referral to counselling and medical care, information about legal options, and appropriate academic and other accommodation;
- 1.2 ensuring that those who disclose an experience of sexual violence are believed, and that their right to dignity and respect is protected throughout the process of disclosure, fact finding and institutional response;
- 1.3 educating about, and addressing harmful attitudes and behaviours (e.g. adhering to myths of sexual violence) that reinforce that the person who experienced sexual violence is somehow to blame for what happened;
- 1.4 treating individuals who disclose sexual violence with compassion recognizing that they are the final decision-makers about their own best interests;
- 1.5 ensuring that on-campus (internal) fact finding procedures are available in the case of sexual violence, even when the individual chooses not to make a report to the police;
- 1.6 engaging in appropriate procedures for fact finding and adjudication of a report which are in accordance with College policies, standards and applicable collective agreements, and that ensure fairness and procedural fairness;
- 1.7 ensuring coordination and communication among the various departments who are most likely to be involved in the response to sexual violence on campus;
- 1.8 engaging in public education and prevention activities on the topic of sexual violence and bystander intervention;

- 1.9 providing information to the College community about our sexual violence policies and procedures;
- 1.10 providing appropriate education and training to the College community about responding to disclosure of sexual violence;
- 1.11 contributing to the creation of a campus atmosphere in which sexual violence is not tolerated; and
- 1.12 monitoring and updating our policies and procedures to ensure that they remain effective and in line with other existing policies and best practices.

2. Reporting and Responding to Sexual Violence

- 2.1. Any employee at Fleming Community that becomes aware of, or witnesses an incident of sexual violence has a responsibility to report that behaviour to their Supervisor, via the online report form, to College Security and/or the Police as appropriate for the circumstances. Other members of the College community are strongly encouraged to report sexual violence incidents they witness or have knowledge of, or where they have reason to believe that sexual violence has occurred or may occur. In all instances, the survivor should be advised that a report will be made, and they will first be given the opportunity to make the report themselves (with or without employee support). If the employee is reporting an incident, the survivor's name will be kept anonymous if the survivor has not given express consent to disclose. Members who have been affected by sexual violence are encouraged to come forward to report as soon as they are able to do so.
- 2.2 Persons in a position of authority, including persons directing the activities of others, shall take immediate action to respond to, or to prevent sexual violence from occurring.
- 2.3 Where the College becomes aware of incidents of sexual violence that pose a risk to the safety of the College community, the College shall take all reasonable steps to ensure safety as a matter of priority.

3. Reporting and Fact Finding Process

A report of sexual assault or any other kind of sexual violence can be filed under this Policy by any member of the college community. The decision making power is always with the survivor about whether they would like to disclose to anyone. If they choose to, they also decide which type of report they would like to make. This includes the choice to file an informal, formal and/or police report (see Administrative Operating Procedure #3-343 OP, *Sexual Violence Prevention* for more information).

Measures to ensure the emotional and physical safety of the survivor can and will be made (see Accommodations section 6 of Administrative Operating Procedure #3-343 OP, *Sexual Violence Prevention*).

The College will seek to achieve procedural fairness in dealing with all reports. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is a reported breach of this Policy. Respondents will be given reasonable notice, with full details of the report, and provided with an opportunity to answer to the report(s) made against them.

- 3.1 Right to Withdraw a Report: A complainant has the right to withdraw a report at any stage of the process. However, the College may continue to act on the issue identified in the report in order to comply with its obligation under this Policy and/or its legal obligations. If this is the case, the complainant always has the right to decide to no longer participate.

3.2 Protection from Reprisals, Retaliation or Threats: It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant or other individuals for:

- having pursued their rights under this Policy;
- having participated or co-operated in a fact finding process under this Policy; or
- having been associated with someone who has pursued rights under this Policy.

The College takes reasonable steps to protect persons from reprisals, retaliation and threats. This may entail, for example, advising individuals in writing of their duty to refrain from committing a reprisal and sanctioning individuals for a breach of this duty. The College may also address the potential for reprisals by providing an accommodation appropriate in the circumstances.

3.3 Multiple Proceedings: This policy does not preclude a complainant from initiating an alternative report procedure, for example, to use the police process (if the action warrants), launch a civil lawsuit, complain to the Human Rights Tribunal of Ontario, the Ministry of Labour, or to access the grievance procedures outlined in their collective agreements and the terms and conditions of their employment.

Where criminal and/or civil proceedings are commenced in respect of the report of sexual violence, the College shall conduct its own independent investigation into such reports, and make its own determination in accordance with this policy and its related procedure – as long as a formal college report has been made. Where there is an ongoing police investigation, the College will cooperate with local police. This would likely involve the College pausing their process to allow the police to do their investigation. The College will resume their process at the earliest time available.

3.4 Rights of the Complainant and the Respondent: The person who reports an experience of sexual violence (Complainant) has the right to provide supporting documents, call witnesses, and be notified about the outcome of any determination or appeal decision. The complainant also is protected from any questions about their manner of dress, sexual history, private counselling, or academic records.

The respondent has the right to provide supporting documents, call witnesses, and be notified about the outcome of the determination of findings and/or appeal decision. The respondent also has the right to only have a report substantiated based on a balance of probabilities (which means that it is either more likely or not likely that the incident(s) of sexual violence occurred as defined within the procedure). This is consistent with the burden of proof required by civil law and is different from the beyond a reasonable doubt burden required by criminal law.

Complainants and respondents may attend meetings with a (non-participating) support person. The College considers requests to attend meetings with additional support persons and with legal or other representation on a case-by-case basis, with a view to promoting a fair and expeditious process. The College may still question and expect direct answers from an individual who is being supported.

3.5 Unsubstantiated or Vexatious Reports: If a person, in good faith, discloses or files a sexual violence report that is not supported by evidence gathered during the fact finding process, that report will be dismissed.

Disclosures or reports that are found, following the fact finding process, to be frivolous, vexatious or bad faith reports, that is, made to purposely annoy, embarrass or harm the respondent, may result in sanctions and/or discipline against the complainant.

3.6 Record Keeping: All records resulting from formal Sexual Violence Prevention reports will be kept in a secure central registry, and are not a part of the academic record. Keeping these records will be the responsibility of the Administrator of the Sexual Violence Prevention Policy, under the direction of the Associate Vice-President Student Services. Access to these records will be restricted to appropriate College employees as per the Colleges' Access to Privacy Policy, or as may be required by law. All records will be kept according to College Policy #6-603, *Data Record Retention and Disposition*.

Statistical information on the number, nature and type of reports will be kept and reports will be filed annually by the Administrator of the Sexual Violence Prevention Policy. This information may be shared with the Ministry of Advanced Education and Skills Development in accordance with Schedule 3, section 17.7 of Bill 132 *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*, 2016.

Where the report has not been substantiated, no reference will be placed in the personnel or student file of either party. When an individual has made a report that is later found to have been vexatious or made in bad faith, and discipline has been imposed, a letter regarding the same will be placed in his/her personnel file or student file.

Once each year, an individual may appeal to the Vice-President Human Resources and/or Student Services to have the letter on file removed, a decision which is at the discretion of the College.

4. Confidentiality

Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the College does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses. The College will do this by restricting access to information for individuals without a need for such access, and by providing education and training to those who are regularly involved in the administration of reports and complaints. We will treat individuals who disclose sexual violence with compassion, recognizing that they are the final decision-makers about their own best interests.

However, confidentiality cannot be assured in the following circumstances:

- an individual is at imminent risk of self-harm;
- an individual is at imminent risk of harming another;
- there is a concern about the safety or welfare of a child; and/or
- there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

In such circumstances, the confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the College does its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses. In such a case, the complainant has the right to choose not to participate in any investigation that may occur.

Where the College becomes aware of a report of sexual violence by a member of the College community against another member of the College community, the College may also have an obligation to take steps to ensure that the matter is dealt with in order to comply with the College's legal obligation and/or its policies to investigate such reports. In such cases, certain College administrators will be informed about the reported incident on a "need to know" and confidential basis, but not necessarily of the identities of the persons involved.

5. Publication and Training

The College will ensure awareness of this policy by:

- 5.1 Making the policy available to any existing and new members of the College. The full document will be posted on the Fleming website.
- 5.2 Providing training to all employees, ensuring those persons with managing, supervising, and leadership responsibilities are aware of their obligations under the policy and are able to implement its requirements.
- 5.3 Providing training to employees and student groups on the process for responding and addressing incidents of sexual violence, including specifics on bystander intervention.

6. Development and Approval of this Policy

- 6.1 The development of the current and future iterations of this policy will be reviewed in consultation with representatives of faculty, staff and student governing bodies for the provision and consideration of input from a diverse selection of Fleming College Community members. This policy will be reviewed every three years in accordance with review guidelines articulated in Bill 132 Schedule 3 of the Ministry of Advanced Education and Skill Development.

Related Documents

- *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016* and O.Reg. 131/16, *Sexual Violence at Colleges and Universities*
- Administrative Operating Procedure #3-343 OP, *Sexual Violence Prevention*
- College Policy #5-506, *Student Rights and Responsibilities*
- Administrative Operating Procedure #5-506 OP, *Student Rights and Responsibilities*
- College Policy #4-420, *Violence Prevention*
- Administrative Operating Procedure #4-420 OP, *Violence Prevention*
- College Policy #3-311, *Harassment and Discrimination Prevention*
- Administrative Operating Procedure #3-311, *Harassment and Discrimination Prevention*
- College Policy #4-412, *Safety*
- College Policy #6-601, *Information and Communication Technology Appropriate Use Policy*
- College Policy #6-603, *College Data Record Retention and Disposition*
- Academic Collective Agreement
- Support Staff Collective Agreement
- Ontario Human Rights Code
- Occupational Health and Safety Act
- Residence Community Standards (In Student Handbook)

Appendices

N/A

History of Amendments/Reviews:

| Section(s) | Date | Comments |
|---------------------------------|------------------------------|--|
| New policy | created 2015 | Framework endorsed by Committee of Presidents • Board approval of policy (Resolution BoG March 25-2015 #6) |
| Full review - policy renamed | April through August 2016 | Required as a result of new legislative requirements |

ADMINISTRATIVE OPERATING PROCEDURE

| Sexual Violence Prevention | |
|--|---|
| Procedure ID: | #3-343 OP |
| Approved by Executive Leaders Team: | <i>Original: March 26, 2015</i> |
| Revision Date(s): | October 2016 |
| Effective Date: | <i>Scheduled for November 2016</i> |
| Next Review Date: | 2018 |
| Monitoring Responsibility: | Associate Vice-President Student Services |
| Linked to College Policy: | #3-343 <i>Sexual Violence Prevention</i> |

Policy Statement

Sexual assault and sexual violence are unacceptable and will not be tolerated. Fleming College is committed to preventing sexual violence and creating a safe space for everyone in our College community. The College is expected to be a safe and positive space where members of the College community feel able to work, learn and express themselves in an environment free from sexual violence.

All reported incidents of sexual violence will be responded to in a manner that ensures procedural fairness. This policy's intention is to make individuals feel safe and enable them to make a report in good faith about sexual violence that they have experienced or witnessed.

We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender, gender identity or relationship status as articulated in the Ontario Human Rights Code. We also recognize that individuals who have experienced sexual violence may experience emotional, academic or other difficulties.

Definitions

College Community: Any person who studies, teaches, conducts research at or works at or under the auspices of the College, or student governments and includes, without limitation, employees or contractors; appointees (including volunteer board members); students, visiting scholars and any other person while they are acting on behalf of or at the request of the College.

Complainant: The person who reports a policy infraction, in this case, a person who reports sexual violence that they have been affected by.

Respondent: A person who is responding to a report of a policy infraction. In this case, a person who is responding after being named in a report of sexual violence.

Sexual assault: A criminal offence under the *Criminal Code* of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim/survivor and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

Sexual violence: Any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual assault, sexual

harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Instances of sexual violence covered by this policy include those that occur in person, through a third party, or online.

Sexual consent: The voluntary and explicit agreement to engage in the sexual activity in question. It is the act of willingly agreeing to engage in specific sexual behaviour, and requires that a person is able to freely choose enthusiastically, at multiple stages, in a mutually agreed upon sexual experience. This means that there must be an understandable exchange of affirmative words, acts or gestures which indicates a willingness to participate. It is also imperative that everyone understands the following:

- Silence or non-communication must never be interpreted as consent and a person in a state of diminished judgment cannot consent.
- A person is incapable of giving consent if they are asleep, unconscious or otherwise unable to communicate.
- A person who has been threatened or coerced (i.e. is not agreeing voluntarily) into engaging in the sexual activity is not consenting to it.
- A person who is drugged is unable to consent.
- A person is usually unable to give consent when under the influence of alcohol and/or drugs (including prescription medication and over the counter medications that may interact with other drugs and/or alcohol).
- A person may be unable to give consent if they have an intellectual, developmental or physical disability preventing them from fully understanding the sexual acts.
- The fact that consent was given in the past to a sexual, dating, or domestic relationship does not mean that consent is deemed to exist for all future sexual activity.
- A person can withdraw consent at any time during the course of a sexual encounter.
- A person is incapable of giving consent to a person in a position of trust, power or authority, such as, a faculty member initiating a relationship with a student who they teach, or an administrator in a relationship with anyone who reports to that position.
- Consent cannot be given on behalf of another person.

It is the responsibility of the initiator of sexual activity to ensure clear and affirmative responses are communicated at all stages of sexual engagement. It is also the initiator's responsibility to know if the person they are engaging with sexually is a minor.

Other Relevant Terms

Age of consent for sexual activity: The age at which a person can legally consent to sexual activity. In Canada:

- Children under 12 cannot consent to sexual acts
- 12 and 13 year-olds can consent to sexual activity with youth who are up to 2 years older
- 14 and 15 year-olds can consent to sexual activity with a person who up to 5 years older
- No person under the age of 18 is able to consent to being in sexualized pictures or videos

Coercion: In the context of sexual violence, coercion is unreasonable and persistent pressure for sexual activity. Coercion is the use of emotional manipulation, blackmail, threats, intimidation, or the promise of rewards or special treatment, to persuade someone to do something they do not wish to do, such as being sexual or performing particular sexual acts.

Drug-facilitated sexual assault: The use of alcohol and/or drugs (prescription or non-prescription) by a person to control, overpower or subdue a victim/survivor for purposes of sexual assault.

Rape Culture: A culture in which dominant ideas, social practices, media images, and societal institutions implicitly or explicitly condone sexual assault by normalizing, accepting or trivializing sexual violence and by blaming survivors for their experience.

Survivor: Some who have experienced sexual violence may choose to identify as a survivor. Individuals might be more familiar with the term “victim”. We use the term survivor throughout this policy where relevant because some who have experienced sexual assault believe they have overcome the violent experience and do not wish to identify with the victimization. It is the prerogative of the person who has experienced these circumstances to determine how they wish to identify.

Under the Influence of Substances (drugs and/or alcohol):

When the amount of alcohol or drugs consumed (voluntarily or involuntarily) impacts someone’s decision making capacity, awareness of consequences, and ability to make fully formed judgments; this individual lacks the capacity to give consent (to understand the ‘who, what, when, where and why’ of their sexual interaction).

Sexual activity with someone who one knows to be, or based on circumstances should reasonably have known to be, mentally or physically incapacitated (by drug or alcohol use, unconsciousness or a blackout) constitutes sexual assault.

Some signs of a person being under the influence, where they may not be able to consent are overt and others are more subtle, every person will look different. Some evidence of may include:

- Slurred speech;
- Bloodshot eyes;
- The smell of alcohol on one’s breath;
- Shakiness;
- Vomiting;
- Unusual/strange behaviour; and/or
- Unconsciousness.

The initiator of sexual activity (regardless of their level of sobriety) should always err on the side of assuming a party to be under the influence to the point of diminished judgement, rather than risking committing sexual assault. It is the responsibility of the initiator of sexual activity to ensure clear, capable and affirmative responses are communicated at all stages of sexual engagement.

Operating Procedure

1. Immediate Response if you Have Experienced or Been Affected by Sexual Violence

1.1 Go to a safe place

- If you live in residence, you may want to connect with a trusted friend or a member of the Residence Life Staff
- If you do not live in residence or are not a student, you may want to connect with a trusted friend or relative if you feel physically or emotionally unsafe.
- For immediate support by telephone:
 - Contact the confidential crisis support line of Kawartha Sexual Assault Centre **705-741-0260 / 1-866-298-7778** available 24/7 seven (7) days a week.
 - Contact 911 in an emergency situation to be connected with your local police department.

1.2 Get medical attention as needed

- Peterborough Regional Health Centre: 1 Hospital Drive, Peterborough, ON
- Lindsay: Ross Memorial Hospital: 10 Angeline St N, Lindsay, ON
- Cobourg: Northumberland Hills Hospital: 1000 DePalma Dr., Cobourg, ON
- Haliburton: Haliburton Highlands: 7199 Gelert Rd. Haliburton, ON

If you attend at Peterborough Regional Health Centre (PRHC) a specially trained Sexual Assault Nurse Examiner will be called in for your care. If you attend another emergency department they will assist you in transferring to PRHC after you are medically cleared. These Nurses are on-call 24/7.

- **The Sexual Assault Nurse Examiners at PRHC provide the following options for care:**
 - Emergency health care
 - Full physical assessment
 - Forensic evidence collection and photo documentation
 - Free HIV post-exposure medication (within 72hrs)
 - Free testing and treatment for sexually transmitted infections (STI's),
 - Free medication for pregnancy prevention (within 5 days)
 - Immediate and follow-up counselling
 - Risk assessment and safety planning
 - Assistance navigating the complex network of services
 - Comprehensive, evidence based care to victims/survivors within the 4 counties – includes people of all genders and all ages.

- Individuals chose which services are right for them. Police will not be involved without your consent. To contact a Sexual Assault Nurse Examiner call 706-743-2121 ext. 0 and Switchboard will connect you with them.

- If you need transportation support, please see Residence Life Staff, Security, or Counsellors. If off campus, please contact Victim Services – police will not be involved without your consent: 1-888-822-7729 (Peterborough/Northumberland) 1-800-574-4401 (Kawartha Lakes/Haliburton)

1.3 Seek out support and counselling (see Section 2 of this document)

1.4 Get advice on available options for reporting (See Section 3 of this document)

2. Options for Follow-up Support (after immediate needs are met)

It is often difficult to disclose and report incidents of sexual violence. Although it is entirely up to each survivor (over the age of 16) to report an incident of sexual violence, we encourage survivors to do so. The continuum of choice includes anonymous and informal reporting at the College through to police reporting. By making a report, the College can track similar incidents of violence and vulnerable areas of campus to ensure a safer campus experience. A number of other resources on campus are available to you. Please note, a person making a report can request to speak with a security guard, counsellor, residence life staff or case manager of a specific gender in effort to make them as comfortable as possible when making their report.

Places to go to get support include:

- Student Rights and Responsibilities Officer 705-749-5530 x 1137
- Campus Security (8000 from a campus phone (24/7 service), 705-749-5530 x8000 from an outside line) or the Information Booth.
- Counselling services: Sutherland/Cobourg Campus 705-749-5530 x 1527
Frost/Haliburton Campus 705-324-9144 x 3320
- Residence Life Staff (located in every residence building)
- Student Government: Sutherland: 705-749-5547
Frost: (705) 324-9144
- Human Rights Officer (located in Human Resources): 705-749-5530 x1982
- Kawartha Sexual Assault Crisis Line (24/7 service) – 705-741-0260/1-866-298-7778

Anyone who has experienced or been affected by sexual violence has the right to:

- be treated with dignity and respect,
- be believed,
- be informed about on- and off-campus services and resources,
- decide whether or not to access available services and to choose those services they feel will be most beneficial,
- decide whether to report to the College and/or local police,
- have an on-campus investigation with the institution's full co-operation,
- meet with Counselling Services and/or Campus Security to develop a plan of action in order to better equip oneself to deal with a situation that potentially puts your safety at risk (Safety Plan),
- have reasonable and necessary actions taken to prevent further unwanted contact with the respondent.

3. Filing a Report

There is a range of reporting options, based on the wants/needs of the person who has experienced sexual violence. Anyone receiving a disclosure is encouraged to provide information on the options available, but the decision of which type of report to file is solely the decision of the complainant.

3.1 Informal/Information Report

Informal reports help the College have an informed understanding of occurrences and needs within the College community. Reports work to create a safer environment for everyone. If you report an incident of sexual violence to any College employee, as an employee of the College, they are obligated to report any disclosures; however, you can remain anonymous. **Please note: without a formal report an investigation is unlikely.** Confidentiality is of the utmost importance, but in rare circumstances, confidentiality may not be assured. For more information on confidentiality, please see Section 4 of the Sexual Violence Prevention Policy.

To file an online report, please use the following

link: <https://department.flemingcollege.ca/sexual-assault/reporting-an-incident/>

To file a report in person, please contact:

- The Office of Student Rights and Responsibilities 705-749-5530 x 1137
- Security: (x8000) or go to the information booth and request security
- Human Rights Officer (located in Human Resources) 705-749-5530 x1982

3.2 Formal College Report

If you would like to make a formal report of having experienced sexual violence, please call Campus Security at 8000 (from a campus phone) 705-749-5530 x8000 (from an outside line), contact a Residence Life Staff, the Student Rights and Responsibilities Officer or the Human Rights Officer and they will assist you by providing resources and support. You may wish to bring a supportive person, such as a family member, friend or staff person with you. This report is not anonymous. Respondents will be given notice, with full details of the report. If a complainant is concerned about their safety through this process, please see Section 6 – Accommodations and within Section 8.2 - Interim measures for support and options available.

To file an online report, please use the following link:

<https://department.flemingcollege.ca/sexual-assault/reporting-an-incident/>

To file a report in person, please contact:

- The Office of Student Rights and Responsibilities 705-749-5530 x 1137
- Security: (x8000) or go to the information booth and request security
- Human Rights Officer (located in Human Resources) 705-749-5530 x1982

3.3 Police Report

Individuals who have experienced sexual violence may also wish to report this to their local police. Residence Life Staff, Counsellors, the Student Rights and Responsibilities Officer and Campus Security can all assist you with contacting the local police and will inform you about what to expect. You may make both a College Report as well as a Police Report.

Please note: You can access Victim Services without having to make a police report. They can inform you about what to expect when making a police report, and the justice system process, so you understand all legal options available to you.

- Victim Services Peterborough and Northumberland: 1-888-822-7729
- Victim Services Kawartha and Haliburton: 1-800-574-4401

If you choose to contact police, you have the following rights:

- the right to ask for a male or female officer when making your report
- the right to have a support person with you when you make a report
- the right to withdraw a report at any time in the process (this may or may not mean the police discontinue the investigation – but you can always choose to not be a part of it)
- the right to make a confidential report, where you want to give the police information and access supports, but you do not want them to pursue a formal investigation (like the College, in certain circumstances they may continue without having to name you or indicate your involvement until a later date if they choose to pursue a charge. This assists police in tracking the behaviours and trends of possible perpetrators of sexual assault).

4. What to do if you witness or receive a disclosure of Sexual Violence

A supportive response includes:

- Listening without judgment and accepting the disclosure as true;
- Communicating that sexual violence is never the responsibility of the survivor;
- Helping the individual identify and/or access available on- or off-campus services, including emergency medical care and counseling;
- Respecting the individual's right to choose the services they feel are most appropriate and to decide whether to report to the police and/or the College.

Any employee at Fleming Community that becomes aware of, or witnesses an incident of sexual violence has a responsibility to report that behaviour to their Supervisor, via the online report form, to College Security and/or the Police as appropriate for the circumstances (Please see section 3.1). Other members of the College community are strongly encouraged to report sexual violence incidents they witness or have knowledge of, or where they have reason to believe that sexual violence has occurred or may occur. It is important to remember, that a complainant's identity will remain anonymous unless you have their consent to disclose this information. Employees will operate within the limitations outlined in Section 4 "Confidentiality" of College Policy #3-343, *Sexual Violence Prevention*, which states that "we will treat individuals who disclose sexual violence with compassion, recognizing that they are the final decision-makers about their own best interests".

If you need support in understanding reporting options, please see Section 3 of this document, contact Campus Security at x 8000 (from a campus phone), 705-749-5530 x8000 (from an outside line) or see the educational website information at: <https://department.flemingcollege.ca/sexual-assault/>.

5. Accommodations

Students seeking accommodations can connect with Counselling Services to ensure that they receive all necessary accommodations and supports. Counselling Services will liaise with appropriate campus partners to assist in identifying the most appropriate accommodations and supports for the complainant. Accommodations may include, but not be limited to, extended time on assignments, changing classroom, work or living proximity of the complainant and respondent, or implementing scheduling of service access times for the complainant to ensure the respondent is not present. Please note, you are not required to file a formal complaint to obtain supports, services, or appropriate accommodation from the College.

Employees who require accommodation as a result of sexual violence can make an appointment with the Human Rights Officer who will liaise with Human Resources to facilitate the appropriate accommodation.

6. Roles and Responsibilities of the College Community

While everyone on campus has a role to play in responding to incidents of sexual violence, some campus members have specific responsibilities, which include:

- On campus counselling and health supports to provide psychological and emotional support, assist with safety planning, and make referrals to other services, including medical services;
- Faculty, staff and administrators to facilitate academic accommodations and other academic needs of those who have been affected by sexual violence (see section 6);
- Residence staff to facilitate safe living arrangements to the best of their abilities
- Human resources to assist with any incidents relating to employees;
- Managers and Deans to ensure, as much as reasonably practical, that no employees are subjected to workplace sexual violence. To take reports of sexual violence seriously, and follow-up appropriately. Take corrective action with anyone under their direction who subjects another Fleming College community member to sexual violence;
- Security to assist with gathering evidence, to implement measures to reduce sexual violence on campus, and to collaborate with police as appropriate;
- Case managers to follow procedural fairness principles while engaging in the fact finding and decision making process. This includes treating all parties involved with dignity and respect;
- All community members to recognize, understand and be proactive against rape culture, and demeaning myths around sexual assault. It is all community member's responsibility to create a respectful, safe environment for the students and employees at Fleming College.

7. How the College Responds to Reports of Sexual Violence

Where a complaint of sexual violence has been reported to the College, the College will exercise care to protect and respect the rights of both the complainant and the respondent. The College understands that individuals who have experienced sexual violence may wish to control whether and how their experience will be dealt with by the police and/or the College. In most circumstances, the person will retain this control. However, in certain circumstances, the College may be required to initiate an internal investigation and/or inform the police, even without the complainant's consent, if the College believes that the safety of other members of the College community is at risk. The confidentiality and anonymity of the person(s) affected will be prioritized

in these circumstances. The complainant also has the right to not participate in any investigative process.

A report of sexual violence may also be referred to the police or to other community resources at the complainant's request.

Sexual violence is a violation of the Sexual Assault and Sexual Violence Policy; it is considered a serious offence and will be addressed in a manner which is consistent with other serious offences.

As creating open and accessible options for reporting is a priority, amnesty will be provided to complainants who were under the influence of alcohol and/or drugs when they experienced sexual violence. The College will not pursue an investigation or disciplinary measures if the alcohol or drug use of the complainant was in violation of the Student Rights and Responsibilities Policy, or Residence Student Handbook.

7.1 Informal Report Response

The College will log the information, and may engage in preventative or responsive measures on a global scale (examples include increasing security presence, or doing educational work in a particular area of the college). In rare situations, if there is a threat present, the College may have to act in the best interest of public safety, which can include informing the police. Confidentiality is of the utmost importance, but in rare circumstances, confidentiality may not be assured. For more information on confidentiality, please see Section 4 of College Policy#3-343, *Sexual Violence Prevention*.

7.2 Formal Report Response – Where the complainant is a student

The Administrator of the Sexual Violence Prevention policy will acknowledge receipt of the report to the contact information provided in the report, within two (2) business days, except in exceptional circumstances.

A Case Manager will be assigned as the one main contact person for the case. This ensures that a person only has to make their report to one person and there is no unnecessary repetition of the facts. The Case Manager hearing the report shall ensure that there is procedural fairness, taking care to see that all persons affected by the report are given a reasonable opportunity to present their case and that the Case Manager listens fairly to all sides and reaches a decision without bias. Within ten (10) days, of receiving the report the complainant and respondent will be met with separately and follow-up meetings with witnesses may also take place, if applicable. Depending on the situation, the Case Manager may also have to have additional meetings with the complainant and/or respondent to gain further clarity. The Case Manager may request documents or other resources that are relevant to the fact finding process. The Case Manager will share details of the report with the respondent. Information provided by the respondent may be reviewed by the complainant and vice versa as necessary. The Case Manager may consult with the Behaviour Assessment Management Team (see Administrative Operating Procedure #4-420 OP, *Violence Prevention Appendix B* for more information) in many situations, where only pertinent details of the case are discussed. The Case Manager will provide a written response to the complainant and the respondent within fifteen (15) business days (except in exceptional circumstances) from receipt of the report.

In cases where the report has not been dealt with within fifteen (15) business days in the manner described above, the complainant or respondent can take their complaint to the Associate Vice-President Student Services. This complaint must be made in writing. The Associate Vice-President Student Services will investigate the reasons for the delay and respond in writing within three (3) business days with a course of action. Some reasons a

report may be delayed can include if people involved are not available, making it not possible for a full and fair fact finding process. Or if police become involved, their process must occur before the College can begin/complete the fact finding process about the policy violation.

Interim Measures:

Interim measures are measures taken to ensure the safety of all participants involved during the investigation process. Interim measures are not punishment and do not represent a finding of misconduct, but rather work to reduce the possible impacts of further harm to both the complainant and respondent. The College may impose interim measures immediately, without a hearing. Respondents may ask the College to review a decision to impose interim measures, but only to address the impact of the imposed measure and the preference for other alternatives. These measures are temporary for the duration of the investigative process and may be removed or replaced by sanctions based on the outcome of the investigation.

Some examples of possible interim measures may include, but are not limited to:

- A behavioural contract outlining specific conditions, such as no contact;
- A student being moved from one section of their program to another;
- A student being moved within residence, or removed from residence;
- A student being asked to participate in their academics online or from home;
- A temporary dismissal or suspension of academic or work privileges, including access to College campuses and/or residence.

7.2.1 Determination and Resolution

At the conclusion of the fact finding process, the Case Manager will write a draft report stating whether or not the report is substantiated based on the balance of probabilities (which means it is either more likely or not likely that the incident(s) of sexual violence occurred as defined by this operating procedure). This is consistent with the burden of proof required by civil law and is different from the beyond a reasonable doubt burden required by criminal law. After a decision has been made, the Case Manager will send a written decision to the respondent outlining the decision and what action is to be taken, if any, within fifteen (15) business days of the completion of the meetings, except in exceptional circumstances. The complainant will receive the determination of findings and corrective action that has and will be taken. This report will not provide specific details of disciplinary action or sanctions issued.

7.2.2 Possible Sanctions

If a person is deemed to have violated the Sexual Violence Prevention Policy, sanctions may be imposed by the Case Manager under the direction of Administrator of the Sexual Assault and Sexual Violence Policy. It is possible for a complainant to request a mediation or restorative process, to do so, they must make this known to the Case Manager.

Sanctions and remedies applied as a result of the processes outlined in this policy will take into account the outcome(s) requested by the complainant.

The following criteria will be considered in determining the appropriate level of sanction:

- The seriousness/severity of the incident(s),
- The reliability of the information gathered,
- The documented history of the respondent (or the complainant in the case of vexatious reports) regarding related issues or incidents

Possible sanctions for students include:

- a) **Written Reprimand:** a formal letter to the student that will remain on file for the duration of a student's time at the College. The letter includes a description of the behaviour in question, a description of the consequences if the behaviour is repeated, or other policies are violated may be cause for more severe disciplinary action within a stated time period, and information regarding resources within the College that students can access for assistance.
- b) **Behaviour Contract:** a written agreement between the College and the student which specifies certain behaviours that the student must comply with. It will normally limit campus activities and may include specific terms and conditions.
- c) **Suspension:** refers to exclusion from classes, field placement and other privileges or activities for a stated period of time. Suspension will normally include exclusion from the campus and property belonging to the College for a stated period of time. Any sanction calling for the suspension of the student for more than five days must be approved by the Associate Vice-President Student Services. Readmission may be sought under conditions established by the College at the time of suspension. Readmission conditions will be documented in writing or the student at the time of the suspension. Students who have been given an extended suspension will be required to meet with the Associate Vice-President Student Services if they wish to re-apply for admission as outlined in the suspension letter.
- d) **Expulsion:** refers to the termination of a student's access to academic instruction, including access to College campuses for non-academic conduct. Any sanction calling for the expulsion of a student must be approved by the Associate Vice-President Student Services

7.2.3 Adherence to Sanctions

Failure to adhere to imposed sanctions means the student will face further disciplinary action, including up to expulsion from the College. No refunds or fees will be issued for any College related activities in accordance to College policies.

7.3 Formal Report Response – When an employee is involved

Reports involving employees will be addressed in accordance with College Policy #3-343, *Sexual Violence Prevention* by following the procedures set out in Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*, and in any applicable collective agreement. If the complaint is sustained following an investigation, the College will decide on the appropriate disciplinary actions consistent with any applicable collective agreement and the Harassment and Discrimination Prevention Policy regarding discipline.

7.4 Formal Report Response – When the Respondent is not a student nor an employee

Contractors, suppliers, volunteers or visitors who attend on campus will be subject to complaints if they engage in prohibited conduct. Where a complaint against the respondent is substantiated, the College will take appropriate action.

All contractual relationships entered into by the College will be governed by a standard contract compliance clause stating that contractors must comply with the Sexual Violence Prevention Policy and the Ontario *Human Rights Code*, including co-operating in investigations. Breach of the clause may result in penalties, cancellation, or other sanctions.

7.5 Appeal Procedure

For all student appeals related to this policy, please see the process online at: <https://department.flemingcollege.ca/srr/appeal-process/>.

For all employee appeals, please see Appendix C of Administrative Operating Procedure #3-311 OP, *Harassment and Discrimination Prevention*:

<https://department.flemingcollege.ca/hr/working-at-fleming/policies-and-procedures/>

There is no formal appeal process for supplier, volunteer or visitor violations.

7.6 Communicating with Individuals who have Experienced Sexual Violence

Sensitive and timely communication with individuals who have experienced sexual violence and their family members (when individuals consent to this communication) is a central part of the College's first response to sexual violence. To facilitate communication, the College will:

- Ensure that designated employees in Security, Counselling, Human Resources, Residence, the office of Student Rights and Responsibilities, and Student Government, who are knowledgeable about sexual violence, are responsible for advocacy on campus on behalf of employees, students or any other member of the College community who have experienced sexual violence;
- Ensure designated employees respond in a prompt, compassionate and personalized fashion;
- Ensure that the complainant and respondent are provided with reasonable updates about the status of the College's process, when a process is undertaken.

8. Other Resources and Supports Available

Information and resources are available online at <https://department.flemingcollege.ca/sexual-assault/>.

Related Documents

- *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016* and O.Reg. 131/16, *Sexual Violence at Colleges and Universities*
- College Policy #3-343, *Sexual Violence Prevention*
- College Policy #5-506, *Student Rights and Responsibilities*
- Administrative Operating Procedure #5-506 OP, *Student Rights and Responsibilities*
- College Policy #4-420, *Violence Prevention*
- Administrative Operating Procedure #4-420 OP, *Violence Prevention*
- College Policy #3-311, *Harassment and Discrimination Prevention*
- Administrative Operating Procedure #3-311, *Harassment and Discrimination Prevention*
- College Policy #4-412, *Safety*
- College Policy #6-601, *Information and Communication Technology Appropriate Use Policy*
- College Policy #6-603, *College Data Record Retention and Disposition*
- Academic Collective Agreement
- Support Staff Collective Agreement
- Ontario Human Rights Code
- Occupational Health and Safety Act
- Residence Community Standards (In Student Handbook)

Appendices

N/A

History of Amendments/Reviews:

| Section(s) | Date | Comments |
|------------|------------|---|
| New | March 2015 | Framework endorsed by Committee of Presidents |

Review
- procedure renamed
- definitions updated
- section 8 re-written

April through August
2016

Required as a result of new legislative requirements

Acknowledgements:

A number of resources contributed to the development of this document, including the sexual assault policies and procedures from several colleges and universities in Ontario, notably, Durham College, University of Guelph and Lakehead University, as well as the METRAC discussion paper on sexual assault policies on campuses.

COLLEGE ACTIVITY REPORT

**Public Board Meeting
November 23, 2016**

Consent Agenda Item 3.5

OUR STUDENTS

The Fleming Knights *women's rugby team* has won back-to-back OCAA gold! The Knights captured gold from the St. Lawrence Vikings with a score of 41-10. The game took place in front of a crowd of 625 fans at the Fleming Sport Complex on November 6.



The Fleming Knights *men's rugby team* came close to winning the OCAA gold

medal match on November 12 but in the end took home silver – a feat they haven't matched since 2008. The Knights lost 19-14 to the Georgian Grizzlies.

Future students can now tour the School of Environmental and Natural Resource Sciences (SENRS) without setting foot on campus thanks to a collaboration between students in the GIS program and Fleming's Marketing department. The [360 virtual tour of the School](#) was launched this fall and is considered a valuable tool in the student recruitment process both for potential applicants who are considering applying to SENRS and are comparing options available, and also for those who cannot visit the campus before enrolling. Some of the highlights included on the tour are the Hatchery, Forestry dendrology lab, Bio Commons, Auk's Lodge, constructed wetland (CAWT), pathology lab, and GIS labs.

Fleming College, along with partner Regional Tourism Organization 8, hosted the *Explore Tourism and Hospitality Career Expo* on



November 1 at the Sutherland Campus. Aimed at Fleming students, high school students, and guidance counsellors, the event allowed guests to explore the great career opportunities within the tourism and hospitality industry.

Students in the School of Trades and Technology went head-to-head to design and build an outdoor shed (of their choosing) in just one day at Sutherland Campus. The students, in various trades programs, participated in the *Maximum Design Challenge contest* on November 16, in partnership with Canadian Tire. Working in cross-disciplinary teams of five, they were required to build the structure, which includes a mandatory electrical component, between 8:30 a.m. and 2:30 p.m.

Geographic Information Systems students and Geomatics Professor Shawn Morgan recently spent a week at Yellow River Conservancy Technical Institute (YRCTI) in Kaifeng, China. They completed a one week Survey Camp course as part of a partnership between Fleming and YRCTI that endeavours to offer opportunities for student and faculty exchanges. The students also had the opportunity to do some sight-seeing while they were there – they visited the Great Wall of China. The students took a cable car up near the top and then hiked their way down, using the experience as a GPS exercise.



Paramedic students have been busy both on and off campus. On October 29, the Port Hope Fire Department hosted Paramedic students



and faculty for collaborative vehicle extrication day. This activity was facilitated by Fleming faculty member Bob Cranley and was a great experience for both organizations. The Paramedic program has also just completed a



collaborative applied exercise with the College Health Science (CHS) program to connect anatomy and physiology. The exercise provided the

CHS students with the experience of seeing when injuries occur to specific anatomical areas – and how those would be treated by paramedics in the field.

OUR EMPLOYEES

Human Resources

Recruitment and Selection: For the October 12 to November 9, 2016 timeframe, the College posted 11 positions (a combination of permanent and temporary positions): 9 Support and 2 Academic.

- The College hired 1 new permanent (full-time) staff (Administrative).
- There were no new permanent (regular part-time) hires.
- There was 1 internal full-time transfer (Support Staff).
- There was 1 temporary full-time assignment (Support Staff).
- There were 0 resignations and/or terminations.
- There was 1 retirement (Academic).
- There was 1 leave (Support Staff, personal).
- There were no returns from leave.

With Sadness

Condolences to the family, friends and former colleagues of *Frank Kajfes*. Frank joined Fleming in 1986, teaching in the School of Business, and officially retired in 2012.

Recognition

Congratulations to the following employee who achieved significant service milestones in

October 2016:

- 10 years: David Chevrier
- 15 years: Lindsey Landry, Teresa Wylie
- 25 years: Joanne Mastrella, Gerry O'Grady
- 35 years: Janice Miller

Congratulations to *Mamdouh Mina*, a part-time faculty member who teaches computer sciences at the Sutherland Campus, and *Sean Pennylegion*, a graduate of the Ecotourism Management program (2000) and long-time community volunteer, who are the 2016 recipients of the Brian L. Desbiens Community Service Award. Mr. Mina and Mr. Pennylegion will be presented with these recognitions at a special event later in the month.

The Fleming community got into the *Halloween spirit* with costumes and pumpkin carving. Was it ELT or the cast of *Star Wars* wandering the halls? May the force be with you!



Student Life, International Student Services

The "International Kitchen" has returned! Students and staff come together to cook and enjoy food from around the world. The next event takes place Tuesday, November 29 at the Lansdowne Superstore kitchen.

Finance and Physical Resources

The remedial work on the exterior of the *KTTC* building continues. Work has also begun on the interior siding panels.

On November 7, Innovation, Science and Economic Development Canada, via the Post-Secondary Institutions Strategic Investment Fund (SIF), announced Fleming would receive \$6.23 million to renew its health sciences facilities at Sutherland Campus – combined with a \$1.36 million contribution from the provincial government and \$4.87 million in institutional funding from Fleming – for a total project cost of \$12,463,000. SIF will further fund a renovation to the GeoCentre and environmental sciences area at our Frost Campus. The federal government will contribute \$2.26 million to that project with another \$2.26 million funded by Fleming for a total cost of \$4,520,500. The announcement was delivered by the Honourable Maryam Monsef, Minister of Democratic Institutions, on

behalf of the Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development, and the



Honourable Jeff Leal, Ontario's Minister of Agriculture, Food and Rural Affairs, along with Kim Rudd, Member of Parliament for Northumberland–Peterborough South.

Marketing, Communications and Liaison

Over 700 registered guests, along with their families and friends, attended our November 5 [Open House](#) event. Information sessions, program demonstrations and tours were all



part of the event. Prospective students also had the opportunity to speak with faculty and students. Thanks go to

all faculty, staff and students, as well as the Recruitment Team, for their key role in making it all happen.

On November 4, the College received an [RGD In-House Design Award of Distinction](#) at the Association's DesignThinkers conference in Toronto. The award recognizes the transformation and *rebranding of Fleming College's Haliburton School of Art + Design (HSAD)*. Congratulations to the Fleming team responsible for the rebranding!

The Cobourg Campus was filled with the aromas of delicious soups and chilies during their 12th annual "Souper Bowl" luncheon and bake sale on November 9. With the help of friends at Community Living Northumberland West, the Help Centre, Northumberland Contact North and Global Human Resources, the Campus raised an initial total of \$1,950.90 (and counting)!

The *Frost Campus Soup & Chili Cook-off* in support of United Way took place on November 10. It was a wonderful event with nine different and delicious soups and chilies to taste. Along with the United Way basket

draw, the Campus raised \$417. This event was also the kick-off for the United Way Campaign at Frost Campus.

OUR COMMUNITIES

Remembrance Day ceremonies were held at both the Sutherland and Frost Campuses. These outdoor ceremonies were well-attended by students and staff.

The first ever "[Report to the Community](#)" was launched at the end of October. The Report focuses on a number of topics including our economic impact, enrolment and internationalization, financial results, sustainability initiatives, and key partnerships.

The College celebrated *GIS Day* on November 16, inviting partner organizations and the public to see how the community is using geographic information systems (GIS). GIS Day provides an international forum for users of GIS technology to demonstrate real-world applications that are making a difference in our society. Fleming was the first college in Ontario to offer GIS training more than 20 years ago. Its leadership in the field has been recognized by industry, government and business through their support in establishing the Geomatics Institute at Fleming.

UPCOMING EVENTS

A reminder that the College is closed on the days between Christmas and New Year's.

The next meeting of the Board of Governors is Wednesday, January 25, 2017.

BOARD BRIEFING REPORT

SUBJECT: Investment Portfolio Review
Submission to: Public Board Meeting
Meeting Date: November 23, 2016
Requested Action: For Information

Consent Agenda Item 3.6

1. CONTEXT / PURPOSE

A summary of the investment performance of the portfolios, as provided to the College by RBC Dominion Securities.

2. BACKGROUND

- College Policy #4-419A, *Comprehensive Investment Policy Statement (IPS)*
- College Policy #4-419D, *Ministry Endowed Investment Policy Statement (IPS)*

The Comprehensive Investment Policy Statement (IPS) requires quarterly reporting to the Board of Governors which includes the asset allocation, performance versus the benchmarks, a written statement of compliance with relevant sections of the IPS and a market commentary.

The Ministry Endowed IPS also requires quarterly reporting to the Board which includes the asset allocation and a written statement of compliance with the Quality Guidelines included in the IPS.

Attachments:

- Detailed Reviews for June 2016 and September 2016.

3. ANALYSIS / PROPOSED OPTIONS

The Comprehensive Reports are in compliance with the asset mix targets, the eligible investment guidelines, the investment limits and the fixed income quality and diversification requirements included in the related IPS for both quarters.

The Comprehensive IPS includes a target of 30% Canadian equities; therefore this portion of the portfolio is subject to fluctuation. The remaining 70% of the portfolio is comprised of a ladder of bonds, which must be rated "A" or better by a recognized Rating agency and are generally held to maturity. The bonds provide both current income for student bursaries and long term stability, while the equity goal is to provide longer term growth.

The overall investment performance of the Comprehensive portfolio is measured against a target benchmark return of 3.50%. The three year results of the overall portfolio were in line with the benchmark for both quarters. The September 2016 three month and one year rate of return were 1.99% and 5.76% respectively, exceeding the benchmarks mainly due to the positive returns in the equity component of the portfolio.

The performance of equities, which are targeted to comprise 30% of the portfolio, are compared to the S&P/TSX Equity Income Total Return Index in each reporting period. Effective September 1, 2016 the component weightings of the benchmark index were adjusted to increase real estate and financials and reduce energy and telecommunication holdings. The actual equity returns were strong for the three month and one year period for the quarter ended September 30, 2016, but trailed the index due to an underweight position in energy stocks prior to the composition change. Energy is the most volatile component of the index and this underweight position is consistent with the IPS objective to provide long-term consistency and stability. This objective of our IPS is consistent with the change in composition of the index, which is to reduce volatility over the long-term. In fact, energy holdings in the portfolio are overweight by 2% as compared to their new weighting in the index.

The Ministry Endowed Reports are in compliance with the asset mix targets and the fixed income quality targets. The Ministry Endowed portfolio is comprised entirely of cash, government bonds as well as bonds and GICs issued by banks listed in Schedule I or II under the Bank Act (Canada) as required by the Ministry Directives.

4. ASSESSMENT OF POTENTIAL RISK – required for all matters requiring Board decision/approval

Category (select all that apply): Strategic Compliance Operational Reputational N/A

| Risks that would impact or jeopardize the success of the proposal or project | Likelihood High / Medium / Low | Impact High / Medium / Low |
|---|---|---------------------------------------|
| Negative equity returns over the long-term could limit the amount of bursaries available for distribution from the Comprehensive Fund | Low | Low |
| Low interest rate environment over the long-term could limit the amount of bursaries available for distribution from the Comprehensive Fund | Medium | Low |

Additional risks may be identified here: N/A

Actions proposed to prevent / reduce the likelihood of the risk occurring or to reduce the severity of / manage the risk

The objective of the IPS is to preserve capital and generate income to meet the target award percentage over the long term, currently 3.5%. It is recognized that the target return may not be achieved each and every year. As a result, returns in excess of 3.5% are set aside to offset years where the 3.5% target is not achieved, as well, the actual returns are reviewed annually prior to setting the amount of awards to be disbursed in the following year.

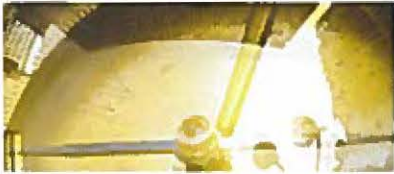
5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN/ VISION / MANDATE

The endowment funds and resulting student bursaries and awards distributed from the investment income contribute toward the College’s current Strategic Plan objective of “Delivering Outstanding Student Learning and Experiences” by providing bursaries to students that demonstrate financial need.

6. CONCLUSION

Receive the report for information.

AUTHORED BY: Office of the Vice-President Finance and Administration, Director Finance



SSFC Board of Governors Comprehensive Review

As at settlement date June 30, 2016

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Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union,
Other Funds Accts)

**Sir Sandford Fleming College of Applied Arts
& Technology**
599 Brealey Drive
Peterborough, ON, K9J 7B1
Canada

Henderson Capital Management

Stephen L. Henderson, FCSI
Vice President and Director
Phone 705-743-4378 or
1-800-429-9507

Shaylene Pind, Associate
705-743-4492
Lee Ann Jenkins, Associate
705-743-4413

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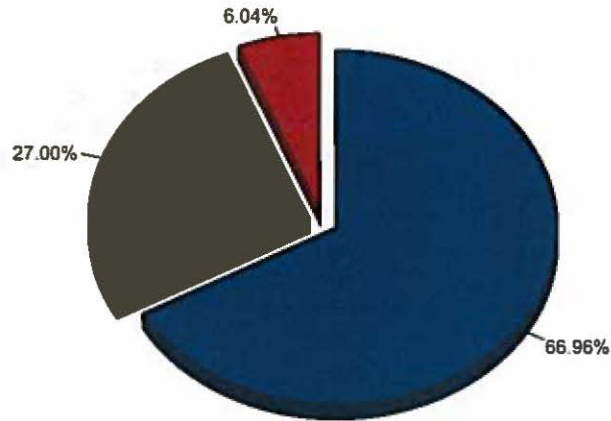
RBC Wealth Management
Dominion Securities

Asset Allocation

By Asset Class and Geography

As at June 30, 2016

Allocation by Asset Class and Geography



| Geography | Market Value | % |
|--|------------------|---------------|
| Fixed Income - Canada | 5,083,132 | 66.97 |
| Total Fixed Income | 5,083,132 | 66.97 |
| Equity - Canada | 2,049,155 | 27.00 |
| Total Equity | 2,049,155 | 27.00 |
| Cash and Cash Equivalents - Canada | 458,130 | 6.04 |
| Total Cash and Cash Equivalents | 458,130 | 6.04 |
| Total Canada | 7,590,417 | 100.00 |
| Total Portfolio | 7,590,417 | 100.00 |

Investment Policy Statement

Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts)

Investment Policy Statement

June 30, 2016

Total Portfolio Asset Allocation

As of June 30, 2016

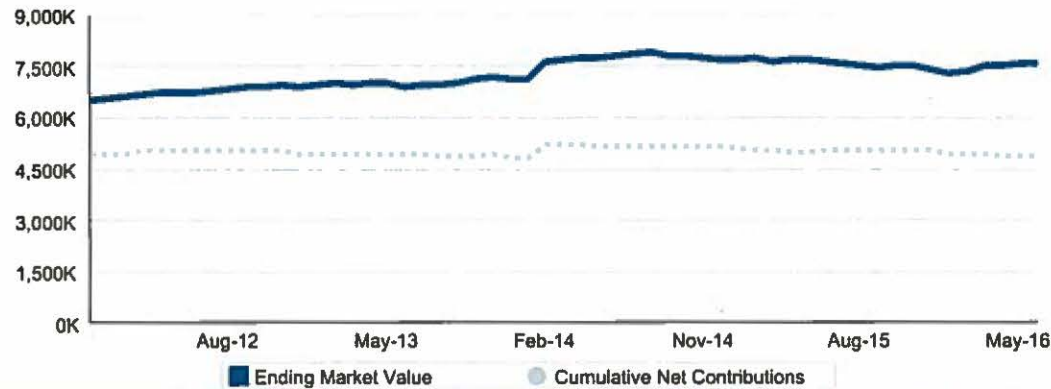
| | Long-Term Target | Asset Allocation Guidelines | |
|---------------------------|------------------|-----------------------------|---------|
| | Asset Mix | Minimum | Maximum |
| Cash and Cash Equivalents | 3.00% | 0.00% | 10.00% |
| Fixed Income | 67.00% | 55.00% | 75.00% |
| Equity | 30.00% | 20.00% | 40.00% |

Market Value History

Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts)

Sir Sandford Fleming College

January 1, 2012 to June 30, 2016



This graph depicts the Portfolio's market value over time. Net contribution consists of the sum of deposits and transfers-in less withdrawals, transfer outs, administration fees, and any applicable withholding taxes. The Market Values depicted on this page represent the point-in-time value of your Portfolio at each period-end, as was reported on your Monthly Client Statements.

| | Period Ending | Beginning Market Value | Net Contributions/ Withdrawals | Change in Market Value | Ending Market Value |
|--------------|---------------|------------------------|--------------------------------|------------------------|---------------------|
| 2013 | September | 6,905,946.02 | (8,032.00) | 117,961.76 | 7,015,875.78 |
| | December | 7,015,875.78 | (88,010.21) | 197,717.79 | 7,125,583.36 |
| 2014 | March | 7,125,583.36 | 418,948.00 | 139,922.51 | 7,684,453.87 |
| | June | 7,684,453.87 | (74,964.00) | 180,376.87 | 7,789,866.74 |
| | September | 7,789,866.74 | 85.23 | 26,588.28 | 7,816,540.25 |
| | December | 7,816,540.25 | (9,283.00) | (85,011.96) | 7,722,245.29 |
| 2015 | March | 7,722,245.29 | (117,295.00) | 56,462.69 | 7,661,412.98 |
| | June | 7,661,412.98 | (9,356.00) | (24,028.68) | 7,628,028.30 |
| | September | 7,628,028.30 | (2,826.00) | (162,666.58) | 7,462,535.72 |
| | December | 7,462,535.72 | 32,406.00 | (61,375.26) | 7,433,566.46 |
| 2016 | March | 7,433,566.46 | (118,613.68) | 202,163.64 | 7,517,116.42 |
| | June | 7,517,116.42 | (56,857.00) | 129,854.81 | 7,590,114.23 |
| TOTAL | | | (33,797.66) | 717,965.87 | |

Statement of Compliance from Portfolio Manager, Steve Henderson

The portfolios are in compliance with the IPS dated February 2014 in terms of the following sections:

- Asset mix
- Eligible investments
- Investment limits
- Fixed income quality and diversification

Portfolio Performance

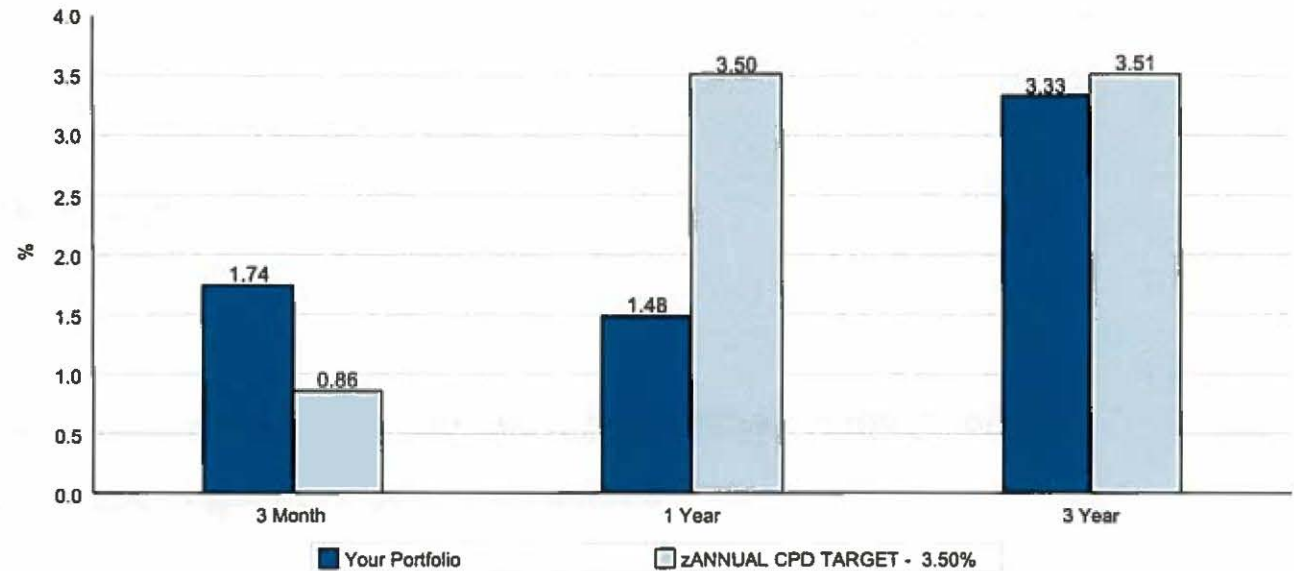
Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts)

Sir Sandford Fleming College

January 1, 2012 to June 30, 2016

| Portfolio Name / Benchmark | 3 Month | 1 Year | 3 Year |
|---|---------|--------|--------|
| Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts) | 1.74 | 1.48 | 3.33 |
| zANNUAL CPD TARGET - 3.50% | 0.86 | 3.50 | 3.51 |

Annualized Returns



- Any returns greater than 12 months are annualized.
- Since Start Date returns are for the period between January 1, 2012 and June 30, 2016
- Information regarding Performance Methodology can be found on the Statement of Terms page.

The Economy

The immediate impact of the "Leave" victory in the U.K. referendum on all market sectors has been fast and furious. Bonds were caught leaning the wrong way and in the post-Brexit aftermath yields moved sharply lower, but overall activity in fixed income has been rather orderly compared to equities and signs of stability have returned. Even so, it's likely we haven't yet seen the low yields for the year as it may take months to get more clarity on the direction Brexit takes, so financial market conditions should remain very fluid.

Federal Reserve policymakers proved prescient in their concerns over Brexit and the decision to hold policy steady in June. Unfortunately, the headwinds from heightened global risks will also complicate the path to monetary policy normalization, in our view. The Fed's rate hike timetable will be even more gradual to the point that we don't expect to see another rate hike until mid-2017 at the earliest. The Bank of England is expected to cut rates by 25 basis points at its July meeting and other global central banks will also remain accommodative, so for the immediate future low and/or negative sovereign yields are with us to stay.

Brexit aside, yields have been moving lower for months due to global investor demand for higher-yielding, high-quality assets. In our view, easier central bank policy coupled with this strong investor demand will continue. We remain constructive on credit in general, but with spreads significantly tighter than levels seen in February we continue to recommend investors take a cautious, selective approach to increasing credit exposure.

Fixed Income

Canada

Canadian fixed income markets were not immune from the global risk-off trade that followed the Brexit vote. Yields in the 10- to 30-year component of the Government of Canada yield curve moved over 20 basis points lower during the month.

In credit markets, the risk-off tone over the final days of the month has not been pronounced enough, in our opinion, to warrant increasing exposure at this time. Despite having widened somewhat, credit spreads are nowhere near the levels seen in February. For investors who are looking to add preferred shares, rate resets trading at discounts that have recently locked in new dividends and perpetuals are the best areas to get exposure to parts of the asset class that will have limited response to a short-term move in rates, while still offering a 5%-5.5% dividend yield.

Equity

For a global portfolio we have moved our recommended equity exposure to Underweight, which translates into a somewhat less than full commitment to stocks. This can be almost entirely ascribed to our decision to shift down to an Underweight for Continental Europe in the wake of the Brexit referendum result. Together with the U.K., where we were already Underweight, Europe accounts for some 21% of the MSCI World Index.

We have also moved our recommended allocation for Japan down to In-line from Overweight. We continue to have a full commitment to the U.S. market as well as to Asia ex-Japan. We are Overweight the Canadian market.

In our view, both the U.K. and to a lesser extent Europe will lose some economic momentum in the post-referendum world. More

Market Commentary.

Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts)

As at June 30, 2016

importantly from an investor's standpoint, we expect the next several years might serve up intervals of intense political and policy uncertainty in the region. These would likely dampen valuations and leave investment returns almost entirely dependent on earnings growth in what was already a slow growth environment before Brexit.

The Bank of England and the European Central Bank have both indicated an intention to pursue appropriately accommodative monetary policies, but the same can't be said with confidence for government fiscal policies. 2017 elections in Germany and France look unlikely to improve this picture.

By contrast, North America looks positively serene. Our largely constructive outlook for North American equities rests, as it has done since 2009, on one principal plank: give equities the benefit of the doubt as long as there is no U.S. recession in sight. The precursor to recessions in the past has been a big negative shift in credit conditions wherein interest rates rise to "prohibitive" levels and a growing majority of banks are aggressively raising lending standards.

By our reckoning neither of those conditions exists today. Nor are they likely to anytime soon given the consensus view that the Fed won't move again before next year-and only slowly when it does.

In the absence of a negative turn in the credit cycle, we see a U.S. economy where both manufacturing and nonmanufacturing sectors are growing, inventories are low, unemployment is not far off 40-year lows, home prices are rising as are wages, households have accumulated a large pool of savings, credit card delinquencies are at all-time lows, and confidence is high. The word "resilience" comes to mind.

Earnings for the S&P 500 have gone nowhere for two years and neither have the averages. That stasis masked the fact that below the surface Energy sector earnings and share prices were collapsing into February of this year. With some stability

As at June 30, 2016

returning to Energy we expect earnings to grow by 5% y/y this year and 7% next. In Canada, where Energy figures more importantly into the mix, we expect an 11% earnings gain for 2017.

At 15.4x our projected 2017 earnings, the odds favour the U.S. market delivering all-in returns including dividends in the high single digits. A modest expansion of the market's P/E multiple, which we regard as likely, would add to those expected returns.

Canada

We maintain our Overweight recommendation in Canadian equities as we remain constructive on the outlook for the market's key sectors over the next 12 months. We believe that earnings growth expectations for the banks are achievable, the Energy sector should benefit from further rebalancing in the crude oil market, and heightened uncertainty suggests some gold exposure could be useful.

The Canadian banks experienced share price pressure after the Brexit referendum; however, declines were limited relative to those suffered by European and U.S. peers. Declining sovereign bond yields and deferred expectations for the next Fed rate hike look set to weigh on the outlook for net interest margins.

Global growth expectations are likely to moderate as the U.K.'s prospective relationship with the EU is shaped in the months ahead. Potentially, a reassessment of crude oil demand growth could weigh on the commodity and producers alike. While this could slow the adjustment process, we continue to see a path to a more balanced oil market.

The uncertainty brought about by the U.K.'s "Leave" vote provided a strong case for the diversifying element that gold exposure can provide. With bullion prices near break-even levels, we expect producer share prices to remain highly sensitive to the price of

As at June 30, 2016

the underlying commodity. In an environment where many producers are grappling with overleveraged balance sheets and production declines, we favour gold exposure through high-quality royalty companies.

What does this mean for your portfolio?

Extreme volatility in equities has produced very mixed results over our measurement period. Strong equity markets in the 2nd quarter helped us substantially beat our benchmark, while equities flat performance over the last 12 months has seen us underperforming over the period. Stepping back however our 3 year returns trailed our goal of 3.5% by roughly 25 basis points after all fees.

The equity portfolio has experienced wild swings over the past few years. The portfolio was up over 4% this quarter down over 1% in the last year but still remains over 3.5% over the last 3 years.

Our equity performance trailed our benchmark this quarter as we are substantially underweight energy stocks and the rebound of crude to close to \$50 helped many smaller energy companies post substantial returns in the spring. We believe some fundamentals point to weaker crude prices throughout the summer and we will use this as an opportunity to move our weighting closer to the benchmark.

The equity index that we compare our holdings to underwent substantial changes at quarter end. The index has reduced the consumer discretionary component and utilities components roughly 4% each while increasing materials and telecommunication sectors by similar amounts. This will not change our outlook substantially. We still believe that rates will remain lower for longer which leaves us overweight financial and utility stocks; lower energy prices help consumers so we remain overweight both the consumer discretionary and staple areas. Finally we believe larger fiscal spending by the Canadian Federal government and continued growth in the U.S. support our overweight in the Industrial sector.

On the fixed income side we think the Brexit decision means rates are lower for longer. GICs continue to offer far better returns

Market Commentary.

Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts)

As at June 30, 2016

than bonds at the shorter end of the curve. We will look to add corporate bonds in the later dated years if the opportunity presents itself during bouts of equity market volatility.

Statement of Terms

Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union,
Other Funds Accts)

As at June 30, 2016

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 - THE SIR SANDFORD FLEMING COL - 3760716815001
 - THE SIR SANDFORD FLEMING COL - 3760719512000
 - THE SIR SANDFORD FLEMING COL - 3761072119000
 - THE SIR SANDFORD FLEMING COL - 3761737919000

Henderson Capital Management

RBC Dominion Securities

THE SIR SANDFORD FLEMING COL - 3761737919001
THE SIR SANDFORD FLEMING COL - 5111959010000
THE SIR SANDFORD FLEMING COL - 5112105415000
THE SIR SANDFORD FLEMING COL - 5112147615000
THE SIR SANDFORD FLEMING COL - 5112189310000
THE SIR SANDFORD FLEMING COL - 5112269013000
THE SIR SANDFORD FLEMING COL - 5112269112000
THE SIR SANDFORD FLEMING COL - 5112269211000

- For position not held in CAD, all values were converted using the following exchange rates:
CAD converted to USD at CAD\$1 - USD\$0.77393
USD converted to CAD at USD\$1 - CAD\$1.29210
- Accrued interest is included in market values except when accrued interest is displayed in a separate column.
- Book Values are reported in account currency unless otherwise stated.

Section Specific Disclaimers

Portfolio Performance

- Performance calculations use the Modified Dietz Method which adjusts for cash flows to calculate the monthly performance in this portfolio. Monthly returns are geometrically linked to calculate returns for periods greater than one month. Any return greater than 12 months is annualized.
The Rate of Return and Investment Return calculations in your portfolio are net of investment management fees. For household portfolios a daily averaged priced exchange rate has been used to convert portfolios from their base currency to the reporting currency of the household portfolio.



SSFC Board of Governors Equity Review

As at settlement date June 30, 2016

Sir Sandford Fleming College Equity (PIM)

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**Sir Sandford Fleming College of Applied Arts
& Technology**
 599 Brealey Drive
 Peterborough, ON, K9J 7B1
 Canada

Henderson Capital Management

Stephen L. Henderson, FCSI
 Vice President and Director
 Phone 705-743-4378 or
 1-800-429-9507

Shaylene Pind, Associate
 705-743-4492
 Lee Ann Jenkins, Associate
 705-743-4413

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RBC Wealth Management
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Portfolio Performance

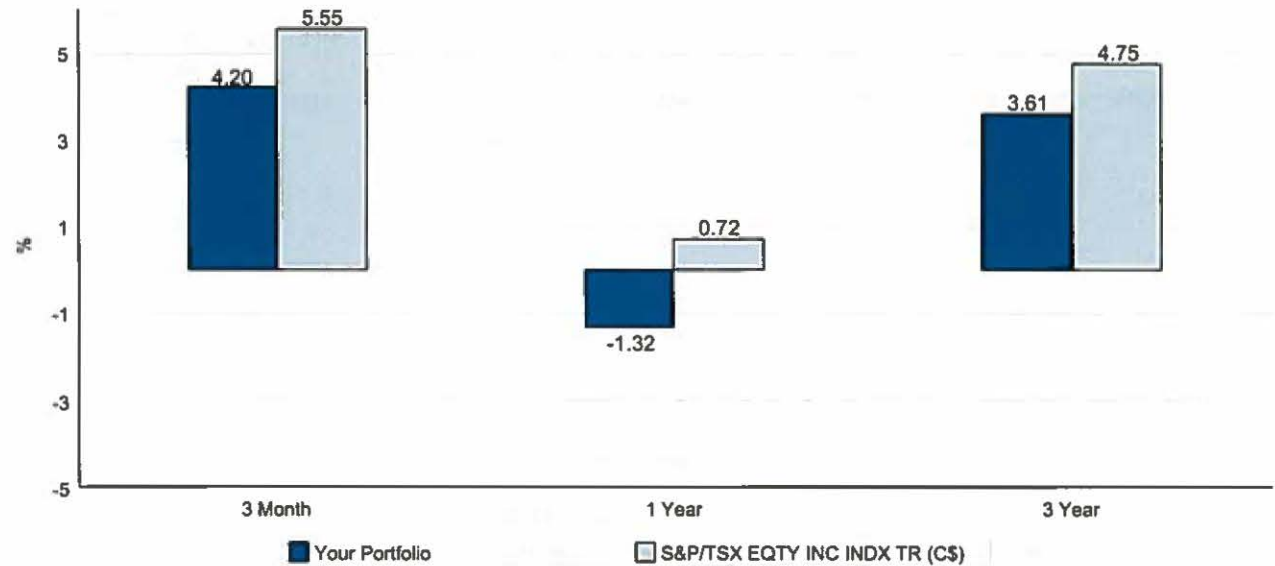
Sir Sandford Fleming College Equity (PIM)

Sir Sandford Fleming College

January 1, 2012 to June 30, 2016

| Portfolio Name / Benchmark | 3 Month | 1 Year | 3 Year |
|---|---------|--------|--------|
| Sir Sandford Fleming College Equity (PIM) | 4.20 | (1.32) | 3.61 |
| S&P/TSX EQTY INC INDX TR (C\$) | 5.55 | 0.72 | 4.75 |

Annualized Returns



- Any returns greater than 12 months are annualized.
- Since Start Date returns are for the period between January 1, 2012 and June 30, 2016
- Information regarding Performance Methodology can be found on the Statement of Terms page.

Statement of Terms

Sir Sandford Fleming College Equity (PIM)

As at June 30, 2016

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Henderson Capital Management

RBC Dominion Securities

THE SIR SANDFORD FLEMING COL - 3761737919001

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SSFC Board of Governors Ministry Endowed Review

As at settlement date June 30, 2016

Sir Sandford Fleming College Bursary Ministry Funds

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**Sir Sandford Fleming College of Applied Arts
& Technology**
Ministry Endowed Funds
 599 Brealey Drive
 Peterborough, ON, K9J 7B1
 Canada

Henderson Capital Management

Stephen L. Henderson, FCSI
 Vice President and Director
 Phone 705-743-4378 or
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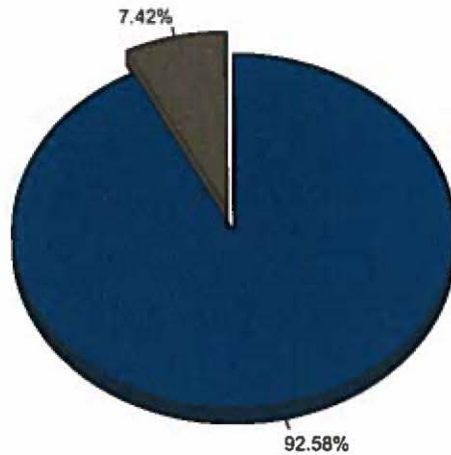
RBC Wealth Management
Dominion Securities

Asset Allocation

By Asset Class and Geography

As at June 30, 2016

Allocation by Asset Class and Geography



| Geography | Market Value | % |
|--|----------------|---------------|
| Fixed Income - Canada | 282,224 | 92.58 |
| Total Fixed Income | 282,224 | 92.58 |
| Cash and Cash Equivalents - Canada | 22,615 | 7.42 |
| Total Cash and Cash Equivalents | 22,615 | 7.42 |
| Total Canada | 304,838 | 100.00 |
| Total Portfolio | 304,838 | 100.00 |

Investment Policy Statement

Sir Sandford Fleming College Bursary Ministry Funds

Investment Policy Statement

June 30, 2016

Total Portfolio Asset Allocation

As of June 30, 2016

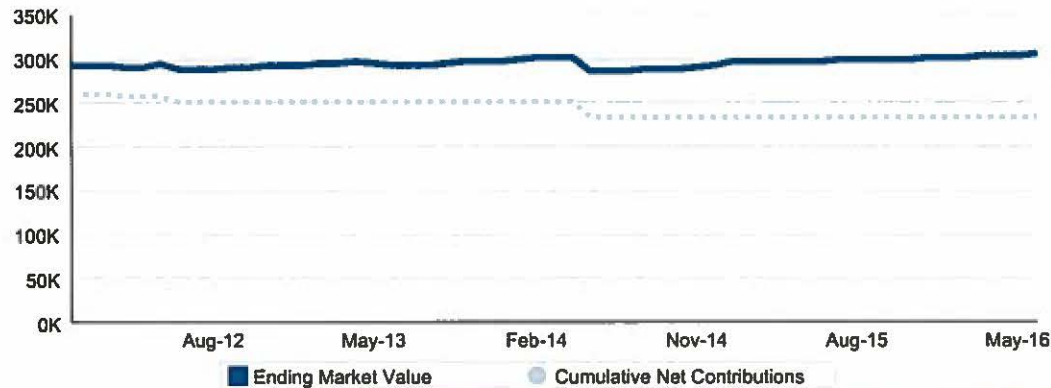
| | Long-Term Target | Asset Allocation Guidelines | |
|---------------------------|------------------|-----------------------------|---------|
| | Asset Mix | Minimum | Maximum |
| Cash and Cash Equivalents | 3.00% | 0.00% | 10.00% |
| Fixed Income | 97.00% | 90.00% | 100.00% |

Market Value History

Sir Sandford Fleming College Bursary Ministry Funds

Sir Sandford Fleming College

January 1, 2012 to June 30, 2016



This graph depicts the Portfolio's market value over time. Net contribution consists of the sum of deposits and transfers-in less withdrawals, transfer outs, administration fees, and any applicable withholding taxes. The Market Values depicted on this page represent the point-in-time value of your Portfolio at each period-end, as was reported on your Monthly Client Statements.

| | Period Ending | Beginning Market Value | Net Contributions/ Withdrawals | Change in Market Value | Ending Market Value |
|--------------|---------------|------------------------|--------------------------------|------------------------|---------------------|
| 2013 | September | 292,178.98 | 0.00 | 1,790.95 | 293,969.93 |
| | December | 293,969.93 | 0.00 | 2,296.73 | 296,266.66 |
| 2014 | March | 296,266.66 | 0.00 | 4,173.15 | 300,439.81 |
| | June | 300,439.81 | (18,000.00) | 3,381.08 | 285,820.89 |
| | September | 285,820.89 | 0.00 | 2,280.14 | 288,101.03 |
| | December | 288,101.03 | 0.00 | 3,948.60 | 292,049.63 |
| 2015 | March | 292,049.63 | 0.00 | 5,312.75 | 297,362.38 |
| | June | 297,362.38 | 0.00 | 475.24 | 297,837.62 |
| | September | 297,837.62 | 0.00 | 1,143.69 | 298,981.31 |
| | December | 298,981.31 | 0.00 | 1,974.80 | 300,956.11 |
| 2016 | March | 300,956.11 | 0.00 | 1,734.63 | 302,690.74 |
| | June | 302,690.74 | 0.00 | 2,133.63 | 304,824.37 |
| TOTAL | | | (18,000.00) | 30,645.39 | |

Henderson Capital Management

RBC Dominion Securities

Reported in CAD

Statement of Compliance from Portfolio Manager, Steve Henderson

The portfolio is in compliance with the IPS dated February 2014 in terms of the following section:

Fixed income quality

Statement of Terms

Sir Sandford Fleming College Bursary Ministry Funds

As at June 30, 2016

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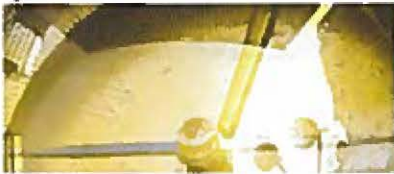
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Henderson Capital Management

RBC Dominion Securities



SSFC Board of Governors Comprehensive Review

As at settlement date September 30, 2016

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Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union,
Other Funds Accts)

**Sir Sandford Fleming College of Applied Arts
& Technology**
599 Brealey Drive
Peterborough, ON, K9J 7B1
Canada

Henderson Capital Management

Stephen L. Henderson, FCSI
Vice President and Director
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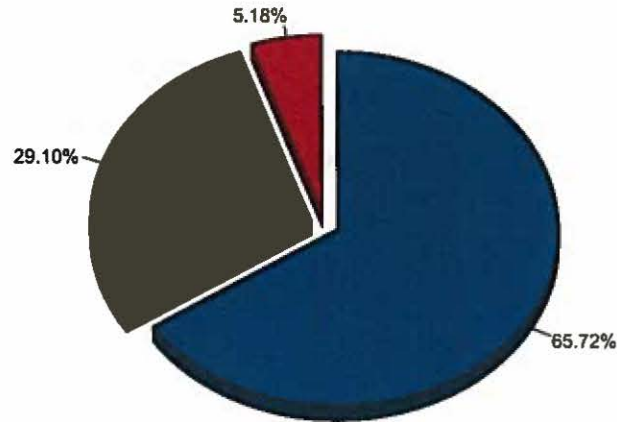
RBC Wealth Management
Dominion Securities

Asset Allocation

By Asset Class and Geography

As at September 30, 2016

Allocation by Asset Class and Geography



| Geography | Market Value | % |
|--|------------------|---------------|
| Fixed Income - Canada | 5,090,476 | 65.73 |
| Total Fixed Income | 5,090,476 | 65.73 |
| Equity - Canada | 2,253,520 | 29.10 |
| Total Equity | 2,253,520 | 29.10 |
| Cash and Cash Equivalents - Canada | 401,116 | 5.18 |
| Total Cash and Cash Equivalents | 401,116 | 5.18 |
| Total Canada | 7,745,112 | 100.00 |
| Total Portfolio | 7,745,112 | 100.00 |

Investment Policy Statement

Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts)

Investment Policy Statement

September 30, 2016

Total Portfolio Asset Allocation

As of September 30, 2016

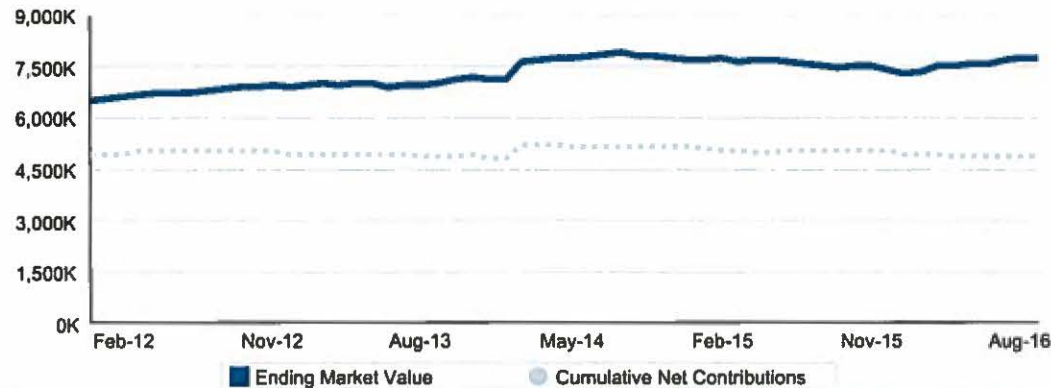
| | Long-Term Target | Asset Allocation Guidelines | |
|---------------------------|------------------|-----------------------------|---------|
| | Asset Mix | Minimum | Maximum |
| Cash and Cash Equivalents | 3.00% | 0.00% | 10.00% |
| Fixed Income | 67.00% | 55.00% | 75.00% |
| Equity | 30.00% | 20.00% | 40.00% |

Market Value History

Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts)

Sir Sandford Fleming College

January 1, 2012 to September 30, 2016



This graph depicts the Portfolio's market value over time. Net contribution consists of the sum of deposits and transfers-in less withdrawals, transfer outs, administration fees, and any applicable withholding taxes. The Market Values depicted on this page represent the point-in-time value of your Portfolio at each period-end, as was reported on your Monthly Client Statements.

| | Period Ending | Beginning Market Value | Net Contributions/ Withdrawals | Change in Market Value | Ending Market Value |
|--------------|---------------|------------------------|--------------------------------|------------------------|---------------------|
| 2013 | December | 7,015,875.78 | (88,010.21) | 197,717.79 | 7,125,583.36 |
| 2014 | March | 7,125,583.36 | 418,948.00 | 139,922.51 | 7,684,453.87 |
| | June | 7,684,453.87 | (74,964.00) | 180,376.87 | 7,789,866.74 |
| | September | 7,789,866.74 | 85.23 | 26,588.28 | 7,816,540.25 |
| | December | 7,816,540.25 | (9,283.00) | (85,011.96) | 7,722,245.29 |
| 2015 | March | 7,722,245.29 | (117,295.00) | 56,462.69 | 7,661,412.98 |
| | June | 7,661,412.98 | (9,356.00) | (24,028.68) | 7,628,028.30 |
| | September | 7,628,028.30 | (2,826.00) | (162,666.58) | 7,462,535.72 |
| | December | 7,462,535.72 | 32,406.00 | (61,375.26) | 7,433,566.46 |
| 2016 | March | 7,433,566.46 | (118,613.68) | 202,163.64 | 7,517,116.42 |
| | June | 7,517,116.42 | (56,857.00) | 129,854.81 | 7,590,114.23 |
| | September | 7,590,114.23 | 1,102.00 | 151,178.29 | 7,742,394.52 |
| TOTAL | | | (24,663.66) | 751,182.40 | |

Henderson Capital Management

RBC Dominion Securities

Reported in CAD

Statement of Compliance from Portfolio Manager, Steve Henderson

The portfolios are in compliance with the IPS dated February 2014 in terms of the following sections:

- Asset mix
- Eligible investments
- Investment limits
- Fixed income quality and diversification

Portfolio Performance

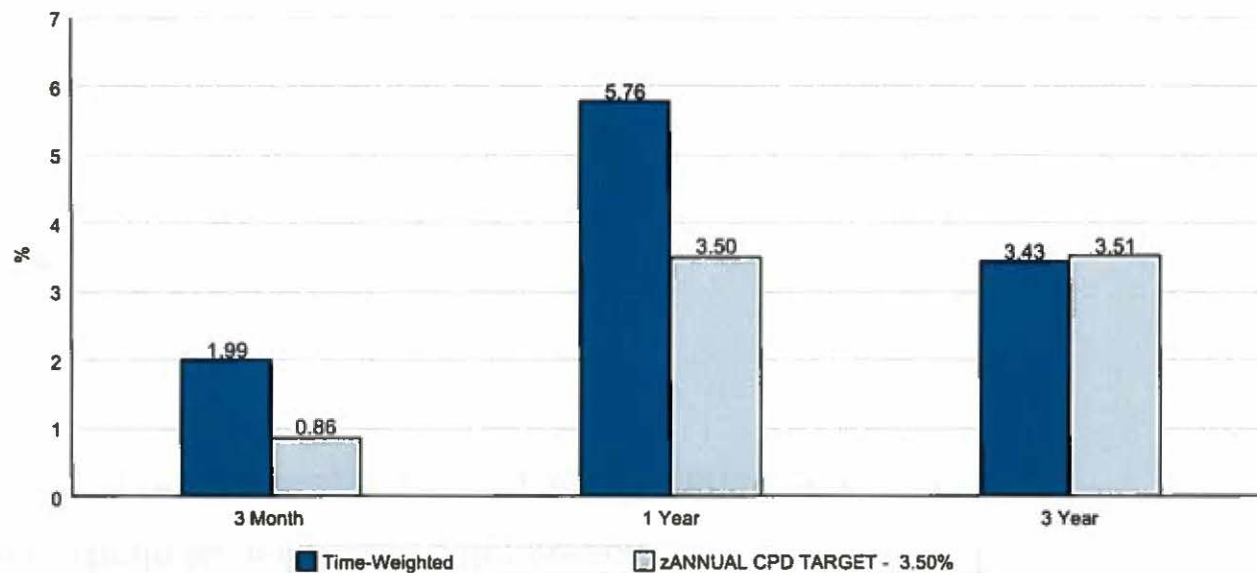
Sir Sandford Fleming Family (Excludes Operating, Bursary Min, Union, Other Funds Accts)

Sir Sandford Fleming College

January 1, 2012 to September 30, 2016

| % Rate of Return / Benchmark | 3 Month | 1 Year | 3 Year |
|------------------------------|---------|--------|--------|
| Time-Weighted | 1.99 | 5.76 | 3.43 |
| zANNUAL CPD TARGET - 3.50% | 0.86 | 3.50 | 3.51 |

Annualized Returns



- Any returns greater than 12 months are annualized.
- Since Start Date returns are for the period between January 1, 2012 and September 30, 2016
- Information regarding Performance Methodology can be found on the Statement of Terms page.

The Economy

An accommodative tightening cycle

It has been nine months since the first (and thus far only) rate hike of this cycle, so investors should be forgiven if they forgot a new tightening cycle is underway. The U.S. economy continues to expand at a steady, albeit slow, 2% pace and unemployment has largely shown steady signs of improvement.

The Fed has been guiding the markets for months that this tightening cycle would be different with rate hikes occurring at a gradual pace as it patiently assesses the economic data. We believe the Fed's ability to successfully establish this narrative speaks to how market participants are aware of the meaningful influence the Fed possesses as a result of its existing monetary policy toolkit.

Of course, "gradual" can evolve over time and it also can mean different things to different people.

The "dot plot," which captures the Fed's internal forecasts for the path of future rate hikes, suggested in December 2015 that there would be four rate hikes in 2016. Yet, at the September 2016 Federal Open Market Committee (FOMC) meeting the dots forecast only one rate hike in 2016 with three officials calling for no hikes. Furthermore, guidance for future rates was also dialed back with only two (from three) forecast for 2017.

We believe the nature of this tightening cycle illustrates how the Fed is effectively using the policy levers at its disposal and is far from running on empty. Markets are at times too focused on the timing of the next rate hike, as opposed to the more important consideration-the nature of the tightening cycle itself.

As at September 30, 2016

As we've seen recently, this lends itself to creating volatile market conditions and heightened concerns over higher interest rates. We advise looking at the forest, not the trees, specifically the Fed's recent suggestion the neutral rate for Fed Funds could be closer to 2% than 3%, which means investors should expect a flat trajectory for future rate hikes. Taken together, both suggest that future rate increases will be limited, which will keep our lower for longer view solidly in place.

Time to get fiscal

In early September, Brainard suggested there are several key features of the current economic environment creating a new normal for monetary policy deliberations. These include persistent low levels of inflation, ongoing labor market slack, the importance of global market developments, a neutral rate that could remain very low for a long time, and diminishing returns from current policy options.

It is becoming clear that central bankers are coming around to the reality that monetary policy in the new normal, may be able, at best, to stabilize economies and that to achieve significant growth, fiscal stimulus is also necessary. The evidence lies in the recent calls, whether coordinated or not, from central bankers to politicians to step up to the plate with fiscal stimulus measures to complement the recent extraordinary monetary policy measures.

In the U.S., Capitol Hill may finally be listening to the Fed's call and be willing to put aside years of partisan-led efforts at fiscal austerity. Both presidential candidates are proposing increased public spending measures to provide a positive jolt to economic activity-Hillary Clinton's infrastructure plan would spend approximately \$275B in her first 100 days; Donald Trump promises to at least double that in order to provide "shovel ready" jobs for people. We believe that with Washington's assistance, and continued vigilance from the Fed, the U.S. economy will be able to distance itself from the impact of the Great Recession.

As at September 30, 2016

Fixed Income

The world's major central banks have painstakingly crafted an effective narrative founded on the idea they are willing and ready to stimulate growth and inflation as necessary. We believe investors should heed their direction as this policy-readiness looks sure to last well into 2017 and beyond.

Concurrent with central bankers wanting to make sure investors don't feel "tricked" (due to a lack of transparency), they have also made it clear that accommodative policy (the treats) will remain in place for the foreseeable future. The Federal Reserve has successfully established that its hiking cycle will be a gradual, cautious tightening of monetary conditions. The Bank of Canada's concerns about growth have put market participants on the lookout for any slowdown that might prompt additional easing measures. Similarly, the Bank of Japan, Bank of England, and European Central Bank have also put the market on notice that they possess a variety of tools in their arsenals to stoke growth and will deploy them when deemed necessary.

The takeaway for investors is there won't be any surprises when it comes to the tightening of monetary policy. Investors should position portfolios to reflect an environment where lower rates will remain in place for the foreseeable future.

Canada

The Bank of Canada's (BoC) scheduled interest rate announcement and release of its Monetary Policy Report on October 19 will be closely watched by investors as evidence mounts the domestic economy is sputtering.

The challenges facing the Canadian economy are significant. While the resource-based sectors of the economy have struggled amidst languishing commodity prices, the non-resource-based portions of the economy have yet to pick up the slack in earnest. BoC Governor Stephen Poloz noted in late September that the economy was facing "strong headwinds," perhaps a tacit acknowledgment the central bank will have to dial back its expectation for a strong rebound in growth in H2 2016.

As at September 30, 2016

Despite the challenging yield environment, we think investors should maintain a laddered portfolio given the difficulty in timing interest rate changes. In terms of buying opportunities, we see pockets of value in the preferred share market after a deluge of supply and modest spread widening over the course of September resulted in a modest retreat in the market.

Equity

Canada

We maintain our Overweight recommendation in Canadian equities. We believe the outlook for key sectors is favourable with a recovery in crude oil prices contributing to improved earnings power and economic growth.

If crude oil prices approach RBC Capital Markets' forecast of \$59 per barrel next year, banks may have weathered the worst of their direct oil- & gas-related credit losses. While consumer loan exposure in energy-sensitive geographies may remain challenged, it is balanced by an improved consumer outlook in Eastern Canada.

Canadian life insurance company valuations reflect persistent challenges in the operating environment. Higher oil prices, higher rates, and positive equity markets would help boost profitability and valuations. In a rising rate environment, life insurance equities stand out as consistently providing positive relative performance.

Food retail names have underperformed as food price inflation has waned and competitive conditions intensify. While valuations remain near historical highs, we would use the pullback to add to high-quality grocery names.

Wet weather has delayed harvesting, but this year's grain crop is still expected to be large and drive higher traffic for Canadian railway companies. Despite the delay, which will push some carloads into next year, we continue to see material earnings upside from higher volumes.

As at September 30, 2016

What Does This Mean For Your Portfolio

Before I address how this affects your portfolio I would like to make note of some significant changes in the component weightings of the underlying benchmark Index the Equity Income Index (or High Dividend Index).

The Global Industry Classification Standard (GICS) experienced a major change and effective of September 1, 2016 moved Real Estate Investment Trust out of the Financial Sector component of the index into their own component index with a roughly 13% weighting. Standard and Poor's also rebalanced other components of the index. Financials have been increased to roughly 30%, Energy has dropped from just over 30% to roughly 24% and telecommunications drops from 15% to around 10% with some other minor tweaks to other components to round out the changes. The goal over the long-term is to have less volatility than we have seen in the past which I believe is positive as this better suits your original goals.

Your portfolio versus the new index component weighting now has us slightly overweight energy (+2%) and underweight financials which is exclusively an insurance company concern. We are substantially overweight Industrials as we believe a stronger US economy benefits this sector. We are overweight utilities but will begin to pare this back and add REITS. Finally we are substantially underweight materials (-7%) most of this is due to a belief the fertilizer stocks will remain under pressure for the foreseeable future.

Overall the portfolio had a good quarter and strong year. Longer term we are very close to our long term goal of 3.5% despite interest rates which remain stubbornly low.

Despite a strong 3rd quarter (+5.27%), which closely tracked equity index returns. we trailed the index over the previous 12 months. This is due to our underweight (versus the index at the time) in energy the most volatile component of the index.

Fixed Income continues to be a challenge as investment grade securities are in demand on a global basis. Rates continue to trade near all-time lows with Government of Canada 10 years trading at 1.05% and 5 year GIC's at roughly 1.75%.

Statement of Terms

As at September 30, 2016

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 - THE SIR SANDFORD FLEMING COL - 3760716815001
 - THE SIR SANDFORD FLEMING COL - 3760719512000
 - THE SIR SANDFORD FLEMING COL - 3761072119000
 - THE SIR SANDFORD FLEMING COL - 3761737919000

Henderson Capital Management

RBC Dominion Securities

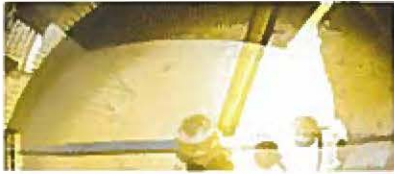
THE SIR SANDFORD FLEMING COL - 3761737919001
THE SIR SANDFORD FLEMING COL - 5111959010000
THE SIR SANDFORD FLEMING COL - 5112105415000
THE SIR SANDFORD FLEMING COL - 5112147615000
THE SIR SANDFORD FLEMING COL - 5112189310000
THE SIR SANDFORD FLEMING COL - 5112269013000
THE SIR SANDFORD FLEMING COL - 5112269112000
THE SIR SANDFORD FLEMING COL - 5112269211000

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USD converted to CAD at USD\$1 - CAD\$1.31260
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Section Specific Disclaimers

Portfolio Performance

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SSFC Board of Governors Equity Review

As at settlement date September 30, 2016

Sir Sandford Fleming College Equity (PIM)

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Sir Sandford Fleming College of Applied Arts & Technology

599 Brealey Drive
Peterborough, ON, K9J 7B1
Canada

Henderson Capital Management

Stephen L. Henderson, FCSI
Vice President and Director
Phone 705-743-4378 or
1-800-429-9507

Shaylene Pind, Associate
705-743-4492
Lee Ann Jenkins, Associate
705-743-4413

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RBC Wealth Management
Dominion Securities

Portfolio Performance

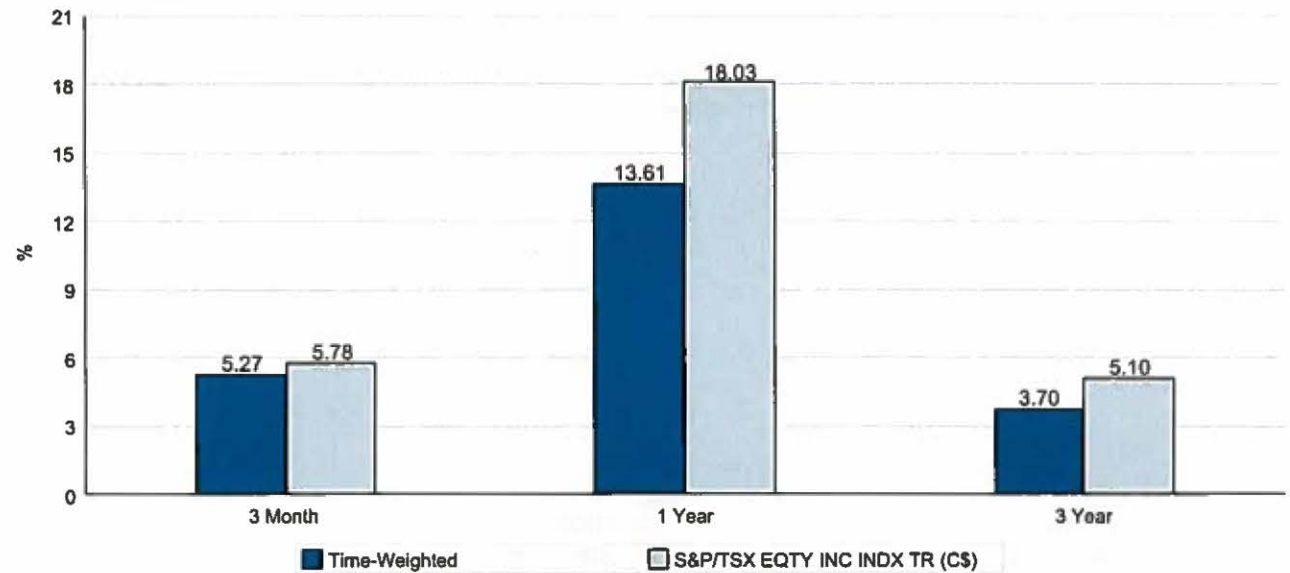
Sir Sandford Fleming College Equity (PIM)

Sir Sandford Fleming College

January 1, 2012 to September 30, 2016

| % Rate of Return / Benchmark | 3 Month | 1 Year | 3 Year |
|--------------------------------|---------|--------|--------|
| Time-Weighted | 5.27 | 13.61 | 3.70 |
| S&P/TSX EQTY INC INDX TR (C\$) | 5.78 | 18.03 | 5.10 |

Annualized Returns



- Any returns greater than 12 months are annualized.
- Since Start Date returns are for the period between January 1, 2012 and September 30, 2016
- Information regarding Performance Methodology can be found on the Statement of Terms page.

Statement of Terms

Sir Sandford Fleming College Equity (PIM)

As at September 30, 2016

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Henderson Capital Management

RBC Dominion Securities

THE SIR SANDFORD FLEMING COL - 3761737919001

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SSFC Board of Governors Ministry Endowed Review

As at settlement date September 30, 2016

Sir Sandford Fleming College Bursary Ministry Funds

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**Sir Sandford Fleming College of Applied Arts
& Technology
Ministry Endowed Funds**
599 Brealey Drive
Peterborough, ON, K9J 7B1
Canada

Henderson Capital Management

Stephen L. Henderson, FCSI
Vice President and Director
Phone 705-743-4378 or
1-800-429-9507

Shaylene Pind, Associate
705-743-4492
Lee Ann Jenkins, Associate
705-743-4413

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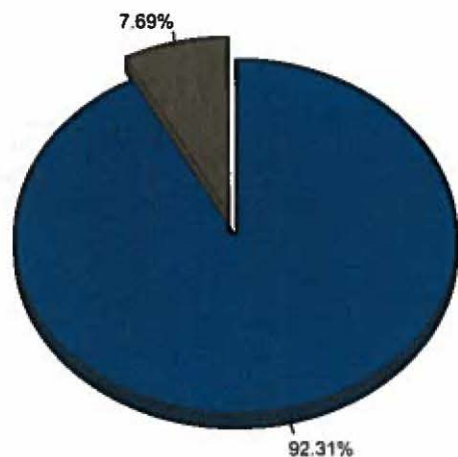
**RBC Wealth Management
Dominion Securities**

Asset Allocation

By Asset Class and Geography

As at September 30, 2016

Allocation by Asset Class and Geography



| Geography | Market Value | % |
|--|----------------|---------------|
| Fixed Income - Canada | 282,997 | 92.31 |
| Total Fixed Income | 282,997 | 92.31 |
| Cash and Cash Equivalents - Canada | 23,561 | 7.69 |
| Total Cash and Cash Equivalents | 23,561 | 7.69 |
| Total Canada | 306,558 | 100.00 |
| Total Portfolio | 306,558 | 100.00 |

Investment Policy Statement

Sir Sandford Fleming College Bursary Ministry Funds

Investment Policy Statement

September 30, 2016

Total Portfolio Asset Allocation

As of September 30, 2016

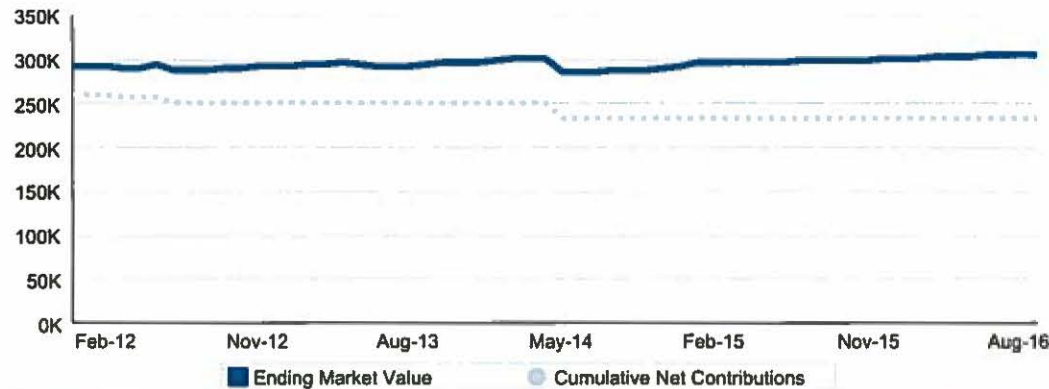
| | Long-Term Target | Asset Allocation Guidelines | |
|---------------------------|------------------|-----------------------------|---------|
| | Asset Mix | Minimum | Maximum |
| Cash and Cash Equivalents | 3.00% | 0.00% | 10.00% |
| Fixed Income | 97.00% | 90.00% | 100.00% |

Market Value History

Sir Sandford Fleming College Bursary Ministry Funds

Sir Sandford Fleming College

January 1, 2012 to September 30, 2016



This graph depicts the Portfolio's market value over time. Net contribution consists of the sum of deposits and transfers-in less withdrawals, transfer outs, administration fees, and any applicable withholding taxes. The Market Values depicted on this page represent the point-in-time value of your Portfolio at each period-end, as was reported on your Monthly Client Statements.

| | Period Ending | Beginning Market Value | Net Contributions/ Withdrawals | Change in Market Value | Ending Market Value |
|--------------|---------------|------------------------|--------------------------------|------------------------|---------------------|
| 2013 | December | 293,969.93 | 0.00 | 2,296.73 | 296,266.66 |
| 2014 | March | 296,266.66 | 0.00 | 4,173.15 | 300,439.81 |
| | June | 300,439.81 | (18,000.00) | 3,381.08 | 285,820.89 |
| | September | 285,820.89 | 0.00 | 2,280.14 | 288,101.03 |
| | December | 288,101.03 | 0.00 | 3,948.60 | 292,049.63 |
| 2015 | March | 292,049.63 | 0.00 | 5,312.75 | 297,362.38 |
| | June | 297,362.38 | 0.00 | 475.24 | 297,837.62 |
| | September | 297,837.62 | 0.00 | 1,143.69 | 298,981.31 |
| | December | 298,981.31 | 0.00 | 1,974.80 | 300,956.11 |
| 2016 | March | 300,956.11 | 0.00 | 1,734.63 | 302,690.74 |
| | June | 302,690.74 | 0.00 | 2,133.63 | 304,824.37 |
| | September | 304,824.37 | 0.00 | 1,718.88 | 306,543.25 |
| TOTAL | | | (18,000.00) | 30,573.32 | |

Henderson Capital Management

RBC Dominion Securities

Reported in CAD

Compliance Statement.

Sir Sandford Fleming College Bursary Ministry Funds

As at September 30, 2016

Statement of Compliance from Portfolio Manager, Steve Henderson

The portfolio is in compliance with the IPS dated February 2014 in terms of the following section:

Fixed income quality

Statement of Terms

Sir Sandford Fleming College Bursary Ministry Funds

As at September 30, 2016

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Henderson Capital Management

RBC Dominion Securities

BOARD BRIEFING REPORT

SUBJECT: Board Guideline – Board and Committee Meeting Attendance

Submission to: Public Board Meeting

Meeting Date: November 23, 2016

Requested Action: Decision / Approval

Agenda Item 5.1

1. CONTEXT / PURPOSE

To establish and communicate parameters and expectations for attendance by all Board members with respect to Board and Board Committee meetings.

2. BACKGROUND

- May 27, 2015 Committee-of-the-Whole meeting: the results of the annual evaluation of the Board's operation were presented. Of note: create a Board attendance policy that clearly speaks to expectation of attendance.
- October 26, 2016 Committee-of-the-Whole meeting: draft guidelines presented
- November 9, 2016 Executive Committee meeting: guidelines reworked, incorporating feedback

Specific responsibilities of members are described in the *Board of Governors Position Description*; these include an expectation to prepare for, attend and regularly participate in the meetings of the Board and assigned Committees.

Missed meetings diminish the effectiveness of the Board. Guidelines that set a clear, shared expectation for meeting attendance are a "best practice" and support Board effectiveness. Consecutive absences are problematic because it is much harder to understand developing issues and be fully prepared when a matter is presented for decision.

Attachments:

- Board Guideline #009

3. ANALYSIS / PROPOSED OPTIONS

The Executive Committee incorporated feedback into the draft document; for ease of review, these statements are highlighted in yellow.

Attendance was an issue when there were multiple standing committees meeting on different days leading up to the separate Board meeting; there were difficulties in reaching quorum resulting in committee meetings being rescheduled or cancelled. With consolidation of meetings into a single meeting day and the single committee format, this was no longer an issue. What has since transpired is a need to set a clear, shared expectation for attendance.

The section of the Board's operational by-law pertaining to attendance is specific to grounds for removal from the Board; the wording is quite rigid and does not take into account the new committee structure. References to attendance requirements will be amended as part of the overall planned review of By-law, policies and operating procedures.

The guideline supports the engagement of all Board members. It will also become part of the Board recruitment and orientation materials.

4. ASSESSMENT OF POTENTIAL RISK – required for all matters seeking Board decision/approval

Category (select all that apply): Strategic Compliance Operational Reputational N/A

Board oversight.

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN / VISION / MANDATE

N/A

6. RECOMMENDATION

THAT the Board of Governors of Sir Sandford Fleming College approve the *Guideline for Board and Committee Meeting Attendance*.

BOARD GUIDELINE

| | |
|--|---|
| TITLE: | Board and Committee Meeting Attendance |
| REFERENCE NUMBER: | BG #009 |
| APPROVED BY BOARD OF GOVERNORS: | <i>Scheduled for November 2016</i> |
| REVISION DATE(S): | -- |
| EFFECTIVE DATE: | <i>Scheduled for November 2016</i> |
| SCHEDULED REVIEW DATE: | As necessary and by 2019 |
| CONTACT FOR INTERPRETATION: | Board Office |

Purpose

To establish and communicate parameters and expectations for attendance by all Governors with respect to meetings of the Board of Governors and its Committees.

General Principles

1. Governors are expected to attend all meetings of the Board and all meetings of the Committees to which they are elected or assigned, either in person or through alternate means (e.g. teleconference, video-conference).
2. The Board has established a single meeting day and schedules Committee-of-the-Whole, Public Board and In-Camera Board meetings on this day. All Governors attend these meetings.
3. Members should be present and participating for the entirety of a meeting. It is recognized that a member may be unable to attend some meetings due to conflicts with other commitments or other unforeseen circumstances, e.g. holidays, illness, weather conditions.
4. **Recording of Attendance:** Attendance will be recorded for each meeting of the Board and its Committees and listed on the minutes. Recording attendance for each meeting confirms quorum requirements have been met.

A member who is in attendance for all or part of a meeting is considered to be "*present*".

5. The expectation of the Board is that Governors will attend at least 75% of Board and Committee meetings held within the twelve-month period September through to the following August. Members will be proactive in speaking with the Board Chair if experiencing difficulties in meeting this commitment.

Process

- Members are expected to notify the Board Secretary, the Board Chair and/or the Committee Chair before a scheduled meeting to indicate they would be absent from the upcoming meeting.
- The Board Secretary will maintain the attendance record and advise the Board Chair of an attendance concern.
- A governor's record of attendance will be considered with respect to renewal of a Board term or future assignment to a Committee. This is in addition to a governor's responsibility to represent and actively promote the College at community and College functions.
- A summary of attendance will be included in the Board's annual operational review.

BOARD BRIEFING REPORT

SUBJECT: 2016-2017 Financial Plan Update
Submission to: Public Board Meeting
Meeting Date: November 23, 2016
Requested Action: Decision / Approval

Agenda Item 5.2

1. CONTEXT / PURPOSE

The College budget is reviewed mid-year to update the Preliminary Budget for known adjustments to the original budget assumptions. The Budget Update must be approved by the Board of Governors for submission to the Ministry for consolidation into the provincial government's Interim Budget.

2. BACKGROUND

- Minister's Binding Policy Directive, *Business Plan Operating Procedure* under the Governance and Accountability Policy Framework
- 2016-2017 Financial Plan, approved April 27, 2016 (Resolution BoG April27-2016 #2)

The Budget Update process is now complete. The process provides all budget managers the opportunity to formally review Preliminary Budget assumptions, recognize actual enrolment shifts, and make adjustments to account for events that may have occurred since establishing the preliminary budget.

Attachments:

- 2016-2017 Budget Update Statement of Revenue and Expenditures
- 2016-2017 Capital Investment Plan
- Draft 2016-2017 Updated Financial Plan
- 2016-2017 Financial Sustainability Metrics (Indicators)

3. ANALYSIS / PROPOSED OPTIONS

Starting in 2015-2016, the College has deployed a strategy to build College reserves. Key elements of this strategy continue to be:

- (1) A holdback on distribution of international tuition revenue. The College process is to project international enrolment revenue then only allocate 60% of forecasted revenue from first year intake for expenditure purposes. This strategy also mitigates the risk should international enrolment not materialize in these volatile markets.
- (2) Use of a staffing vacancy management strategy. All managers are asked to hold off on hiring upon staff turnover (i.e. retirements) for 3 months, where possible, in an order to reduce full time staffing costs.

The results of these strategies, along with other naturally occurring 'puts and takes' within the budget, has provided a Budget Update projecting a \$1.35 million surplus for 2016-17.

Revenue

Overall revenue is projected to increase by \$1.7 million to \$109.4 million.

Operating Revenue has increased by \$0.9 million. Within that increase, the College has experienced a decline in returning student domestic enrolment, thus reducing domestic tuition by \$0.7 million. This domestic decline is projected to continue through the winter semester. However, international enrolments continue to increase and continue to offset the decline of domestic tuition.

Other Income is also impacted by this change in enrolment mix. This includes an increase to the Other Income line within budget for international student health insurance and a decrease in Ancillary Fees due to the decrease in the overall number of students enrolled. Other Income also increased for administrative fees associated with international withdrawal activity.

Non-operating revenues are also increasing as tied to the recognition of new grant or donated funds.

Changes to all revenue sources are detailed in the attached 2016-2017 Budget Update Statement of Revenue and Expenditures and within the 2016-2017 Updated Financial Plan document.

Expenditures

Expenditure adjustments were also required as a direct result of the change in enrolment mix and new activity. For example, international enrolment growth increases the cost of commissions paid to international agents and international health insurance premiums.

Overall expenditures have increased by \$1.3 million to \$108.1 million.

Vacancy management and our strategy to delay full time (FT) hires have generated savings forecasted at \$0.6 million; these savings have offset costs within FT salaries for added staff sabbatical costs and HR matters requiring severance payments. Within part time salaries, turnover in full time faculty and changes in enrolment-driven academic program mix require additional part time teaching contracts. Additional part time support staffing was also required, with a focus on investment in some new contract training programs. Net savings in salary and benefits are forecasted at \$0.3 million.

Additional non salary costs include \$0.3 million added to the international office budget for health insurance and agent commissions. An additional \$0.2 million was added to contract training activities including investment in water-related program development for the government of India.

Areas of risk that required an increase to budget include an increase to the College legal budget. The College has seen an increase in certain activity with Human Resources and the unions requiring arbitration, and for review and advice on files related to construction contracts.

Changes to all expenditure lines are detailed in the attached 2016-2017 Budget Update Statement of Revenue and Expenditures and within the 2016-2017 Updated Financial Plan document.

As a result of all of the above adjustments, overall, this Budget Update provides a budget that enables the College to place \$1.35 million of funding into reserves for future investment or to use for contingency.

Changes to the Capital Asset/Investment Plan

As the Update Budget forecasts a positive financial result from operations, consideration to change the College investment plan is also being proposed as follows:

The Capital Asset/Investment Plan was adjusted through the Budget Update Process. Investment in capital assets has increased by \$1.9 million to \$6.0 million. A significant add to the Preliminary Budget plan results from the successful bids for grant funding, including the Strategic Investment Fund (SIF) and Apprentice Equipment Fund. The terms of the SIF grant have required that the College redirect provincial grant funds for 'facility renewal' toward the specific work in the scope of these projects; as such we have revised the capital plan and have incorporated some of the previously planned work into the SIF project scope where possible.

Additions to the capital plan that require college operating funds are \$0.64 million, offsetting the net impact of cost overruns and/or project savings. Details of the adjustments made to the Preliminary Budget capital plan are outlined in the 2016-2017 Changes to College Investment/Capital Plan document, with the most significant change required for the final completion of the KTTC flexible learning space.

4. ASSESSMENT OF POTENTIAL RISK – required for all matters requiring Board decision/approval

Category (select all that apply): Strategic Compliance Operational Reputational N/A

| Risks that would impact or jeopardize the success of the proposal or project | Likelihood High / Medium / Low | Impact High / Medium / Low |
|---|---|---------------------------------------|
| Failure to achieve winter enrolment projection | Medium | Medium |
| Cost escalation beyond Budgetary assumptions | Low | Medium |

Additional risks may be identified here: N/A

Actions proposed to prevent / reduce the likelihood of the risk occurring or to reduce the severity of / manage the risk

- The Budget Update projects \$1.35 million to be available for contribution to College reserves, or contingency, for the year ending March 31, 2017. However, the budget is not without risk.
- The College will monitor its budgets closely through the remainder of the year and report status to the Board, along with any further action required.

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN/ VISION / MANDATE

A key element of the College’s financial planning processes which are critical to achieve our objective to Enhance Financial Health and Sustainability.

6. RECOMMENDATION *(if a decision is requested, provide a motion for Board consideration.)*

THAT the Board of Governors of Sir Sandford Fleming College approve the updated Fleming College Financial Plan 2016-2017 including adjustments to the Internal Restricted Reserve within Net Assets, which provides for:

**Total Revenue of \$109,436,451
Expenditures of \$108,087,321
Capital Expenditure of \$5,997,506
Net Assets at March 31, 2017 of \$15,011,820 AND**

THAT the Budget Update be submitted to the Ministry of Advanced Education and Skills Development.

AUTHORED BY: Office of the Vice-President, Finance and Administration



| | Proposed Update Budget 2017 | Preliminary Budget 2017 | Change | % | Comments |
|---|-----------------------------------|----------------------------|----------------|--------|---|
| Revenue | | | | | |
| Grants and Reimbursements | (46,383,423) | (46,166,404) | (217,019) | 0.5% | grant reconciliation update Prelim Estimates to grant contracts etc. |
| Student Tuition Fees | (29,967,048) | (29,939,996) | (27,052) | 0.1% | to note swing in enrolment between domestic and international |
| Contract Training | (1,562,213) | (1,268,848) | (293,365) | 23.1% | additional contract secured |
| Other Income | | | | | |
| Other Income | (7,480,181) | (7,086,479) | (393,702) | 5.6% | accounting for increase in international withdrawal fees/increase international health fees |
| Ancillary Fees | (4,299,699) | (4,456,441) | 156,742 | -3.5% | total head count down 192 students |
| Non-Operating Revenue | - | - | - | | |
| Total Other Income | (11,779,880) | (11,542,920) | (236,960) | 2.1% | |
| Amortization of Deferred Capital Contributions | (4,435,000) | (4,312,000) | (123,000) | 2.9% | increase in capital expenditure offset by capital grant |
| Total Operating Revenues | (94,127,564) | (93,230,168) | (897,396) | 1.0% | |
| Investments | | | | | |
| Skills Programs | (3,438,796) | (3,438,796) | - | 0.0% | |
| Tuition Holdback Bursaries | (2,945,000) | (2,945,000) | - | 0.0% | |
| Ministry Bursaries | (700,000) | (287,300) | (412,700) | 143.6% | per endowment and bursaries distribution plan |
| Special Projects | (2,270,533) | (1,918,407) | (352,126) | 18.4% | New LINC contracts |
| Facilities Renewal and Renovation Projects | (517,958) | (446,404) | (71,554) | 16.0% | SIF |
| Ancillary Operations | (5,436,600) | (5,471,600) | 35,000 | -0.6% | residence |
| Total Revenue | \$ (109,436,451) | \$ (107,737,675) | \$ (1,698,776) | 1.6% | |



| | Proposed Update | | | | |
|--|-----------------------|----------------------------|---------------------|--------------|---|
| | Budget 2017 | Preliminary Budget 2017 | Change | % | Comments |
| Expenditures | | | | | |
| Salaries and Benefits | | | | | |
| Salaries, Full Time | 41,269,136 | 41,583,392 | (314,256) | -0.8% | |
| Salaries, Part Time | 12,338,366 | 12,171,905 | 166,461 | 1.4% | |
| Benefits | 11,702,742 | 11,845,765 | (143,023) | -1.2% | |
| Total Salaries and Benefits | 65,310,244 | 65,601,062 | (290,818) | -0.4% | |
| Non-Salary Expenses | | | | | |
| Instructional Support Costs | 4,887,706 | 4,855,764 | 31,942 | 0.7% | |
| Travel and Professional Development | 1,281,398 | 1,227,048 | 54,350 | 4.4% | |
| Advertising | 983,170 | 974,302 | 8,868 | 0.9% | |
| Telephone, Audit, Legal & Insurance | 1,604,333 | 1,260,443 | 343,890 | 27.3% | added legal expenses |
| Equipment Maintenance | 557,452 | 526,064 | 31,388 | 6.0% | |
| Plant and Security | 2,249,588 | 2,200,788 | 48,800 | 2.2% | |
| Rentals and Taxes | 776,615 | 874,412 | (97,797) | -11.2% | per capita head count for taxes, head count is down |
| Utilities | 2,840,866 | 2,847,866 | (7,000) | -0.2% | |
| Contract Services Trent | 2,017,781 | 2,017,781 | - | 0.0% | Professional Fees - Exigency/ Agent commissions/ |
| Services & Other | 3,615,570 | 3,368,830 | 246,740 | 7.3% | Contracted services to deliver contract training |
| Long Term Debt Interest | 55,000 | 55,000 | - | 0.0% | |
| Amortization of Capital Assets | 6,046,002 | 5,932,645 | 113,357 | 1.9% | |
| Total Non-Salary Expenses | 26,915,481 | 26,140,943 | 774,538 | 3.0% | |
| Total Operating Expenditures | 92,225,725 | 91,742,005 | 483,720 | 0.5% | |
| Investments | 869,430 | 838,469 | 30,961 | 3.7% | |
| Skills Programs | 3,438,796 | 3,438,796 | - | 0.0% | |
| Tuition Holdback Bursaries | 2,945,469 | 2,945,000 | 469 | 0.0% | |
| Ministry Bursaries | 700,000 | 287,300 | 412,700 | 143.6% | |
| Special Projects | 2,270,533 | 1,918,407 | 352,126 | 18.4% | |
| Facilities Renewal and Renovation Projects | 241,158 | 151,404 | 89,754 | 59.3% | |
| Ancillary Operations | 5,396,679 | 5,416,294 | (19,615) | -0.4% | |
| Employee Future Benefits | - | - | - | | |
| Total Expenditures | \$ 108,087,790 | \$ 106,737,675 | \$ 1,350,115 | 1.3% | |
| Net | \$ (1,348,661) | \$ (1,000,000) | \$ (348,661) | 34.9% | |

2016-2017 Capital Investment Plan > \$50,000 Report

| PROJECT NAME | BUSINESS NEED | Preliminary Budget - Estimated Project Value | Revised Project Value | Change | Comment |
|--|--|---|----------------------------------|-------------------|--|
| Building Construction/Renovations | | | | | |
| Relocation and Enhancement re: Esthetician and Massage | Renovation of Sutherland rooms/ suites A2129, A2135, A2137, A2135 and A2167 to a Spa structure to enable relocation of the Esthetician program from Lakeshore | 239,800 | 299,065 | -59,265 | Specialized air and fume evactaution system for manicure/pedicure solvents, final plumbing and electrical connections to new specialized equipment for program. Both required to provide leading edge experience for students and patrons. |
| Completion KTTC (D1115- D1129) | Renovation of Sutherland room D1115 in accordance with the Backfill Plan proposed by ECS Corp. accommodating the launch of new Graphic Design Program. | 67,200 | 29,163 | 38,037 | |
| Completion KTTC (D1115- D1129) | Renovation of Sutherland room D1129 in accordance with the Backfill Plan proposed by ECS Corp. converting the room into a flexible and modular suite of active learning classrooms, project classrooms and/or assembly. | 1,055,000 | 1,548,155 | -493,155 | Original KTTC build did not account for high occupancy of the space. New HVAC systems are required including roof penetrations (through concrete), ECS's Space Plan recommendations for high quality doors (Skyfold), including structural steel. Design, engineering and construction are all affected; higher market costs in construction sector. |
| Washroom refresh - Sutherland | Renovation to refresh washroom faciiltes throughout campus - Grant funded | 110,000 | - | 110,000 | Renovations deferred with shift of FRG funding to SIF. Areas of renovations still occuring within scope of SIF. |
| Washroom refresh - Frost | Renovation to refresh washroom faciiltes throughout campus - Grant funded | 110,000 | - | 110,000 | |
| Breaaley Roof/Siding repair | Sections of roofing require replacement to avoid damage to infrastructure. There are also sections of the building that allow water to ingress through the siding and windows. These are required repairs such as refacing of ceramic block and caulking of siding and windows. | 195,000 | - | 195,000 | |
| Resource Drilling Blasting Roof replacement | This roof has had numerous leakage issues and multiple repairs over the past 3 years. Some have been severe enough to interrupt academic delivery. | 65,000 | - | 65,000 | |
| Post-Secondary Institutions Strategic Investment Fund | Funding will be provided at both Sutherland and Frost Campus for facility renovation/modernization. Updates to nursing, biotechnology, physiotherapy and paramedic are planned at Sutherland Campus. Frost Campus updates include modernization of the existing earth resources science and environmental science facilities and to create a new geocentre. Total for both projects is forecast at \$12.5 million, with majority of work to occur next fiscal. | | 1,398,889 | -1,398,889 | |
| Building Construction/Renovations | Subtotal Projects > \$50, 000 | 1,842,000 | 3,275,272 | -1,433,272 | |
| Building Construction/Renovations | Subtotal Projects < \$50, 000 | 303,070 | 258,093 | 44,977 | |
| Total Building Construction/Renovations | | \$ 2,145,070 | \$ 3,533,365 | -1,388,295 | |

| Network/IT Systems | | | | | |
|--|---|-------------------|---------------------|-----------------|---|
| Network switch upgrades | Equipment refresh as part of a multi-year cycle. --The College currently has 77 Cisco 3750 switches in service which are coming end-of-life in 2017. (The vendor will no longer release any software maintenance or bug fixes, offer any support contracts or assist in any failure analysis.) The 3750 switch is already end-of-sale and can no longer be purchased. | \$ 164,900 | \$ - | 164,900 | Project eligible for SIF grant, no longer required College operating funds |
| Enterprise Wireless (Partial Deployment) | To meet a growing demand for wireless network connectivity, the College has embarked on a multi-year plan to ensure that our wireless infrastructure is properly designed & refreshed with current technology, in order to deliver a robust and reliable enterprise-grade service. | 115,900 | 297,133 | -181,233 | Shift of funds deemed for IT use as saved with SIF to expedite College wireless project |
| Core Firewall (Part 2) | With the development of new ways of connecting to the College network (e.g. wireless services, different student labs etc.) controlling access to core business systems becomes more complex. To assist in managing this complexity the College needs another next generation firewall that protects its core services. | 117,000 | 117,000 | 0 | |
| Enhancing College electronic storage capacity | The amount of storage capacity required by the College continues to grow. This takes on many forms but one familiar example is network file storage used by staff, faculty and students. Departments have a need to retain many years' worth of digital documents & records, while academic programs continue to use more forms on rich-media (e.g. graphic design) & large data sets (e.g. GIS). | 82,000 | 82,000 | 0 | |
| Multi-year AV/Multi-Media Infrastructure Renewal | Upgrade main lecture theatres to support newer digital technology (5 rooms). Upgrade high profile GIS classrooms at Frost. | 87,000 | 87,000 | 0 | |
| Completion KTTC (D1115- D1129) | Renovation of Sutherland room D1129 in accordance with the Backfill Plan proposed by ECS Corp. converting the room into a flexible and modular suite of active learning classrooms, project classrooms and/or assembly. | 75,000 | 155,493 | -80,493 | IT switchgear, cabling and enhanced AV equipment are required due to their absence in original build and revised room configurations. |
| Network/IT Systems | Subtotal Projects > \$50, 000 | 641,800 | 738,626 | -96,826 | |
| Network/IT Systems | Subtotal Projects < \$50, 000 | 200,842 | 340,945 | -140,103 | |
| Total Network/IT Systems | | \$ 842,642 | \$ 1,079,571 | -236,929 | |
| Academic Equipment | | | | | |
| Heavy Equipment - Trim Dozer | 5 year asset management for replacement of aged equipment for Heavy equipment program. To maintain the programs excellent reputation with industry and as a leader of revenue generation within the college we need to keep the fleet of machines current. Hence the need for purchasing new equipment. | \$ 140,000 | \$ 143,740 | -3,740 | Small cost over run |
| Heavy Equipment - Wheel Loader | 5 year asset management for replacement of aged equipment for Heavy equipment program. To maintain the programs excellent reputation with industry and as a leader of revenue generation within the college we need to keep the fleet of machines current. Hence the need for purchasing new equipment. | 170,000 | 144,671 | 25,329 | Cost savings on final procurment |
| Academic Equipment | Subtotal Projects > \$50, 000 | 310,000 | 288,411 | 21,589 | |
| Academic Equipment | Subtotal Projects < \$50, 000 | 290,538 | 718,207 | -427,669 | Added equipment funding through Apprentice Grant |
| Total Academic Equipment | | \$ 600,538 | \$ 1,006,618 | -406,080 | |

| | | | | | |
|--|--|---------------------|---------------------|----------------------|--|
| Grounds/Parking Lot | | | | | |
| Nature Trails | Program for expanding and renovating current Nature trails at Sutherland Campus and to make them more accessible. The College has been approved for 50% Federal Grant funding for a \$150,000.00 project for which the College must match 50% or 75,000 of grant funding. | \$ 150,000 | \$ 118,500 | 31,500 | Project to be implemented over 2 years |
| Grounds/Parking Lot | Subtotal Projects < \$50, 000 | 76,507 | 28,938 | 47,569 | |
| Total Grounds/Parking Lot | | \$ 226,507 | \$ 147,438 | 79,069 | |
| | | | | | |
| Applied Research | | | | | |
| Replace CAWT's environmental chamber | This equipment will fill a services gap that the CAWT is currently experiencing and offers the ability to have complete control over the environmental conditions to allow for a greater understanding of technologies at precise temperatures. This equipment purchase is conditional on award of NSERC- ARTI funding (applied November 2015) | \$ 150,000 | \$ 150,000 | 0 | |
| Applied Research | Subtotal Projects < \$50, 000 | | \$ 30,514 | -30,514 | New grant |
| Total Applied Research | | \$ 150,000 | \$ 180,514 | -30,514 | |
| | | | | | |
| Residence Capital | | | | | |
| Chiller Unit Replacement | Replacement of 25 year old chiller unit at Frost Residence which can no longer be repaired. | \$ 100,000 | \$ 50,000 | 50,000 | Cost savings on final procurment |
| Total 2016-2017 Capital Investment Plan | | \$ 4,064,757 | \$ 5,997,506 | -\$ 1,932,749 | |



Fleming College
Financial Plan
Update
2016-2017

DRAFT

November 2016

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I. Summary

Financial Plan for 2016/2017

Total revenues for this Updated Financial Plan are at \$109.4 million, a modest increase of 1.6% over the 2016/2017 Preliminary Budget. Total expenditures have also been projected to increase to \$108.1 million, leaving \$1.3 million available as contribution to College reserves.

Capital investment is budgeted at \$6 million, an increase of \$ 2 million from Preliminary Budget.

Net Assets are projected to be \$15 million for March 31, 2017.

Fleming College Financial Plan Budget Update 2016/17

SUMMARY

(\$ 000's)

| | Update Budget 2016/2017 | Preliminary Budget 2016/2017 | \$ Increase (Decrease) | % Increase (Decrease) |
|---|-------------------------------|------------------------------------|------------------------------|-----------------------------|
| Revenue | | | | |
| Grants & Reimbursements | \$ 46,383 | \$ 46,166 | \$ 217 | 0.5% |
| Student Tuition Fees | 29,967 | 29,940 | 27 | 0.1% |
| Contract Training | 1,562 | 1,269 | 293 | 23.1% |
| Other Income | 11,780 | 11,543 | 237 | 2.1% |
| Amortization | 4,435 | 4,312 | 123 | 2.9% |
| Skills, Bursaries, Ancillary & Projects | 15,309 | 14,508 | 801 | 5.5% |
| Revenue | <u>109,436</u> | <u>107,738</u> | <u>1,699</u> | <u>1.6%</u> |
| Operating Expenses | 86,180 | 85,809 | 370 | 0.4% |
| Amortization Expense | 6,046 | 5,933 | 113 | 1.9% |
| Skills, Bursaries, Ancillary & Projects | 15,862 | 14,996 | 866 | 5.8% |
| Expenses | <u>\$ 108,087</u> | <u>\$ 106,738</u> | <u>1,350</u> | <u>1.3%</u> |
| Excess of Revenue over Expenditures | <u>\$ 1,349</u> | <u>\$ 1,000</u> | <u>349</u> | <u>34.9%</u> |

| | Projected Balance Mar 31/17 | Balance as at Mar 31/16 | \$ Increase (Decrease) | % Increase (Decrease) |
|--|-----------------------------------|-------------------------------|------------------------------|-----------------------------|
|--|-----------------------------------|-------------------------------|------------------------------|-----------------------------|

NET ASSETS

Invested in Capital Assets

| | | | | |
|----------------------------------|---------------|---------------|-----------|-------------|
| As of April 1, 1997 | \$ 2,417 | \$ 2,417 | \$ - | |
| Since April 1, 1997 | 14,967 | 14,940 | \$ 27 | |
| Total Invested in Capital Assets | <u>17,384</u> | <u>17,357</u> | <u>27</u> | <u>0.2%</u> |

Unrestricted

| | | | | |
|--|----------------|-----------------|------------|--------------|
| Operating (Board Reserves) | 1,087 | 116 | 971 | |
| Accrued vacation pay, Future Benefits and Derivative & Sick Leave & PSA * | (10,361) | (10,361) | - | |
| Total Unrestricted | <u>(9,274)</u> | <u>(10,245)</u> | <u>971</u> | <u>-9.5%</u> |

Internally Restricted

| | | | | |
|--|------------|------------|-----------|--|
| | <u>442</u> | <u>432</u> | <u>10</u> | |
|--|------------|------------|-----------|--|


| | | | | |
|----------------------------|--------------|--------------|--------------|--------------|
| Subtotal Net Assets | <u>8,552</u> | <u>7,544</u> | <u>1,008</u> | <u>13.4%</u> |
|----------------------------|--------------|--------------|--------------|--------------|

| | | | | |
|-----------------------|-------|-------|---|--|
| Externally restricted | 6,460 | 6,460 | 0 | |
|-----------------------|-------|-------|---|--|

| | | | | |
|-------------------------|------------------|------------------|-----------------|-------------|
| TOTAL NET ASSETS | <u>\$ 15,012</u> | <u>\$ 14,003</u> | <u>\$ 1,008</u> | <u>7.2%</u> |
|-------------------------|------------------|------------------|-----------------|-------------|

II. Revenue

College revenues are budgeted at \$ 109.4 million; an increase of 1.6% from revenues projected in the 2016/2017 Preliminary Budget.

| SIR SANDFORD FLEMING COLLEGE | | | | |
|---|-------------------------|----------------------------|---|-------------|
| <i>Financial Plan - Update Budget</i> | | | | |
| <i>Fiscal Year 2017</i> | | | | |
| | | |  | |
| | Update Budget 2017 | Preliminary Budget 2017 | Change | % |
| Revenue | | | | |
| Grants and Reimbursements | (46,383,423) | (46,166,404) | (217,019) | 0.5% |
| Student Tuition Fees | (29,967,048) | (29,939,996) | (27,052) | 0.1% |
| Contract Training | (1,562,213) | (1,268,848) | (293,365) | 23.1% |
| Other Income | | | | |
| Other Income | (7,480,181) | (7,086,479) | (393,702) | 5.6% |
| Ancillary Fees | (4,299,699) | (4,456,441) | 156,742 | -3.5% |
| Non-Operating Revenue | - | - | - | |
| Total Other Income | (11,779,880) | (11,542,920) | (236,960) | 2.1% |
| Amortization of Deferred Capital Contributions | (4,435,000) | (4,312,000) | (123,000) | 2.9% |
| Total Operating Revenues | (94,127,564) | (93,230,168) | (897,396) | 1.0% |
| Investments | | | - | |
| Skills Programs | (3,438,796) | (3,438,796) | - | 0.0% |
| Tuition Holdback Bursaries | (2,945,000) | (2,945,000) | - | 0.0% |
| Ministry Bursaries | (700,000) | (287,300) | (412,700) | 143.6% |
| Special Projects | (2,270,533) | (1,918,407) | (352,126) | 18.4% |
| Facilities Renewal and Renovation Projects | (517,958) | (446,404) | (71,554) | 16.0% |
| Ancillary Operations | (5,436,600) | (5,471,600) | 35,000 | -0.6% |
| Total Revenue | \$ (109,436,451) | \$ (107,737,675) | \$ (1,698,776) | 1.6% |

1. Grants and Reimbursements

Additional grants were added to the college financial plan as they have been confirmed with the Ministry. Most notably, the annual performance grant award to the college increased by \$0.11 million, based on the 2015/16 Key Performance Indicators.

2. Contract Training

Additional contracts were negotiated during the year for contract training delivery to outside organizations.

3. Other Income

Overall, Other Income has increased by \$236,960 from the Preliminary Budget.

Other Income is comprised of a variety of income streams from operations, including bookstore and cafeteria, as well as recovery from students for student supply fees and academic fees for field placements.


A significant component of this increase relates to the flow through of administration fees and health insurance fees collected from an increased number of International students.

5. Non-Operating Revenues

The revenue recorded in this category represents funding received from multiple sources including a variety of funds secured for bursaries and projects with third party partners (i.e. funding for CAWT research) and a variety of Ministry grants. An increase in Ministry Bursaries of \$412,700 represents plans for distribution of student bursaries from College endowment funds and other donor awards. Project grants have been confirmed, and represent an overall increase from Preliminary Budget of \$423,680. These increases are offset fully by increases in matching expenditures.

Ancillary Operations represents revenues from the College Residence and Parking Revenues.

III. Expenditures

| SIR SANDFORD FLEMING COLLEGE | | | | |
|---|-----------------------|----------------------------|---------------------|---------------|
| Financial Plan - Update Budget | | | | |
| Fiscal Year 2017 | | | | |
|  | | | | |
| | Update Budget 2017 | Preliminary Budget 2017 | Change | % |
| Expenditures | | | | |
| Salaries and Benefits | | | | |
| Salaries, Full Time | 41,269,136 | 41,583,392 | (314,256) | -0.8% |
| Salaries, Part Time | 12,338,366 | 12,171,905 | 166,461 | 1.4% |
| Benefits | 11,702,742 | 11,845,765 | (143,023) | -1.2% |
| Total Salaries and Benefits | 65,310,244 | 65,601,062 | (290,818) | -0.4% |
| Non-Salary Expenses | | | | |
| Instructional Support Costs | 4,887,706 | 4,855,764 | 31,942 | 0.7% |
| Travel and Professional Development | 1,281,398 | 1,227,048 | 54,350 | 4.4% |
| Advertising | 983,170 | 974,302 | 8,868 | 0.9% |
| Telephone, Audit, Legal & Insurance | 1,604,333 | 1,260,443 | 343,890 | 27.3% |
| Equipment Maintenance | 557,452 | 526,064 | 31,388 | 6.0% |
| Plant and Security | 2,249,588 | 2,200,788 | 48,800 | 2.2% |
| Rentals and Taxes | 776,615 | 874,412 | (97,797) | -11.2% |
| Utilities | 2,840,866 | 2,847,866 | (7,000) | -0.2% |
| Contract Services Trent | 2,017,781 | 2,017,781 | - | 0.0% |
| Services & Other | 3,615,570 | 3,368,830 | 246,740 | 7.3% |
| Long Term Debt Interest | 55,000 | 55,000 | - | 0.0% |
| Amortization of Capital Assets | 6,046,002 | 5,932,645 | 113,357 | 1.9% |
| Total Non-Salary Expenses | 26,915,481 | 26,140,943 | 774,538 | 3.0% |
| Total Operating Expenditures | 92,225,725 | 91,742,005 | 483,720 | 0.5% |
| Investments | 869,430 | 838,469 | 30,961 | 3.7% |
| Skills Programs | 3,438,796 | 3,438,796 | - | 0.0% |
| Tuition Holdback Bursaries | 2,945,000 | 2,945,000 | - | 0.0% |
| Ministry Bursaries | 700,000 | 287,300 | 412,700 | 143.6% |
| Special Projects | 2,270,533 | 1,918,407 | 352,126 | 18.4% |
| Facilities Renewal and Renovation Projects | 241,158 | 151,404 | 89,754 | 59.3% |
| Ancillary Operations | 5,396,679 | 5,416,294 | (19,615) | -0.4% |
| Total Expenditures | \$ 108,087,321 | \$ 106,737,675 | \$ 1,349,646 | 1.3% |

1. Full Time Salaries

Full time (FT) salaries are budgeted based on the current College staff compliment and all Collective Agreements that are currently in place. FT salaries also include approved staff sabbaticals and a provision for sick leaves. Overall FT salary expenditures have decreased from Preliminary Budget by \$314,256 mainly due to delays in planned hires. Many delays were proactive efforts to generate operating savings; however some savings also occurred naturally through staff turnover (i.e. filling vacancies internally, thus creating a second vacancy).

2. Part Time Salaries

Part time (PT) salaries have increased by \$166,461 from the Preliminary Budget. While a portion of this increase is in relation to new hires, to support one time in-year projects, the majority of the increase was due to the direct impact of changes in our enrolment mix from the original enrolment plan. Where programs experienced significant growth (for example with an influx of International students), more PT teaching resources were required for course delivery.

3. Benefits

Benefits have decreased accordingly with the change in staffing mix and delay of FT hires.

4. Non-Salary Expenses

Overall the Non-Salary Expenses project an increase of \$774,538

This significant increase is due to a variety of sources including:

- an increase in health insurance fees for our International students that were fully offset through an equal projected increase in Other Income/Student Fees
- an increase in the Commissions payable to our International agents due to growth in International student enrolment
- added cost of Investment to develop new Contract Training opportunities
- Increasing Audit, Legal and Insurance expense, primarily due to increased contract activity

5. Non-Operating Expenses

Investments, classified as expense as part of the overall capital/investment plan, have been increased by \$30,961. Bursaries and grant-funded project associated expenditures have increased by \$854,580.

IV. Capital

Capital spending for the 2016/17 Budget Update is planned at \$5,997,506. This represents an increase of \$1.9 million from Preliminary Budget.

The most significant adjustment to the original capital plan is the addition of successful projects with new grant funds. Building Construction and IT Systems were both increased with the announcement of the Federal Strategic Investment Fund projects and Academic Equipment increased with the approval for enhanced apprenticeship funds.

For the 2016/17 Budget Update, Capital items budgeted are summarized below:

| | College Funded | Grant Funded | Total Capital | Preliminary Budget | Net Change |
|---|---------------------------|-------------------------|----------------------|-------------------------------|-------------------|
| Building Construction /Renovations | \$ 1,637,941 | 1,895,424 | 3,533,365 | 2,145,070 | 1,388,295 |
| Network/IT Systems | 916,216 | 163,355 | 1,079,571 | 842,642 | 236,929 |
| Academic Equipment | 513,073 | 493,545 | 1,006,618 | 600,538 | 406,080 |
| Residence Capital | 50,000 | - | 50,000 | 100,000 | - 50,000 |
| Grounds/Parking Lot | 38,392 | 109,046 | 147,438 | 226,507 | - 79,069 |
| Applied Research | - | 180,514 | 180,514 | 150,000 | 30,514 |
| | 3,155,622 | 2,841,884 | 5,997,506 | 4,064,757 | 1,932,749 |
| As per Preliminary Budget | 2,515,116 | 1,549,641 | 4,064,757 | 4,064,757 | |
| Net Change | 640,506 | 1,292,243 | 1,932,749 | | |

**Fleming College Financial Plan
Budget Update 2016-2017
Financial Sustainability Metrics (Indicators)**

| | | 2016/17 Update Budget | 2016/17 Preliminary Budget | Change |
|---|------------|-----------------------------|----------------------------------|--------|
| Ratios | Benchmarks | | | |
| Annual Surplus/(Deficit) (\$ 000's) | > 0 | \$ 1,349 | \$ 1,000 | \$ 349 |
| Accumulated Surplus/(Deficit) (\$ 000's) | > 0 | \$ 8,753 | \$ 8,745 | \$ 8 |
| | | Pass | Pass | |
| Net Assets to Expense Ratio | > 60.0% | 78.6% | 80.2% | -1.7% |
| | | Pass | Pass | |
| Debt Servicing Ratio | < 3.0% | 1.4% | 1.3% | 0.1% |
| | | Pass | Pass | |
| Quick Ratio | > 1.0% | 1.5% | 1.2% | 0.3% |
| | | Pass | Pass | |
| Debt to Assets Ratio | < 35.0 % | 25.4% | 25.3% | 0.1% |
| | | Pass | Pass | |
| Net Income to Revenue Ratio | > 1.5% | 1.2% | 0.9% | 0.3% |
| | | Fail | Fail | |

BOARD BRIEFING REPORT

SUBJECT: New Program of Instruction - Nutrition Management
Submission to: Public Board Meeting
Meeting Date: November 23, 2016
Requested Action: Decision / Approval

Agenda Item 5.3 a)

1. CONTEXT / PURPOSE

A report to obtain approval to add an Ontario College Graduate Certificate two-semester online program to the School of Business program mix.

2. BACKGROUND

Inspiration for developing the Nutrition Management program came from two sources – working professionals from industry and employers. Through primary and secondary research it was established that many culinary professionals are attracted to improved work-life balance and a higher earning potential within the institutional workplace. Additional research found that many institutions struggle to find qualified culinary professionals to manage and staff their food service operations. By working in collaboration with the Canadian Society of Nutrition Managers (CSNM) and launching this program, Fleming College seeks to meet the needs of both job seekers and employers.

Attachments:

- Business Case

3. ANALYSIS / PROPOSED OPTIONS

From a competitive standpoint, an opportunity exists to build a program that blends the flexibility of part-time, online learning with a level of oversight and support that is not being provided by current external education providers.

Furthermore, a conservative financial break-even analysis suggests that costs will be recovered by Nutrition Management's second year of operations. It should then proceed to deliver a 57% contribution to overhead (approximately \$41,000 annually) by its fourth year of delivery.

4. ASSESSMENT OF POTENTIAL RISK – *required for all matters requiring Board decision/approval*

Category (select all that apply): Strategic Compliance Operational Reputational N/A

| Risks that would impact or jeopardize the success of the proposal or project | Likelihood High / Medium / Low | Impact High / Medium / Low |
|--|-----------------------------------|-------------------------------|
| Low enrollment | Low | Medium |

Additional risks may be identified here: N/A

Actions proposed to prevent / reduce the likelihood of the risk occurring or to reduce the severity of / manage the risk

If Nutrition Management encounters lower than expected enrollment, a series of enhanced internal and external marketing initiatives will be explored to boost admissions.

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN / VISION / MANDATE

The Academic Plan includes a focus on increasing Fleming's online course and program offerings. This online program allows for the expansion of our program offerings without requiring additional or redesigned space.

6. RECOMMENDATION *(if a decision is requested, provide a motion for Board consideration.)*

THAT the Board of Governors of Sir Sandford Fleming College approve the Ontario College Graduate Certificate *Nutrition Management* program, with an implementation date of September 2017, for submission to the Ministry of Advanced Education and Skills Development for funding approval.

AUTHORED BY: James Boesch, Academic Chair of the School of Business

1 Executive summary

The Nutrition Management Graduate Certificate is an 8-month part-time, academic program that affords learners the opportunity to study online from home and apply their skills within a nation-wide network of pre-approved field placement settings.

Inspiration for developing this program came from two sources – working professionals from industry and employers. Through primary research involving a Program Advisory Committee (PAC) and secondary research it was established that many culinary professionals are attracted to improved work-life balance and higher earning potential within the institutional workplace. Through similar employer-focussed research it was determined that many institutions, like Omni and AON, struggle to find qualified culinary professionals to manage and staff their food service operations. By working in collaboration with the Canadian Society of Nutrition Managers (the CSNM) and launching Nutrition Management, Fleming College seeks to meet the needs of both job seekers and employers.

While Nutrition Management as a program of study is not new, a competitive analysis reveals room for improvement. Current offerings within the Ontario College sector are only offered as full-time, traditional, classroom based programs. This delivery mode fails to cater to working professionals. A small number of online programs exist but they struggle with poor student support (**see section 3.3**). These findings indicate an opportunity for Fleming to enter the market as a leader in student flexibility and support.

From a financial perspective, Nutrition Management is projected to break even in its second year of operation and under conservative enrollment estimates it will return a 57% contribution to overhead (approximately \$41,000, annually) by its fourth year of operation. Part-time faculty will be used to staff the program and given that all didactic components of the curriculum will be delivered online, physical resource utilization will be minimal.

Subsequent to receiving all necessary levels of approval, Nutrition Management is planned to launch in September 2017.

2 Program description

Fleming's eight-month Nutrition Management Graduate Certificate Program is designed to provide students with the necessary hands-on experience and theoretical learning for advancement into supervisory roles within a variety of institutional and commercial kitchens. Learning will focus on industry-specific knowledge to include nutrition-based theory, along with an emphasis on effective communication skills and the fundamentals of human and financial management.

All courses will be on-line with both synchronous and asynchronous delivery components. This will give learners, who are also industry professionals, greater

Business Case

Project name: Nutrition Management
Proposed by: S. Moghini, S. Bennis, C. van den Heuvel

Stage: 2
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flexibility to accommodate their work schedules. Field placements will be approved on a case-by-case basis, allowing most students to complete all components of the program within their communities of residence.

SEMESTER 1

| COURSE | Course of Study to include: | Number of Hours | VLOs |
|--|---|------------------------|-------------|
| Introduction to Foodservice Nutrition Management | -Career Pathways -Options - Roles and Duties -Intro to CSNM | 45 | 1, 6, 9 |
| Supervisory Communications | -Effective written and oral skills -Communication Strategies | 45 | 7, 12 |
| Nutrition Analysis | -Basic Physiology and Biology -Therapeutic diets -Religious and Cultural Needs -Trends | 45 | 9, 12 |
| | | | |
| Clinical Field Placement | -Applied learning based on Sem 1 | 80 | All |

SEMESTER 2

| COURSE | Course of Study to include: | Number of Hours | CSNM LOs |
|--------------------------------------|---|------------------------|-----------------|
| Nutrition for Health | -Food Modification -Other dietary needs -Nutritional assessment -Menu Design and care plans | 45 | 3, 5, 12 |
| Nutrition Management Human Resources | -Labour Relations -Health and Safety -Developing and maintaining an effective work force -Payroll and Benefits | 45 | 4, 7, 11 |

| | | | |
|-------------------------------------|--|-----|-------------|
| Administrative Nutrition Management | -Health Care Standards -Gov`t regulations, Nationally I.E Long term care and Retirement homes Act... Plus -Cost controls -quality indicators and funding -networking | 45 | 2, 6, 8, 10 |
| | | | |
| Supervisory Field Placement | -Capstone Applied Applications | 120 | All |

2.1 Program Credential

Ontario College Graduate Certificate

2.2 Admission Requirements

Diploma or Degree from a recognized Canadian postsecondary institution in Hospitality and Culinary Arts or equivalent.

Ability to be disciplined in a self-directed, online learning environment.

Experience working or volunteering in an institutional food service environment is considered an asset.

2.3 Program Learning Outcomes

Program Learning outcomes will match the program standards for the Ontario College Graduate Certificate in Food and Nutrition Management. They are as follows:

The graduate has reliably demonstrated the ability to

1. plan menus to accommodate the nutritional, dietary and medical needs, cultural and religious requirements, and personal preferences of clients.
2. manage handling, preparation and service of food to ensure compliance with relevant legislation, policies, procedures, and industry best practices for health, safety, sanitation, quality assurance and client satisfaction.
3. manage nutritional needs of diverse clients in health care and other food service settings in collaboration with or under the direction of health care professionals.
4. support others to work professionally and ethically in accordance with industry, organization and legal standards.

5. monitor relevant local, national and global trends, emerging technologies, changes to legislation and best practices to enhance work performance and guide management decisions.
6. deliver customer service that anticipates, meets and/or exceeds individual expectations and is consistent with organization standards and objectives.
7. manage hiring, coaching, training, scheduling, work performance and evaluation of department staff in accordance with human resources, labour relations, workplace health and safety, and industry best practices.
8. manage inventory, suppliers and procurement of goods and services according to industry best practices, financial constraints, and principles of social responsibility and environmental sustainability.
9. analyze food and nutrition services and operations, and manage the implementation and evaluation of changes, to support continuous improvement.
10. plan and manage budgets consistent with organization objectives and legal requirements for food and nutrition service departments.
11. select, use and support the use of information and industry-specific technologies to enhance individual work performance and the management and delivery of food and nutrition services.
12. promote food and nutrition services and healthy living to support marketing plans and the general well-being of stakeholders.

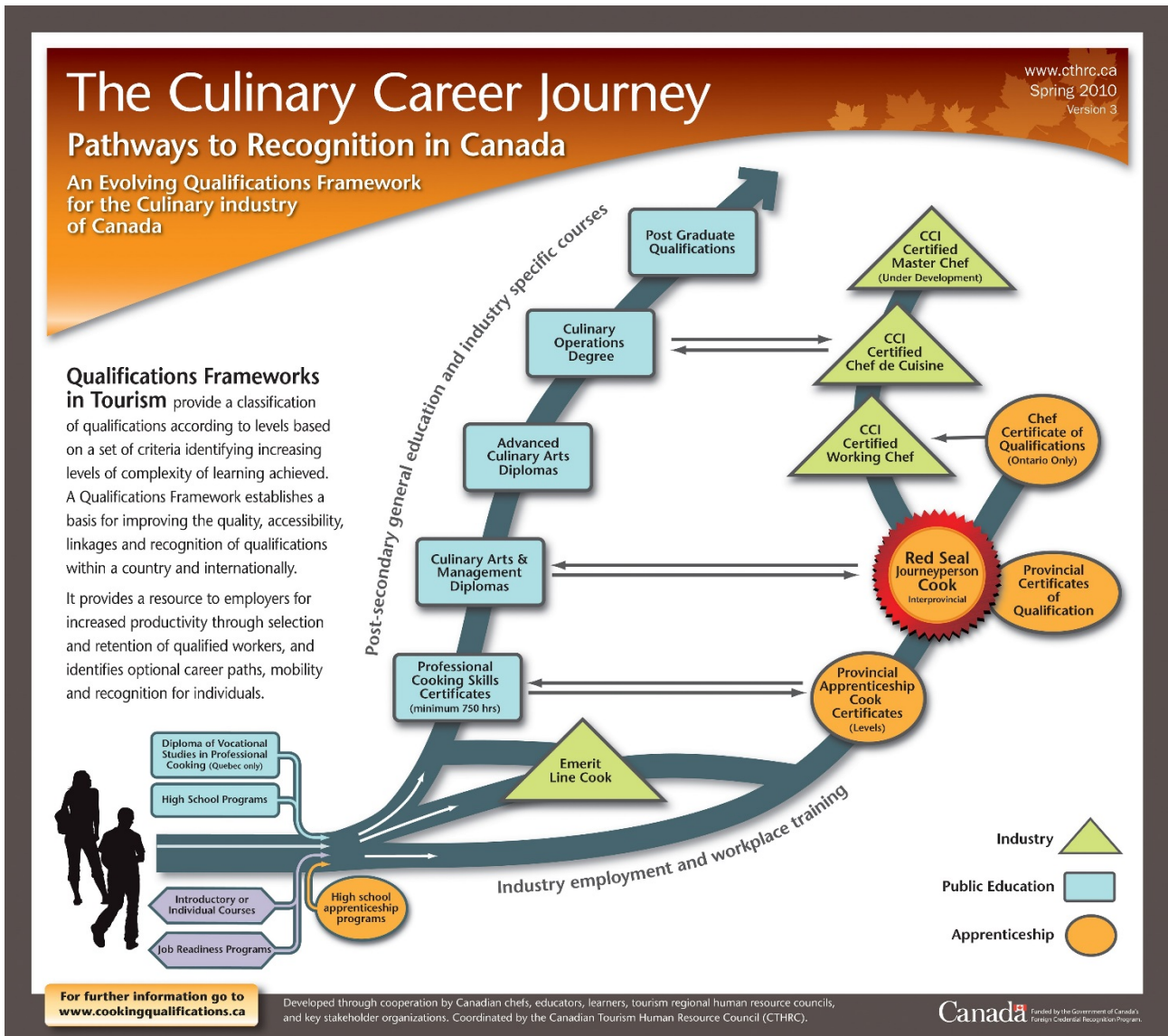
3 Market description

3.1 Student Market

The typical student profile for this program is multi-faceted;

- Graduates of Fleming's existing culinary programs, or other similar programs.
- Working culinary professionals in an institutional workplace or those in a commercial setting.
- Graduates from other diploma and/or degree programs.

The student interested in pursuing a career in Nutrition Management is likely currently working and is seeking a flexible learning experience so they can balance their time between work, education, and personal time.



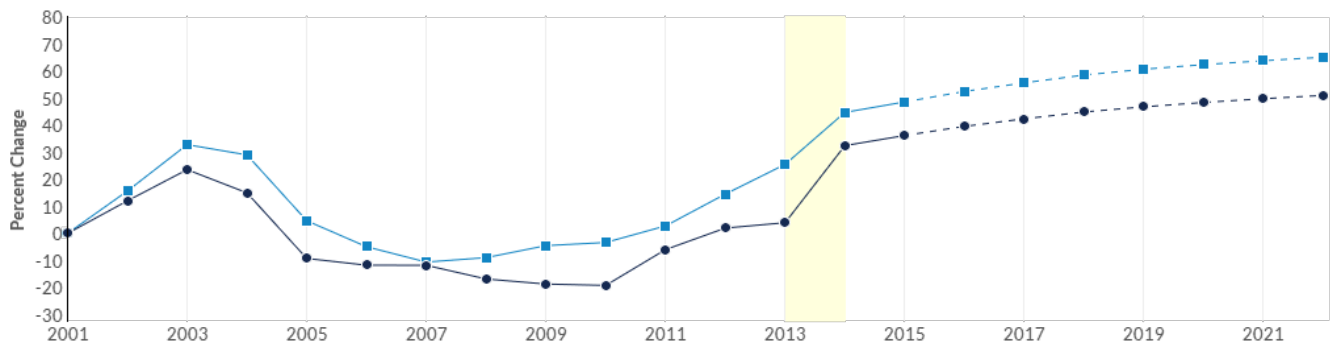
3.2 Labour Market Environment

Typical industries that would employ our graduates would be:

- Long-term care facilities
- Hospitals
- Residential care facilities
- Day nurseries
- Correctional facilities
- Educational facilities
- Commercial catering and food services

Canadian Armed Forces
Educators and Food Based Researchers
Personal Chefs
Peer-to-peer accommodation (e.g. Airbnb) <http://www.pwc.co.uk/issues/megatrends/collisions/sharingeconomy/the-sharing-economy-sizing-the-revenue-opportunity.html>

Regional Employment Trends



| Region | 2013 Jobs | 2014 Jobs | Change | % Change |
|-----------|-----------|-----------|--------|----------|
| ● Ontario | 18,247 | 23,243 | 4,996 | 27.4% |
| ● Nation | 53,740 | 61,953 | 8,213 | 15.3% |

Sourced from: EMSI Analyst

3.3 Competitive Environment / Comparable Programs

Currently both Algonquin College and George Brown College offer Graduate Certificates in “Food and Nutrition Management.” Both programs are 1 year (2 semester) programs. Figures 1 and 2 below show registrations at Algonquin College and George Brown College versus Total System. Our proposed program delivery design should give us a competitive edge versus the competition, as it will allow students to work full time while taking the program. George Brown College’s Program schedule is based on a five-day week, Monday to Friday, with classes from 8 a.m. to 1 p.m. This allows students to pursue part-time positions in related health-care fields while in school.

Additionally, HealthCareCAN also offers an online program in Food Service and Nutrition Management. Their website indicates a cost of \$795/course and textbook cost of \$300-\$350 per course. There are 6 courses in total. Fleming faculty indicate that they have received some negative feedback on the quality of this program.

Details for this program can be found on their website:

<http://www.healthcarecan.ca/learning/courses/food-service-and-nutrition-management-program/>

The HealthCareCAN Program was discussed at length during a recent Program Advisory Committee (PAC) meeting. While the PAC spoke favourably of HealthCareCAN's online delivery mode in principle, practically speaking, significant shortcomings were identified. HealthCareCAN's online learning management system was criticized for being less than intuitive, their price point was considered prohibitively high and they offered no 'in-the-moment' or synchronous teaching and learning experiences. These shortcomings suggest we have an opportunity to provide a more finely tuned and affordable experience compared to what HealthCareCAN currently offers.

4 Student benefit, selling argument

4.1 Student Needs / Requirements

Hospitality and Culinary Arts graduates seeking work and advancement into a supervisory role in an institutional food service setting require accreditation from the Canadian Society of Nutrition Management.

The latest trends show that the commercial sector is now following suit and many are requesting the same.

4.2 Student Benefits

The unique delivery format of this program, combined with CSNM program accreditation, affords students the option of working full-time while pursuing this credential and obtaining the required accreditation.

Industry feedback shows culinary graduates seeking to work in upscale restaurants and well known hotel chains will have a competitive edge over other applicants. As customers demand nutritious meals, this accreditation will play a larger role in the commercial sector.

Graduates upon completion of the program will be prepared for the Canadian Society of Nutrition Managers (CSNM) exam in the first year of the program and will become automatic members thereafter. Furthermore, we are seeking accreditation from the (CSNM), as this accreditation enables students to pursue a supervisory position in the institutional and commercial foodservice sectors.

4.3 Value Proposition

Are you a recent culinary or hospitality graduate looking to enhance your nutritional knowledge, management skills and employability? Or perhaps you are a seasoned culinary professional ready for career advancement into an institutional setting. In

either case, certification in Nutrition Management is your opportunity for higher earning potential and alternate career paths.

The Nutrition Management Ontario College Graduate Certificate provides learners with the essential knowledge and skills needed to provide quality professional nutritional care in a variety of settings. This Ontario College Graduate Certificate is designed to be completed on a part-time basis through distance education so it is perfect for adult learners looking to take the next step in their careers. The flexibility of online learning is augmented in this program through a learning community that creates personalized learning and provides personalized support (part of Fleming's Core Promise to students).

5 Strategic Mandate Agreement Alignment

The Nutrition Management Ontario College Graduate Certificate program supports the Ministry's task of "ensuring that the new Ontario Online initiative is able to offer online courses for credit, beginning in 2015. [The Ministry's] goal is to improve system quality and increase options for students." Furthermore, in 2014 the Premier of Ontario tasked the Ministry with ensuring colleges and universities are "providing customized workplace training programs that will give individuals relevant work experience in high-demand occupations."

While this program will reside in the School of Business, closely linked with Culinary, it is also closely linked to the School of Health and Wellness which is identified in the current SMA as an area of growth.

Finally, the current SMA speaks to erasing barriers to education, and creating pathways. Online format allows working professionals to upgrade their skills and progress in their careers, and there is a strong pathway from Culinary into Nutrition Management.

6 Driving the Academic Plan

6.1 Delivery Mode

The Academic plan includes a focus on increasing Fleming's online offerings. This online program allows us to expand our program offerings without requiring additional or redesigned space. Furthermore, online delivery affords an opportunity for professionals currently working to upgrade their credentials and move into supervisory/managerial roles.

6.2 Indigeneous Emphasis

It is not expected that this Graduate Certificate will have an indigeneous emphasis; however, students enrolled in this program will learn about nutritional concerns that are present in the indigeneous population (i.e. diebetic diets)

6.3 Pathways

Graduates from Fleming's existing Culinary program will have a strong foundation to be successful, as the focus on nutrition is embedded throughout the program.

They will also be granted advanced standing in the Certified Chef de Cuisine program offered by the Canadian Culinary Institute.

<http://ccicc.ca/> :

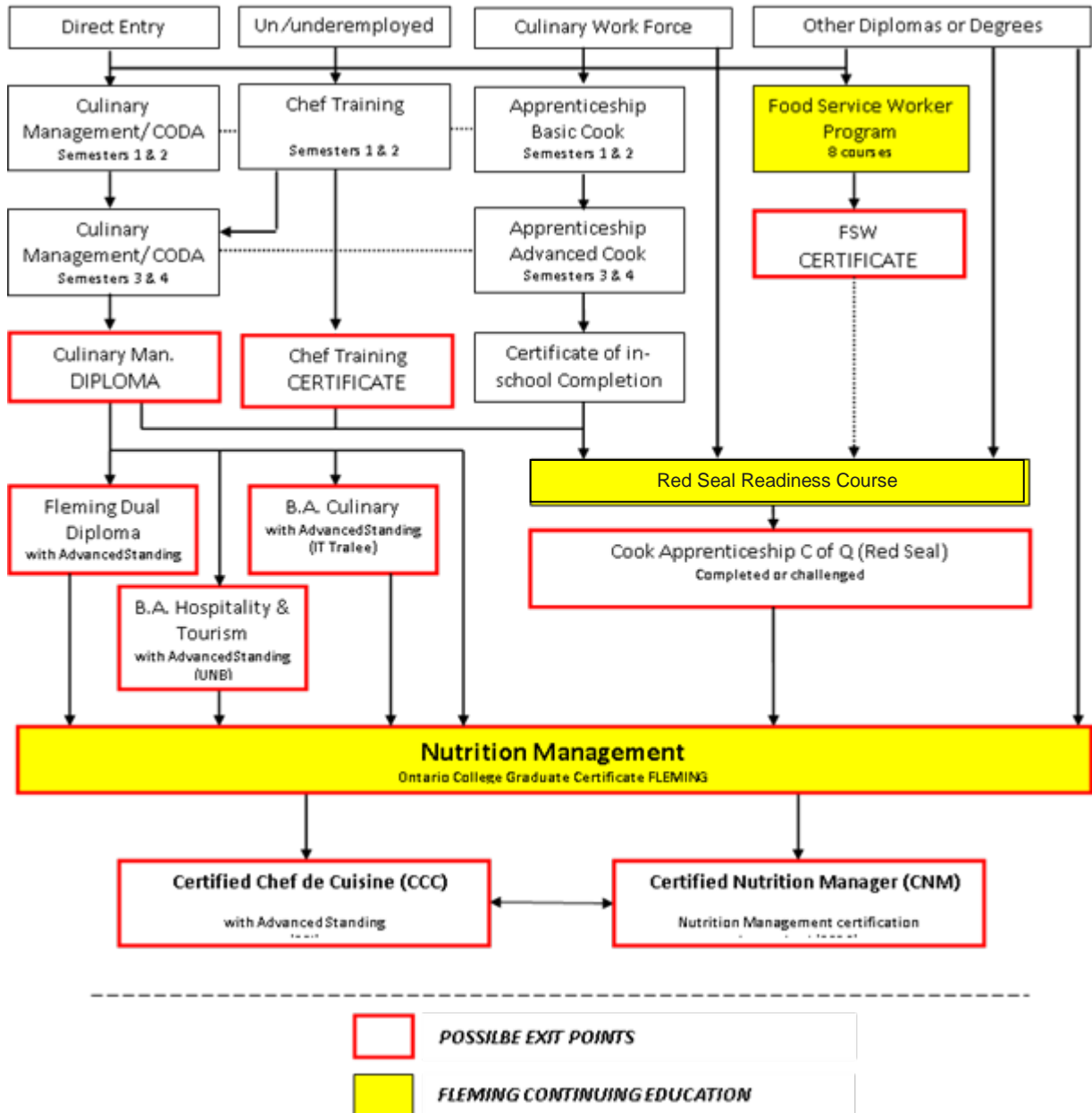
A CSNM accredited Nutrition Management program is required to become a Certified Nutrition Manager (CNM) through the Canadian Council of Professional Certification (CCPC)

<http://www.ccpcglobal.com/certification/certified-nutrition-manager-cnm/>

“With today’s society becoming increasingly health-conscious, more people are seeking the help of professionals to manage their eating habits and lifestyles. The diet and nutrition industry is one of the fastest growing, with new and diverse job offerings appearing every year.”

Source: Ontario Colleges - 2016

http://www.ontariocolleges.ca/SearchResults/HEALTH-FOOD-MEDICAL-NUTRITION/_/N-lo8x



7 Launch Plan

The launch is anticipated for September 2017, with normal marketing initiatives. The program will also be promoted within the current culinary program, in hopes the students will stay to complete an additional credential.

8 Financial

Program costing analysis was completed and shows the program passes the target of >32% contribution to overhead (CTO) by year 3.

| | |
|----------------------------------|----------|
| Net Tuition (per 45 hour course) | \$265.05 |
| BOG (per 45 hour course) | \$227.25 |

(All values expressed in current dollars)

| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 |
|--|-------------------|------------------|------------------|------------------|------------------|------------------|
| Course Offered | 12 | 12 | 12 | 12 | 12 | 12 |
| 80 Hour Work Placements Offered | 2 | 2 | 2 | 2 | 2 | 2 |
| 120 Hour Work Placements Offered | 2 | 2 | 2 | 2 | 2 | 2 |
| Fleming Enrolment: | | | | | | |
| Students enrolled in 45 hour courses | 72 | 72 | 72 | 72 | 72 | 72 |
| Students Enrolled in 80 Hour Work Placement | 12 | 12 | 12 | 12 | 12 | 12 |
| Students Enrolled in 120 Hours Work Placement | 12 | 12 | 12 | 12 | 12 | 12 |
| | 96 | 96 | 96 | 96 | 96 | 96 |
| Revenues | | | | | | |
| Tuition Fees | \$ 33,220 | \$ 33,220 | \$ 33,220 | \$ 33,220 | \$ 33,220 | \$ 33,220 |
| MTCU Operating Grant Received | - | 9,494 | 18,988 | 28,482 | 28,482 | 28,482 |
| Total Revenue | 33,220 | 42,713 | 52,207 | 61,701 | 61,701 | 61,701 |
| Expenses | | | | | | |
| Academic Direct | 26,494 | 26,494 | 26,494 | 26,494 | 26,494 | 26,494 |
| Course Supplies | 200 | 200 | 200 | 200 | 200 | 200 |
| Technician Support | 540 | 540 | 540 | 540 | 540 | 540 |
| Dean & Other academic costs | 1,927 | 2,477 | 3,028 | 3,579 | 3,579 | 3,579 |
| Total | \$ 29,161 | \$ 29,711 | \$ 30,262 | \$ 30,813 | \$ 30,813 | \$ 30,813 |
| Net Contribution or (Cost) of Proposed | | | | | | |
| New Program before Overheads | 4,059 | 13,002 | 21,945 | 30,889 | 30,889 | 30,889 |
| Contribution % | 12.2% | 30.4% | 42.0% | 50.1% | 50.1% | 50.1% |
| Development Costs | 10,000 | | | | | |
| College Overhead | 11,710 | 15,056 | 18,403 | 21,750 | 21,750 | 21,750 |
| Net Contribution or (Cost) of Proposed | | | | | | |
| New Program | (\$17,651) | (\$2,054) | \$3,542 | \$9,139 | \$9,139 | \$9,139 |
| Cumulative Cash Flow (excluding overhead) | | | | | | |
| | (\$5,941) | \$7,061 | \$29,006 | \$59,895 | \$90,783 | \$121,672 |

9 Risks

Business Case

Project name: Nurition Management
Proposed by: S. Moghini, S. Bennis, C. van den Heuvel

Stage: 2
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Date: 11/11/2016

| Event | Seriousness ¹⁾ | Probability ¹⁾ | Risk = Seriousness x Probability | Preventive actions |
|-----------------------|---------------------------|---------------------------|---|---|
| Low Fleming enrolment | 5 | 3 | 15 | <ul style="list-style-type: none"> • Create a clear and concise value proposition. • Considerable marketing efforts for the first 2-3 years, including marketing heavily within current Fleming diploma programs. |
| | | | | |

10 Implementation

10.1 Responsible School

The School of Business

10.2 Staffing Requirements

This program will be staffed with contract faculty

10.3 Space Requirements

This program will be offered online

10.4 IT requirements

No special IT requirement for this program.

10.5 Delivery time

Online, flexible delivery

BOARD BRIEFING REPORT

SUBJECT: New Program of Instruction - Human Resources
Submission to: Public Board Meeting
Meeting Date: November 23, 2016
Requested Action: Decision / Approval

Agenda Item 5.3 b)

1. CONTEXT / PURPOSE

A report to obtain approval to add a two-year Ontario College diploma program to the School of Business program mix.

2. BACKGROUND

This proposal comes on the heels of the launch of our two-year diploma in Accounting. The proposed two-year diploma in Human Resources will follow in its footsteps by creating an exit point at the end of semester four. This will give students the option of graduating with a diploma after two years or continuing into third year to complete our existing advanced diploma.

Attachments:

- Business Case

3. ANALYSIS / PROPOSED OPTIONS

Launching a two-year diploma in Human Resources will not add any incremental costs to the School and while attrition through graduation may impact third year enrollment, our experiences with the Accounting programs suggest this will be more than offset by increased semester one enrollment.

An exit point of this nature offers a variety of significant advantages. It will draw interest and attention from a larger prospective audience by giving students greater levels of choice and flexibility. We expect this larger audience to translate into enrollment growth. It will also allow us to engage University partners in “2+2” pathway discussions wherein Fleming HR graduates will have an opportunity to complete a diploma and degree in only a four-year timespan. Finally, a two year diploma provides rationale and incentive to push core content forward in the curriculum, thereby creating room in the advanced diploma for an innovative and robust work-integrated learning experience.

4. ASSESSMENT OF POTENTIAL RISK – *required for all matters requiring Board decision/approval*

Category (select all that apply): Strategic Compliance Operational Reputational N/A

| Risks that would impact or jeopardize the success of the proposal or project | Likelihood High / Medium / Low | Impact High / Medium / Low |
|---|---|---------------------------------------|
| Low enrollment | Low | Medium |
| Eligibility to pursue the CHRL may be extended to graduate certificate holders in Human Resources | Low | Low |

Additional risks may be identified here: N/A

Actions proposed to prevent / reduce the likelihood of the risk occurring or to reduce the severity of / manage the risk

Launching a two-year diploma in Human Resources is the best, low-cost strategy for reducing the probability of future enrollment challenges in this area of study. It will afford future students more choice and improved access to highly desirable university pathways and this, in turn, should have a favourable impact on admissions.

The Certified Human Resources Leader designation, offered by the Human Resources Professional Association (HRPA), currently requires that all designation holders possess a university degree. As such, our 2+2 pathway will be particularly appealing to students who wish to pursue this terminal credential. In the future, if the HRPA deems Ontario Graduate Certificate holders as equivalent to degree holders, we will advise our diploma graduates to consider a graduate certificate pathway along with University pathways.

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN / VISION / MANDATE

The development of a two-year diploma in Human Resources will allow us to create a vastly improved work-integrated-learning experience for those students who remain in the advanced diploma program.

This proposal also promises to increase the flexibility of credential attainment in the field of Human Resources, thereby allowing us to meet the needs of a larger prospective student audience.

6. RECOMMENDATION *(if a decision is requested, provide a motion for Board consideration.)*

THAT the Board of Governors of Sir Sandford Fleming College approve the Ontario College Diploma *Human Resources* program, with an implementation date of September 2017, for submission to the Ministry of Advanced Education and Skills Development for funding approval.

AUTHORED BY: James Boesch, Academic Chair – School of Business

1 Executive summary

The School of Business, in collaboration with program faculty, administration, program advisory committee members (see appendix A) and other stakeholders, is proposing the launch of a new two-year Human Resources diploma in the Fall of 2017.

The specifics of this proposal are very simple – to create an exit point at the end of semester 4. This will give students the option of graduating with a diploma after two years or continuing into third year to complete our existing advanced diploma. An exit point of this nature offers a variety of significant advantages. It will draw interest and attention from a larger prospective audience by giving students greater levels of choice and flexibility. We expect this larger audience to translate into enrollment growth. It will also allow us to engage University partners in “2+2” pathway discussions wherein Fleming HR graduates will have an opportunity to complete a diploma and degree in only a four-year timespan. Finally, a two year diploma provides rationale and incentive to push core content forward in the curriculum, thereby creating room in the advanced diploma for an innovative and robust work-integrated learning experience.

Hosting both diplomas and advanced diplomas in the same field of study is not an unusual practice across the sector. In fact, Ontario Colleges large and small, urban and rural, engage in such program laddering.

From a financial standpoint, delivery costs do not change and while attrition through graduation at the end of semester 4 has the potential to reduce revenue, financial modelling and past experience suggests that increases in semester 1 admissions will more than compensate for any reduction in year three enrollment.

2 Program description

The two-year Human Resources Diploma Program will be identical to the first four semesters of our six-semester Advanced Diploma in Human Resources. Therefore it is most accurate to consider this program proposal as a new “exit point” from the existing BAH program rather than a distinct and stand-alone offering.

The common curriculum throughout semesters one to four will be as follows:

| Semester | Course Code | Course Name | Credit Value |
|----------|-------------|---|--------------|
| 1 | BUSN 188 | Intro. to Business & Success Strategies | 60 |
| 1 | COMM 201 | Communications I | 45 |
| 1 | ACCT 72 | Introductory Accounting | 45 |
| 1 | ORGB 13 | Developing Effective Teams | 45 |
| 1 | MATH 11 | Math Fundamentals for Business Studies | 45 |

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| | | | |
|---|----------|--|----|
| 1 | COMP 345 | Introductory Computing | 45 |
| 2 | MGMT 159 | Cash and Investment Decisions | 45 |
| 2 | COMM 202 | Communications II | 45 |
| 2 | MGMT 7 | Human Resources Administration | 45 |
| 2 | BUSN 18 | Microeconomics | 45 |
| 2 | BUSN 20 | Operations Management | 45 |
| 2 | MKTG 14 | Marketing | 45 |
| 3 | BUSN 21 | Org.Theory, Structure & Design | 45 |
| 3 | GNED | General Education Elective | 45 |
| 3 | MGMT 15 | Occupational Health & Safety | 45 |
| 3 | MGMT 17 | Recruitment & Selection | 45 |
| 3 | BUSN 13 | Macroeconomics | 45 |
| 3 | ACCT 11 | Finance & Accounting | 45 |
| 4 | MGMT 18 | Training & Development | 45 |
| 4 | MGMT 1 | Compensation Administration | 45 |
| 4 | COMP 103 | Intermediate Computer Applications | 45 |
| 4 | MGMT 20 | Payroll Administration | 45 |
| 4 | GNED | General Education Elective | 45 |
| 4 | MATH 46 | Bus. Statistics & Quantitative Methods | 45 |

2.1 Program Credential

Ontario College Diploma

2.2 Admission Requirements

OSSD with the majority of credits at the College (C) and Open (O) level, including:

- College (C) English courses (Grade 11 or Grade 12)
- 1 College (C) Math course (Grade 11)

When (C) is the minimum course level for admission, (U) or (U/C) courses are also accepted.

Recommended (but not required for admission):

- Grade 12 College (C) Math

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2.3 Program Learning Outcomes

| Provincial Vocational Program Outcomes <i>MTCU code: 50223</i> | Proposed Program Vocational Learning Outcomes |
|---|---|
| 1. Participate in the recruitment, selection, and retention of employees. | 1. Participate in the recruitment, selection, and retention of employees. |
| 2. Participate in performance management processes. | 2. Participate in performance management processes. |
| 3. Participate in the planning, delivery, and evaluation of employee orientation, training, and development programs. | 3. Participate in the planning, delivery, and evaluation of employee orientation, training, and development programs. |
| 4. Contribute to an organization's success through effective employee relations. | 4. Contribute to an organization's success through effective employee relations. |
| 5. Assist with the administration and communication of the organization's total compensation plan. | 5. Assist with the administration and communication of the organization's total compensation plan. |
| 6. Participate in organizational health and safety policies and practices. | 6. Participate in organizational health and safety policies and practices. |
| 7. Apply current and emerging information technologies to support the human resources function. | 7. Apply current and emerging information technologies to support the human resources function. |
| 8. Implement organizational development strategies aimed at promoting organizational effectiveness. | 8. Implement organizational development strategies aimed at promoting organizational effectiveness. |
| 9. Communicate human resources information accurately and credibly in oral, written, and graphic form. | 9. Communicate human resources information accurately and credibly in oral, written, and graphic form. |
| 10. Plan and act on personal professional development plans to achieve ongoing competence in human resources professional practice. | 10. Plan and act on personal professional development plans to achieve ongoing competence in human resources professional practice. |
| 11. Identify the human resources component of a business plan. | 11. Identify the human resources component of a business plan. |
| 12. Assist in the collection and analysis of human resources data. | 12. Assist in the collection and analysis of human resources data. |

3 Market description

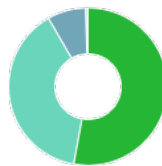
Human resources professionals falls under NOC code 1121 and has the following description: Human resources professionals develop, implement and evaluate human resources and labour relations policies, programs and procedures and advise managers and employers on human resources matters. Human resources professionals are employed throughout the private and public sectors, or they may be self employed (EMSI, 2016).

3.1 Student Market

Prospective direct entry students often are reluctant to commit to a 3 year advanced diploma in a specific field. Instead, their preference is moving towards 2-year diplomas to determine whether they enjoy the program. However, these same students demand pathways. The proposed 2 year diploma is a new exit point for students (currently we only have the 3 year advanced diploma) that allows for a pathway to University Degree or our current 3 year advanced diploma in Human Resource Management.

EMSI (2016) reports that 52.9% of Human Resources professionals completed career, technical or pre-university programs and 38.8% come from B.A. programs.

Regional Completions by Award Level

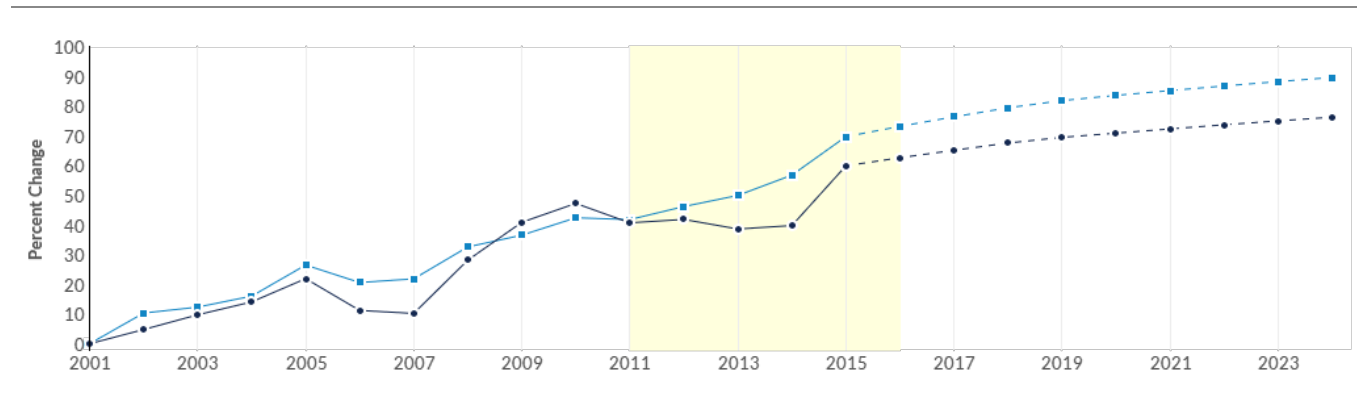


| Award Level | Completions (2011) | Percent |
|---|--------------------|---------|
| ● Career, technical or pre-university program | 1,247 | 52.9% |
| ● Bachelors degree | 915 | 38.8% |
| ● Masters Degree | 184 | 7.8% |
| ● Doctors Degree | 12 | 0.5% |

4 Labour Market Environment

As can be seen in Figure 1, human resource professionals are currently in demand, growing at 15% from 2011-2016. Demand is expected to grow the coming years, but at a slower pace (EMSI, 2016).

Regional Trends



| Region | 2011 Jobs | 2016 Jobs | Change | % Change |
|----------|-----------|-----------|--------|----------|
| ● Region | 32,825 | 37,932 | 5,107 | 15.6% |
| ● Nation | 72,766 | 88,859 | 16,093 | 22.1% |

Figure 1. Regional growth trends for human resources professionals (NOC 1121) (EMSI Analyst, 2016)

4.1 Competitive Environment / Comparable Programs

As pathways into university have become more common and the demand for program choice has grown, so too have the number of two-year Human Resources diploma programs. According to www.ontariocolleges.ca, the following Ontario Colleges currently offer two-year Human Resources Diplomas:

| | | |
|---------------|--------------|--------|
| La Cite | George Brown | Durham |
| Confederation | St. Lawrence | |
| Fanshawe | Sheridan | |

By contrast, the following Ontario Colleges offer three-year Advanced Diplomas in Human Resources:

| | | |
|----------|----------|---------|
| Northern | Sheridan | Niagara |
|----------|----------|---------|

| | | |
|--------------|---------------|-----------|
| Centennial | St. Lawrence | Fleming |
| George Brown | Algonquin | St. Clair |
| Georgian | Fanshawe | Durham |
| Seneca | Confederation | |

Aside from La Cite, all colleges that offer a two-year program also offer a three-year program. While these colleges range dramatically in size and geographic location, most have internal and/or external degree pathways for graduates of their two-year program. In particular, St. Lawrence and Durham, Fleming’s main competitors, both have 2+2 pathways established with the University of Ontario Institute of Technology (UOIT).

5 Student benefit, selling argument

5.1 Student Needs / Requirements

In today’s environment of declining domestic enrollment and increasing competition from both the private and public sector, successful post-secondary institutions will be those that offer the widest selection of credentials, pathways to further study and, ultimately, career opportunities for their graduates.

5.2 Student Benefits

Students will benefit from an increase in program choice. We will also pursue a 2+2 pathway agreement with UOIT, and in time, Trent University, giving our diploma graduates a streamlined opportunity to earn a local university degree. Attainment of a degree will permit our graduates to pursue the Certified Human Resources Leader (CHRL) professional designation. Currently, a university degree is necessary to pursue the CHRL designation so creating a clear route toward this terminal designation is imperative.

In addition, the re-organization of the 2-year curriculum to meet diploma requirements creates for us an opportunity to focus the third year in our Advanced Diploma on work-integrated learning. Students who choose to remain at Fleming for their third year of study will benefit from a series of semester five courses that prepare students for a full-time, four-month field placement in semester six. This extended exposure to high-quality human resources work settings will give our advanced diploma graduates exceptional real-world entry-level experience that can be parlayed into meaningful employment or used to enhance and inform future educational pursuits.

5.3 Value Proposition

Human Resources programs at Fleming College offer an incredible selection of choice and opportunity. Stay for two years to complete your diploma and qualify for a variety of degree completion pathways in as few as two extra years or continue your studies at Fleming for another year to experience “game changing” work-integrated learning, earn an advanced diploma and complete coursework criteria qualify for the CHRP designation.

6 Strategic Mandate Agreement Alignment

The SMA calls for increasing pathways for students, and outlines the School of Business as a core program area. A 2 year human resources diploma helps us grow our core programming, while offering more flexibility to students.

7 Driving the Academic Plan

7.1 Delivery Mode

Face-to-face

7.2 Indigeneous Emphasis

N/A

7.3 Pathways

Upon receiving approval for our two-year Human Resources diploma, a 2+2 pathway will be immediately explored with UOIT. We also plan to pursue new pathway discussions with Trent University. Recently a seamless 2+2 pathway agreement was formed between our Accounting diploma and Trent's Bachelor of Business Administration. We are hopeful this will pave the way for future agreements in related fields of study.

8 Launch Plan

Our plan will be to launch our two-year Human Resources diploma in the Fall of 2017. As previously described, this program is not a stand-alone offering, therefore, missing our typical marketing and recruitment cycle for new programs is not a concern.

9 Financial

In order to demonstrate the financial feasibility of the new two-year Human Resources Diploma, the following pro-forma income statement was developed for the Advanced Diploma, factoring in expected attrition through graduation at the end of semester four.

Sir Sandford Fleming College - Program Costing

Program Name: BAH

(All values expressed in current dollars)

| | | |
|-----------|----------|-----|
| Enrolment | (NOTE A) | 131 |
|-----------|----------|-----|

Revenues

| | |
|-------------------------------|-------------------|
| Tuition and Grant Revenue | 462,689 |
| MTCU Operating Grant Received | |
| Total | \$ 462,689 |

Expenses

| | |
|-----------------|---------|
| Academic Direct | 207,514 |
|-----------------|---------|

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| | |
|-----------------------------|--------|
| Program Coordinator | 22,300 |
| Part Time Support | - |
| Course Supplies | 5,000 |
| Dean & Other academic costs | 44,187 |

| | |
|--------------|-------------------|
| Total | \$ 279,001 |
|--------------|-------------------|

Net Contribution or (Cost) of Proposed New Program before Overheads **(NOTE B) 183,688**

Contribution % **39.7%**

Startup and Replacement Capital Costs
Development Costs

College Overhead **150,837**

| | |
|---|-----------------|
| Net Contribution or (Cost) of Proposed New Program | \$32,851 |
|---|-----------------|

| | |
|-----------------------------|------------------|
| Cumulative Cash Flow | \$183,688 |
|-----------------------------|------------------|

Assumptions:

1. Dean and other academic administrative expenses allocated at 9.55% of revenue
2. College overhead is allocated at 32.6% of revenue

NOTE A:

| | |
|-------------------|----|
| Current Enrolment | |
| Sem 1 Combined | 15 |
| Sem 2 Combined | 18 |
| Sem 3 | 19 |
| Sem 4 | 16 |
| Sem 5 | 15 |
| Sem 6 | 13 |
| | 96 |

| | |
|--------------------|----|
| Proposed Enrolment | |
| Sem 1 | 30 |
| Sem 2 | 27 |
| Sem 3 | 25 |
| Sem 4 | 25 |

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| | |
|-------|-----|
| Sem 5 | 12 |
| Sem 6 | 12 |
| | 131 |

Increase in Enrolment 35

NOTE B:

| | |
|--|------------------|
| Current Net Income | \$136,551 |
| Possible Additional Revenue from increased enrolment | 118,650 |
| Cost of New Full Time Faculty | - |
| Savings in PT/PL | (115,000) |
| Changes in Overhead and Non-salary costs | 41,125 |
| Revised Net Income | <u>2,362</u> |
| Revised CTO | <u>\$183,688</u> |
| | 39.7% |

10 Risks

| Event | Seriousness ¹⁾ | Probability ¹⁾ | Risk = Seriousness x Probability | Preventive actions |
|---|---------------------------|---------------------------|----------------------------------|---|
| Low Fleming enrolment | 5 | 3 | 15 | <ul style="list-style-type: none"> • Create a clear and concise value proposition. • Considerable marketing efforts for the first 2-3 years, including marketing heavily within current Fleming diploma programs. |
| Eligibility to pursue the CHRL may be extended to graduate certificate holders in Human Resources | 1 | 5 | 5 | <ul style="list-style-type: none"> • Investigate pathway agreements with Colleges that offer a graduate certificate in Human Resource. |

11 Implementation

11.1 Responsible School

The School of Business

11.2 Staffing Requirements

This program will be staffed with a combination of existing full time and contract faculty

11.3 Space Requirements

No changes

11.4 IT requirements

No changes

11.5 Delivery time

Face-to-face

12 Appendix A)

Request for PAC Feedback and Responses:

The following message was sent to all Human Resources PAC members in the autumn of 2015:

In response to feedback at our Program Advisory Committee in November, 2015, changes are being proposed to the HR Program at Fleming College. Feel free to contact myself or Melinda Clarke at mclarke@nexicomgroup.net should you have any questions with regard to the attached document.

To summarize, we are proposing to move forward with a full semester, four-month placement in the final semester of the three year program. Additionally we are proposing to add a two year program that allows students to receive a Diploma in Human Resources Management after two years. The two year Diploma would then allow us to partner with a University to develop a bridging program whereby a two year Human Resources Diploma graduate would direct enter into the third year of a four year Degree program. Please read the attached for details.

Melinda Clarke, Chair, Program Advisory Committee (PAC) – Business Administration – Human Resources Management, has had an opportunity to review the attached proposal

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and has indicated that she is supportive of it being sent out to members of the PAC for their review, consideration and feedback. The attached is being sent on her behalf.

Melinda is hopeful we can receive your feedback by Thursday, September 15, 2016. Your feedback can be sent via email to both Melinda Clarke, PAC Chair and myself, Joanne Tully, Program Coordinator.

PAC member written responses were collected and recorded in the following chart:

| PAC Member | | Comments |
|---------------------------------|-----------------------------------|--|
| Sheena Thornton | IPSOS | I completely agree with this initiative. It's a win win for both the employer and the student. |
| Susan Redhead | Campbellford Memorial Hospital | I support the proposed changes to the HR Program at Fleming College with the following comments and recommendations for your consideration: My only concern is having enough employer support to place students for a full semester. As an employer, I would be challenged to find a spotC6:U6 to put someone for that time period, having a computer for them to work at, and a phone to use. Is there any chance of a financial incentive for employers, ie. one college we work with pays \$110 for a week of practical. Having said that, I think getting that much experience would be very beneficial to good quality students who are engaged in the process and as an employer, if I could support a student, I would want to. Those students who struggle or who are not very engaged or motivated would make employers frustrated and may result in them not wanting to participate again. I think the 2-year with degree bridge is an excellent idea. |
| Alison Garbutt | Nightingale Nursing Registry Ltd. | I am in agreement with the proposed changes to the HR Program at Fleming College |
| Sherin Boovariwala | SGS Canada Inc. | <p>I support the proposed changes to the HR Program at Fleming College with the following comments and recommendations for your consideration: I have a couple of questions with regards to the proposed changes.</p> <p>1) Will the opportunity for field placement be offered on the two year program? I understand that it will be unrealistic to devote an entire semester of the two program to a field placement, however I do see the value in having students complete a 40 hour placement during the two year term.</p> <p>2) A student who enrolls in the two year program, and then completes two years at the university level, will this student than have the sufficient courses required to write their CHRP?</p> <p>3) The full semester field placement on the three year term will provide a really great learning opportunity for the students. As an employer I might have concerns with the quality of work, and would want to understand what my role is in terms of dealing with poor performance. I would also appreciate the choice to pay the student. We often find that the quality of work is "better" when someone is receiving compensation for the job being done.</p> <p>Otherwise I am in full support of these proposed changes. I do believe that these changes will help Fleming to stand out as the college of choice, and will strengthen the enrolment numbers for the HR program.</p> |
| Melinda Clarke | Nexicom | I fully support the proposed changes to the HR Program at Fleming College. I feel that the full semester field placement will benefit both students and employees. The student's will get the experience they need for the workforce. The employer will be able to give the students more relevant work and projects as there will be more time spent with the student. The Pathways program, combining College and University courses will allow employers to choose from a more skilled workforce and the students get the training they need in this competitive market. |
| Karen McGee Deborah Timperio | City of Peterborough | <p>I support the proposed changes but with the following amendments:</p> <p>1. Can the two year Program provide one course as Coop or Internship? Instead of one of the 'elective' or non-core courses, I would highly suggest a concentrated internship at a Union company or with a Union. Thus when they come to University, they have some experience gained. They are better able to determine if they want to pursue the 2+2 pathway and they have experience upon graduation. They University does not provide any hands on or internship capabilities. It would become more attractive.</p> <p>2. I can't stree the "Union" experience. This is a huge barrier to obtaining employment in this area. The majority of facilities requiring higher levelHR are required to have Union experiences. We are missing the mark with industry in my experience on both ends of the spectrum.</p> <p>Enquiry: with the three year business diploma - what year would the graduate be going into? Would that be the same as the two year - to enter into 3rd year University but with experience and ability to write the CKE?</p> |
| Matthew Savino | | I support the proposed changes to the HR Program and have been involved with Graduates as a workplacement/mentorship and otherwise in the community. As a long standing Advisory Committee member, I understand that enrolment is challenging and the diversity in these offerings will position the HR Program to be attractive to a wider pool of applicants. The HR Profession is in a stage of change. These offerings support those cvhanges by providing avenues for students to achieve either the CHRP or the CHRL designation. |
| Nancy Dennis | Peterborough Utilities | I fully support the proposed changes to the HR Program at Fleming College. This is a good stream for |

BOARD BRIEFING REPORT

SUBJECT: New Fleming College Certificate Program - Hydronics
Submission to: Public Board Meeting
Meeting Date: November 23, 2016
Requested Action: Decision / Approval

Agenda Item 5.3 c)

1. CONTEXT / PURPOSE

A report to obtain approval to add a one-year Fleming College Certificate to the School of Trades and Technology program mix, to be offered in partnership with Northern Alberta Institute of Technology (NAIT).

2. BACKGROUND

The proposal for Hydronics is responsive to the construction sector's emphasis on sustainability, energy management, reduced carbon emissions, air quality, plumbing and design concerns related to building heating and cooling with implications for building construction and its development in relation to the environment and energy. Today's architects, engineers, tradespersons and managers require a knowledge base not only in their specialization, but also skills and knowledge of building construction, energy efficiency, plumbing and heating and cooling plans related to Hydronics.

To meet this need for skilled trade professionals who work in the field of Hydronics, Fleming College is proposing an Ontario exclusive one-year Fleming College Certificate program for certified Hydronics installers and designers in conjunction with Northern Alberta Institute of Technology. At the completion of this program, graduates will have the skills and knowledge to fill these employment gaps in companies who construct, design, audit, and manage hydronic systems.

Attachments:

- Business Case

3. ANALYSIS / PROPOSED OPTIONS

Detailed analysis is provided in the business case.

4. ASSESSMENT OF POTENTIAL RISK – required for all matters requiring Board decision/approval

Category (select all that apply): Strategic Compliance Operational Reputational N/A

| Risks that would impact or jeopardize the success of the proposal or project | Likelihood High / Medium / Low | Impact High / Medium / Low |
|--|-----------------------------------|-------------------------------|
| If the market doesn't move to mandatory certification and instead allows "on the job" training, enrolment could decrease | Low | Medium |
| This program currently is built on licensing with NAIT. As such, there is risk related to curriculum ownership. | Low | Medium to Low |

Additional risks may be identified here: N/A

Actions proposed to prevent / reduce the likelihood of the risk occurring or to reduce the severity of / manage the risk

The Canadian Hydronics Council has aggressive growth targets that they hope to achieve through strong marketing efforts focused on Hydronics as a superior comfort heat that is highly efficient, reliable, clean and quiet. The goal is to increase market share by advertising Fleming College alongside NAIT and BCIT (British Columbia Institute of Technology) as an education provider. Fleming will be the sole Eastern Canada provider of this curriculum.

As well, through the Ontario College of Trades, the scope of practice for Licensed Plumbers is being expanded to include this specialization, making this attractive to those already in the field.

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN / VISION / MANDATE

- Increase hands-on work-integrated-learning experiences for students.
- Increase continuing education offerings within the School of Trades and Technology.
- Expansion of scope of practice.

6. RECOMMENDATION *(if a decision is requested, provide a motion for Board consideration.)*

THAT the Board of Governors of Sir Sandford Fleming College approve the Fleming College Certificate in *Hydronics* with an implementation date of September 2017.

AUTHORED BY: Maxine Mann, Dean of the School of Business and Trades and Technology

1 Executive Summary

The construction sector in Ontario and Canada has an emphasis on sustainability, energy management, reduced carbon emissions, air quality, plumbing and design concerns related to building heating and cooling with implications for building construction and its development in relation to the environment and energy. Today's architects, engineers, tradespersons and managers require a knowledge base not only in their specialization, but also skills and knowledge of building construction, energy efficiency, plumbing and heating and cooling plans related to Hydronics. These projects include residential, commercial, industrial and institutional developments, projects with potential urban, rural and Indigenous communities. A knowledge of the legislation and laws as well as municipal guidelines with relation to the National building code is essential for today's tradespersons who wish to work with planners, designers and building officials. New potential legislation in regards to trades qualifications and scopes of practice in the trades are anticipated to generate a marketable need for Certified Hydronics Installers and Designers.

To meet this need for skilled trade professionals who work in the field of Hydronics, Fleming College is proposing an Ontario-exclusive Continuing Education one year Fleming College Certificate program for certified Hydronics installers and designers in conjunction with Northern Alberta Institute of Technology. At the completion of this program, graduates will have the skills and knowledge to fill these employment gaps in companies who construct, design, audit and manage hydronic systems. Demand for this certification, like many other skilled trades, has increased in recent years and will continue to grow. Furthermore, the scope will expand due to consumer, industry and legislative requests. Graduates of this program will have their Canadian Hydronics Council Certification. This graduate will be trained in both the theory and application of installation and design.

2 Program description

The School of Trades and Technology is proposing a new Hydronics installer and designer certification program. This program aligns with the College's Strategic Mandate Agreement and the School of Trades and Technology's vision to become the industry leader in Continuing Education for Tradespeople.

Hydronics is the use of water or another liquid heat transfer medium such as glycol as the heat-transfer medium in heating and cooling systems. Some of the oldest and most common examples are steam and hot-water radiators. Historically, in large-scale commercial buildings such as high-rise and campus facilities, a hydronic system may include both a chilled and a heated water loop, to provide for both heating and air conditioning. Chillers and cooling towers are used separately or together as means to provide water cooling, while boilers heat water. A recent innovation is the chiller boiler system, which provides an efficient form of HVAC for homes and smaller commercial spaces.

The program would be done in a Continuing Education format which would allow those already working in the field of Plumbing, HRAC, Water and Wastewater to upgrade their skills for employability. It would include courses such as alternative heat sources, residential mechanical ventilation systems, blueprint reading, heat transfer units and boiler and piping installation.

Successful graduates would be prepared for certification by Fleming College and the Canadian Hydronics Council. Graduates could pursue certification as a Hydronics Designer or Installer or both.

Currently the proposed format would consist of 6 modules. Completion of 3 modules in the “Designer” stream would achieve a Fleming College “Hydronics Designer Certificate” and completion of the 3 modules in the “Installer” stream would result in the award of a Fleming College “Hydronic Installer Certificate.” Of course, some students might choose to complete both streams.

2.1 Proposed Credential

| | |
|--|---|
| <input checked="" type="checkbox"/> Fleming College Certificate (In-House; Locally Approved) | <input type="checkbox"/> Ontario College Advanced Diploma |
| <input type="checkbox"/> Ontario College Certificate | <input type="checkbox"/> Ontario College Graduate Certificate |
| <input type="checkbox"/> Ontario College Diploma | |

Table 2. Program Credential

2.2 Proposed Delivery Format

- Traditional Classroom / Lab
- Fully On-line
- Blend of Classroom and On-line
- Work Integrated Learning / Placement / Co-op / /Field Work Elements

2.3 Proposed Admission Requirements

Prospective students would need a certificate in Plumbing and/or a diploma in HRAC.

2.4 Program Learning Outcomes

| Designer Certificate | Hrs | Installer Certificate | Hrs |
|--|------------|--|------------|
| Hydronic Designer Core 1 online (online seminar / lab) | 60 | Hydronic Installer Core 1 (online seminar / lab) | 60 |
| Hydronic Designer Core 2 (online seminar / lab) | 60 | Hydronic Installer Core 2 (online seminar / lab) | 60 |
| Hydronic Designer Core 3 (online seminar / lab) | 60 | Hydronic Installer Core 3 (online seminar / lab) | 60 |

Table 1. Program Design

Hydronic Designer Certificate

The graduate has reliably demonstrated the ability to

1. Select and use a variety of hydronic-based heating, refrigeration, and air-conditioning tools safely and properly.
2. Design and prepare electrical, mechanical, and piping shop drawings for hydronic-based heating, refrigeration, and air-conditioning systems.
3. Work safely and in accordance with all applicable acts, regulations, legislation, and codes to ensure personal and public safety.

Hydronic Installer Certificate

The graduate has reliably demonstrated the ability to

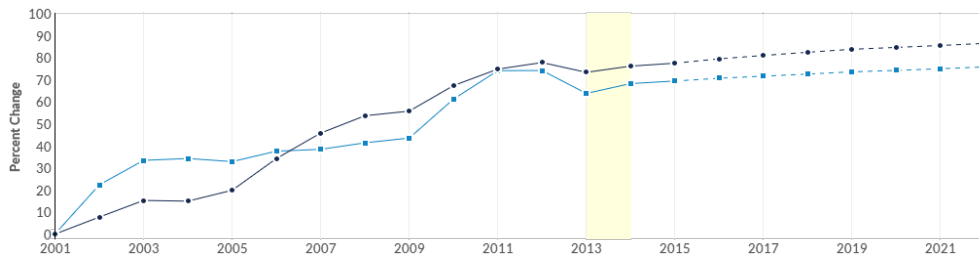
1. Install, service, and troubleshoot a variety of hydronic-based heating, refrigeration, and air-conditioning systems and associated components.
2. Interpret electrical, mechanical, and piping shop drawings for hydronic-based heating, refrigeration, and air-conditioning systems.
3. Work safely and in accordance with all applicable acts, regulations, legislation, and codes to ensure personal and public safety.

3 Market description

3.1 Market Potential

There is currently no NOC code that corresponds specifically to Hydronics. Many job postings that include Hydronics are looking for someone at the foreman/forewoman/ supervisory level, so this report uses that NOC code: Contractors and Supervisors, Pipefitting Trades (NOC 7213). However, many postings for plumbers and HVAC/HRAC mechanics/installers also include hydronics qualifications, so data from NOC codes 7251 (Plumbers), 7252 (Steamfitters, Pipefitters and Sprinkler System Installers), and 7313 (Refrigeration and AC Mechanics) is also included.

Regional Trends



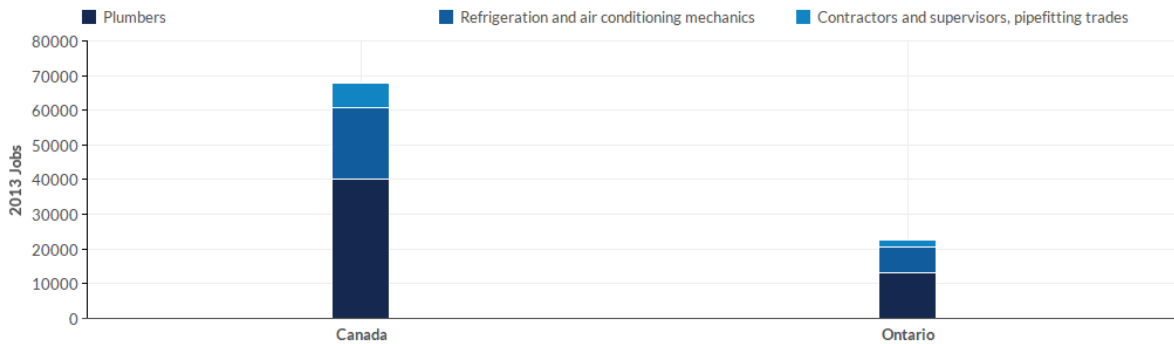
| Region | 2013 Jobs | 2014 Jobs | Change | % Change |
|-----------|-----------|-----------|--------|----------|
| ● Canada | 67,900 | 69,005 | 1,105 | 1.6% |
| ● Ontario | 22,784 | 23,403 | 619 | 2.7% |

(Source: EMSI Analyst)

The Canadian Hydronics Council has aggressive growth targets that they hope to achieve through strong marketing efforts focused on Hydronics as a superior comfort heat that is highly efficient, reliable, clean and quiet. The goal is to increase market share by

Fleming College would be listed alongside NAIT and BCIT (British Columbia Institute of Technology) as an education provider.

Occupation Breakdown - 2013 Jobs



| Occupation Description | Canada | Ontario |
|--|---------------|---------------|
| H111 Plumbers | 40,032 | 13,075 |
| H413 Refrigeration and air conditioning mechanics | 20,875 | 7,668 |
| H013 Contractors and supervisors, pipefitting trades | 6,993 | 2,040 |
| Total | 67,900 | 22,784 |

(Source: EMSI Analyst)

3.2 Competitive Market

Presently there are no other providers of this program at other colleges in Ontario. NAIT is offering Fleming exclusive rights to their fully developed, fully online Hydronics program within Ontario.

4 Student benefits

4.1 Student Needs / Requirements

Students are looking for more marketable skills. In the plumbing and HRAC profession, it is easier to obtain high paying, stable employment if you have a broad range of skills.

4.2 Student Benefits

Build on plumbing / HRAC skills in a fast growing area. Delivered online, so plumbing and HRAC graduates don't need to stop working in order to upgrade/add skills to their resume.

4.3 Value Proposition

High demand skills delivered in a format that allows students to continue working in their chosen field during their studies. This enables students to build their work and academic experience simultaneously and affords them opportunities to grow in their positions as they complete modules in the program.

5 Strategic Mandate Agreement Alignment

Trades and Technology growth was one of the core areas of the present SMA. This particular program builds upon the highly successful plumbing and HRAC programs that currently exist in the Kawartha Trades and Technology Centre (KTTC), offering students additional career choices.

Build a differentiated portfolio that meets regional demand and includes program specialization.

And

Collaboration and pathways for students.

Fleming will be the only Ontario College offering Hydronics (differentiated portfolio) and allows for further specialization for plumbers and HRAC graduates (pathways for current and past graduates).

6 Driving the Academic Plan

6.1 Delivery Mode

This program will be delivered as a blend of online seminars and face-to-face labs.

6.2 Indigenous Emphasis

This program will not have Indigenous Emphasis as it is a certificate program aimed at a specific trade with strict program learning outcomes.

6.3 Pathways

Students graduating from our current HRAC diploma and Plumbing certificate could take this program, allowing them to add additional skills to their resume, in an area that is growing.

7 Launch Plan

This program will be launched in September 2017. This program will be marketed to individuals currently in our plumbing and HRAC programs, and marketed externally similarly to current continuing education offerings.

8 Financial

It is anticipated that more students would select installer at program launch, but this may shift as the industry moves to accreditation and more students are familiar with the program and learning mode (online).

Tuition per Course \$750.00

(All values expressed in current dollars)

| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 |
|--|-------------------|------------------|------------------|------------------|------------------|------------------|
| Enrolment | | | | | | |
| Hydronic Designer Core 1 | 10 | 11 | 12 | 15 | 18 | 20 |
| Hydronic Designer Core 2 | 9 | 10 | 11 | 12 | 16 | 18 |
| Hydronic Designer Core 3 | 8 | 9 | 10 | 10 | 14 | 16 |
| Hydronic Installer Core 1 | 20 | 20 | 22 | 25 | 25 | 25 |
| Hydronic Installer Core 2 | 18 | 18 | 20 | 23 | 23 | 23 |
| Hydronic Installer Core 3 | 16 | 16 | 18 | 21 | 21 | 21 |
| | 81 | 84 | 93 | 106 | 117 | 123 |
| Revenues | | | | | | |
| Tuition Fees | \$ 60,750 | \$ 63,000 | \$ 69,750 | \$ 79,500 | \$ 87,750 | \$ 92,250 |
| Other Revenue | | | | | | |
| Total Revenue | 60,750 | 63,000 | 69,750 | 79,500 | 87,750 | 92,250 |
| Expenses | | | | | | |
| Administrative Fees to NAIT | 24,300 | 25,200 | 27,900 | 31,800 | 35,100 | 36,900 |
| Fleming Faculty | 15,764 | 6,279 | 6,952 | 7,924 | 8,746 | 9,194 |
| Course Supplies and Software Costs | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 | 5,500 |
| Dean & Other academic costs | 3,524 | 3,654 | 4,046 | 4,611 | 5,090 | 5,351 |
| Total | \$ 49,088 | \$ 40,633 | \$ 44,397 | \$ 49,835 | \$ 54,435 | \$ 56,945 |
| Net Contribution or (Cost) of Proposed New Program before Overheads | | | | | | |
| | 11,662 | 22,367 | 25,353 | 29,666 | 33,315 | 35,305 |
| Contribution % | 19.2% | 35.5% | 36.3% | 37.3% | 38.0% | 38.3% |
| Development Costs | | | | | | |
| | 5,000 | | | | | |
| College Overhead | | | | | | |
| | 21,414 | 22,208 | 24,587 | 28,024 | 30,932 | 32,518 |
| Net Contribution or (Cost) of Proposed New Program | | | | | | |
| | (\$14,752) | \$160 | \$766 | \$1,642 | \$2,383 | \$2,787 |
| Cumulative Cash Flow (excluding overhead) | | | | | | |
| | \$6,662 | \$29,029 | \$54,382 | \$84,048 | \$117,362 | \$152,668 |

9 Risks

9.1 Program Risks

This program currently is built on licensing with NAIT. As such, there is risk in relation to curriculum ownership.

9.2 Market Risks

If the market doesn't move to mandatory certification and instead allows on the job training, enrolment could decrease. However, students looking for work (not yet

employed) would still be interested in this program to make their resumes stand out from those that don't have these skills.

10 Implementation

10.1 Responsible School

The School of Trades and Technology will be responsible for this program.

10.2 Staffing Requirements

It is anticipated this program will need 2 PT/Contract Faculty members and some technician time.

10.3 Space Requirements

Lab space is required, the rest of the program is online. However, Fleming currently has the space that will be required. Several existing lab spaces could be used, and since this will be delivered during non-peak times, it should not conflict with current usage.

10.4 IT requirements

No IT requirements beyond normal student access to D2L.

10.5 Delivery time

This program will be offered online – students can access the content during the hours most convenient to them.

HDRO370 - HYDRONIC DESIGNER CORE I

Course Overview

The Hydronic Designer Core I has been blocked into the following core elements that will provide you with the appropriate knowledge to successfully complete your first of three Hydronic Designer exams. Hydronic Designer Core I consists of the following modules:

- Blueprint Reading
- Boilers
- Building Construction
- Heat
- Heat Loss
- System Design Factors

You will have 9 months to complete this core of modules and write your exam. Students can register prior to the 21st day of the month to start the following month. This course is only offered online.

HDRO371 - HYDRONIC DESIGNER CORE II

Course Overview

The Hydronic Designer Core II has been blocked into the following core elements that will provide you with the appropriate knowledge to successfully complete your second of three Hydronic Designer exams. Hydronic Designer Core II consists of the following modules:

- Boiler and Piping Installation
- Heat Transfer Units
- Materials
- Pumps
- Residential Mech. Vent. I
- Scenarios
- System Accessories
- Tube Installation

You will have 9 months to complete this core of modules and write your exam. This course is continuous intake so you may start at any time. This course is available by correspondence or computer-based learning.

HDRO372 - HYDRONIC DESIGNER CORE III

Course Overview

The Hydronic Designer Core III has been blocked into the following core elements that will provide you with the appropriate knowledge to successfully complete your third and final Hydronic Designer exam. Hydronic Designer Core III consists of the following modules:

- Control Wiring

- Controls
- Estimation
- Alternative Heat Source
- Residential Mech. Vent. II
- System Documentation
- System Start-up

You will have 9 months to complete this core of modules and write your exam. This course is continuous intake so you may start at any time. This course is available by correspondence or computer-based learning.

HDRO374 - HYDRONIC INSTALLER CORE I

Course Overview

The Hydronic Installer Core I has been blocked into the following core elements that will provide you with the appropriate knowledge to successfully complete your first of three Hydronic Installer exams. Hydronic Installer Core I consists of the following modules:

- Boiler and Piping Installation
- Boilers
- Heat Transfer Units
- Materials
- Pumps
- System Accessories
- Tube Installation

You will have 9 months to complete this core of modules and write your exam. This course is continuous intake so you may start at any time. This course is available by correspondence or computer-based learning.

HDRO375 - HYDRONIC INSTALLER CORE II

Course Overview

The Hydronic Installer Core II has been blocked into the following core elements that will provide you with the appropriate knowledge to successfully complete your second of three Hydronic Installer exams. Hydronic Installer Core II consists of the following modules:

- Control Wiring
- Controls
- Scenarios
- Basic Electricity

You will have 9 months to complete this core of modules and write your exam. This course is continuous intake so you may start at any time. This course is available by correspondence or computer-based learning.

HDRO376 - HYDRONIC INSTALLER CORE III

Course Overview

The Hydronic Installer Core III has been blocked into the following core elements that will provide you with the appropriate knowledge to successfully complete your third of three Hydronic Installer exams. Hydronic Installer Core III consists of the following modules:

- Estimation
- Alternative Heat Source
- Residential Mech. Vent I
- System Documentation
- System Start-up

- System Design Considerations

You will have 9 months to complete this core of modules and write your exam. This course is continuous intake so you may start at any time. This course is available by correspondence or computer-based learning.

BOARD BRIEFING REPORT

SUBJECT: Transfer of Nogies Creek Property to Kawartha Conservation Authority

Submission to: Public Board Meeting

Meeting Date: November 23, 2016

Requested Action: Decision / Approval

Agenda Item 5.4

1. CONTEXT / PURPOSE

A report seeking approval to transfer redundant, vacant College property to the Kawartha Conservation Authority (KCA).

2. BACKGROUND

Board Agenda Item 3b in the February 18, 2015 Committee of the Whole Meeting included a briefing note and presentation slides outlining plans for a Proposed Nogies Creek Waterway Park Concept that was developed by KCA in partnership with Fleming College, the Municipality of Trent Lakes, Ministry of Natural Resources (MNR), and many other local community stakeholder groups. At the time the Board confirmed its support for the College continuing to pursue these discussions and development of the Waterway Park Concept. A progress update was subsequently provided to the Board at the June 22, 2016 Committee of the Whole meeting in the property update agenda item. Details of the College Property and the Proposed Waterway Park Concept:

The 100 acre property was donated to Fleming's Foundation in 2001 by Jeffrey and Linda Parker. At that time, the property was professionally appraised at \$55,000. In 2014 the property was transferred to the College and the most recent MPAC assessment is \$93,000.

The objectives of the Parker family's donation were outlined in their agreement as follows:

- The property is to be made available for use by the college for the general purpose of research, development, education and training
- The foundation, at its sole discretion, has the right to use all or any part of the property for such purposes as it deems fit, or after 10 years may dispose of all or any part under terms and conditions that the foundation at its sole discretion deems advisable
- If sold, the net proceeds of the sale, less costs incurred, shall be used to benefit the students of the college as the foundation at its sole discretion deems advisable

The property is undeveloped and landlocked with no road access. It has access via a remote section of Nogies Creek, (a form of water access). It is bordered on 3 sides by Crown land (MNR/Province of Ontario), including a fish sanctuary on Nogies Creek. Approximately 6 acres of the property is wetland that is designated *Provincially Significant* by the province.

The eastern border of the property abuts a property that currently has a large and contentious quarry application (Dewdney Mountain Quarry) that has been approved under the Aggregates Resource Act. This quarry development has generated considerable negative, public-facing local community and stakeholder opposition. The Municipality of Trent Lakes and MNR have approved the quarry application; however, it continues to face stiff opposition, and is in the process of undergoing a series of high-profile appeals including the latest from the Curve Lake First Nation.

Given its relatively inaccessible state and low land value, the college currently has no practical or planned use for the property and no reason to hold it as an asset for the long term. The 10 year holding period required by the donors expired in 2011.

The proposed Waterway Park Concept is outlined in the attached presentation that was used to gain support in principle by the Municipality of Trent Lakes. It calls for the College to transfer the property

to KCA for its future protection but, subsequently, the College would be granted indefinite access by KCA and the Municipality of Trent Lakes (via an agreement with the College to use the municipal road allowance) for faculty and students to conduct academic and research activities.

Key Progress Milestones Accomplished since February 2015:

- A land transfer agreement has been developed to facilitate the transfer of the College's property to KCA. This agreement includes an Easement clause guaranteeing access to the College for academic and research purposes indefinitely; this agreement is ready to be executed.
- The Municipality of Trent Lakes' approval has been obtained to enter a Land Use Agreement with the College for a municipal road allowance which will facilitate access to the property. This agreement has been developed by the College and is ready to be signed by both parties; it provides indefinite access to this road allowance into the future. A survey of the road allowance was completed in 2016, and KCA has indicated it may be able to obtain grant funding to reimburse the College for this cost subsequent to the transfer to their ownership.
- The Working Group has continued to develop the model for the Waterway Park Concept, and it is anticipated to be implemented over the next several years. The College's property is viewed as being integral to the success of the Park given its vital role in enabling long term protection to the natural features of the land and shoreline, in particular the fish sanctuary of Nogies Creek. The next Working Group meeting is scheduled for November 24, 2016.

Rob Messervey, CAO of KCA will be in attendance at the November 23 Public Meeting to provide an update on the project and answer the Board's questions.

Attachments:

- Kawartha Conservation Authority presentation to Municipality of Trent Lakes, dated January 20, 2015

3. ANALYSIS / PROPOSED OPTIONS

The College has several options available for this property.

- 1) It could be retained for the future. However it has no academic value to the College in its current state, the College incurs property taxes on it of approximately \$700 per year, and it poses an insurance liability.
- 2) It could possibly be sold; it was appraised at \$55,000 in 2001, and the appraiser indicated at that time that it would be a long time selling and there would be a very limited market for the property. Since then the quarry development has taken place adjacent to the College property. As a result, the most likely sales prospect would be to the adjacent quarry owner. This carries a high risk of negative community and reputational impact for the College.
- 3) It could be transferred to the KCA to establish the Waterway Park Concept. Under this option, the wishes of the original donor to the College would be best met as the property would continue to be able to fulfil an academic purpose, as well as being protected and available for public use.

Administration recommends Option 3.

4. ASSESSMENT OF POTENTIAL RISK – required for all matters requiring Board decision/approval

Category (select all that apply): Strategic Compliance Operational Reputational N/A

| Risks that would impact or jeopardize the success of the proposal or project | Likelihood High / Medium / Low | Impact High / Medium / Low |
|---|---|---------------------------------------|
| Failure to reach transfer terms acceptable to the College | Low | Low |
| The Waterway Park may not ever fully develop | Medium | Low |
| The College may fail to develop a trail on road allowance and/or make use of the property | Medium | Low |

Additional risks may be identified here: N/A

Actions proposed to prevent / reduce the likelihood of the risk occurring or to reduce the severity of / manage the risk

Transfer agreement terms have been mutually agreed upon by both parties and their legal counsel.

The KCA Board has endorsed the receipt of the property.

Frost Campus faculty and senior administration have toured the property, and plans are being developed to access the property in future years for academic field work and research projects.

5. RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN/ VISION / MANDATE

None currently, as the property has minimal value to the College in its present inaccessible state. The recommended transfer has strong community relations benefits and the College will be able to use the property for academic field work and research; this supports the College objective of strengthening its program offerings and student success.

6. RECOMMENDATION *(if a decision is requested, provide a motion for Board consideration.)*

THAT the Board of Governors of Sir Sandford Fleming College approve the transfer of ownership of the Nogies Creek Property to the Kawartha Conservation Authority.

AUTHORED BY: Vice-President Finance and Administration

Nogies Creek Waterway Park Concept

Municipality of Trent Lakes

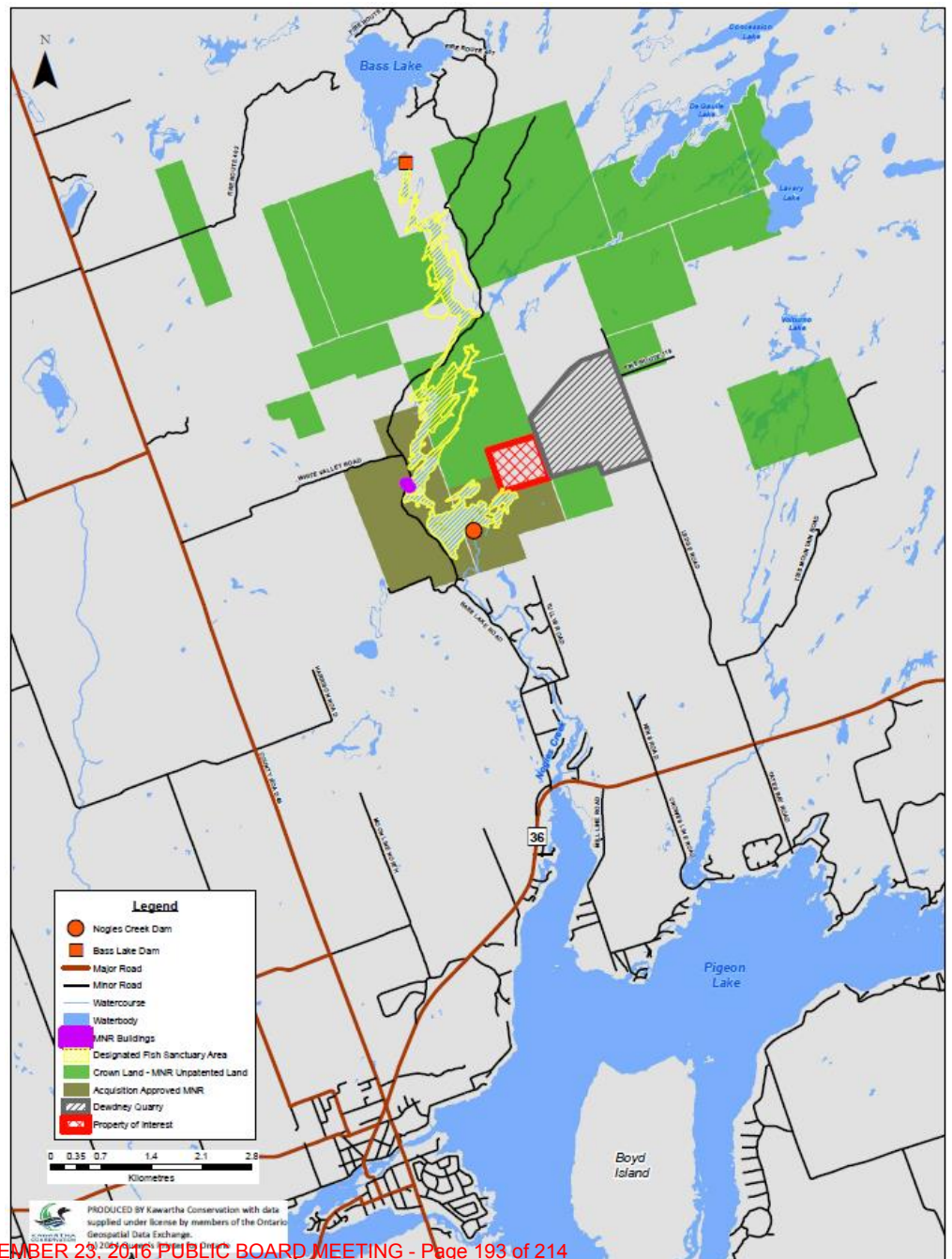
January 20, 2015

Rob Messervey
Chief Administrative Officer
Kawartha Conservation

Seeking Council Support for:

- Concept of a waterway park – Nogies Creek / North Pigeon Lake
- Establishment of a Working Group to develop a conceptual plan, including municipal participation
- Use of Tully's Road / Ken Reid road allowances for pedestrian trail to enable student / faculty access to Sir Sandford Fleming property

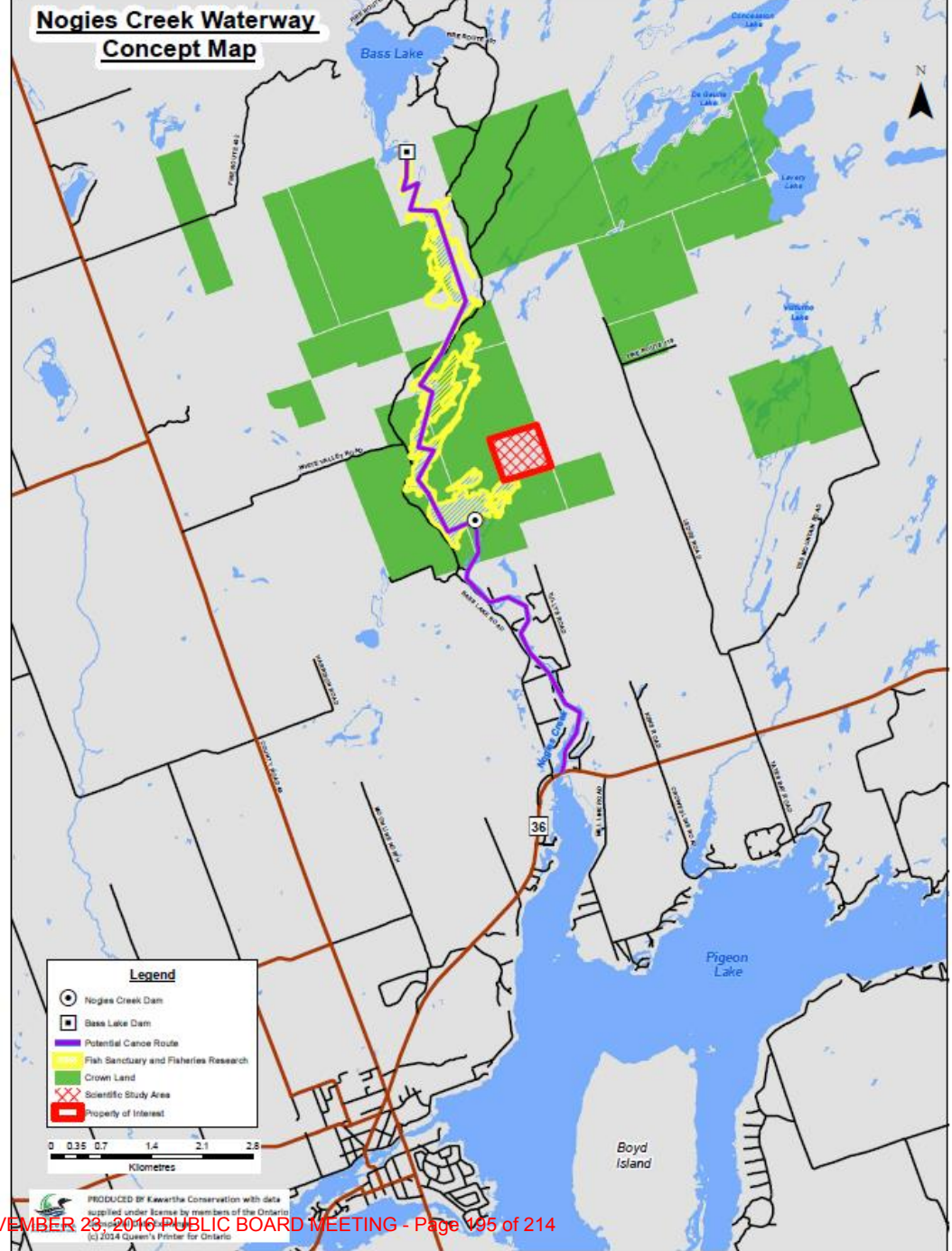
LAND OWNERSHIP MAP



Waterway Park Concept

- Canoe route
- Fish sanctuary and fisheries research
- Scientific study
- Self-guided nature trails
- Interpretive profiling of unique watershed geology, physiography (land between), fishery, natural features (wetlands), forestry and wildlife, cultural heritage
- Recreational linkage with North Pigeon Lake / Boyd Island

WATERWAY PARK CONCEPT MAP



Working Group - Potential Partners

- Sir Sandford Fleming College and Trent University
- Kawartha Land Trust
- North Pigeon Ratepayers Association
- Ministry of Natural Resources
- Curve Lake First Nation
- Muskies Canada
- Kawartha Conservation
- Municipality of Trent Lakes
- Kawartha Lake Stewards Association
- Ontario Federation of Anglers and Hunters
- Snowmobilers / Trail Riders
- Buckhorn District Tourism Association

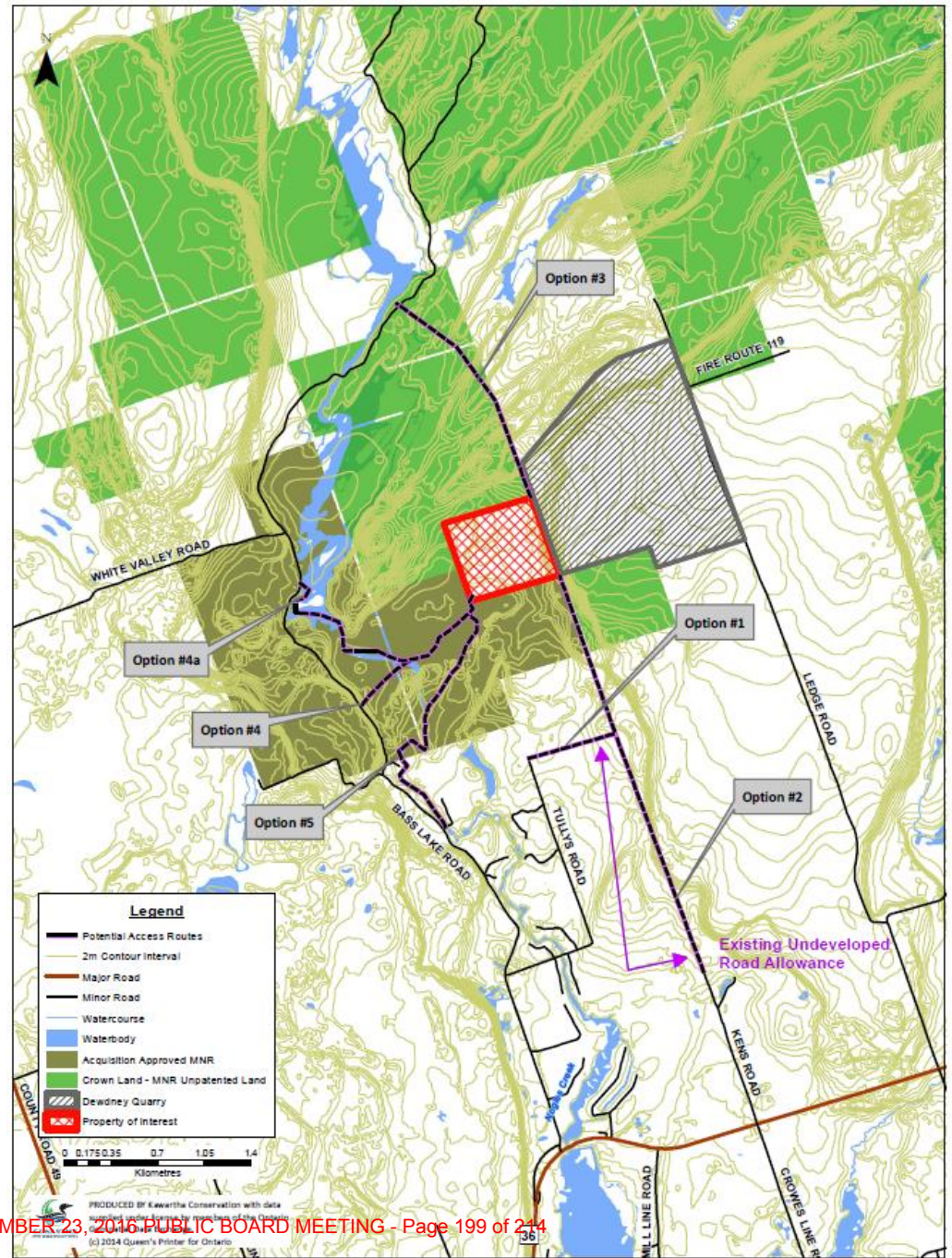
Benefits and Opportunities

- Public access to and appreciation of significant natural area
- Local / regional tourism draw and economic spinoffs
- Partner investment
- Fisheries research program priorities
- Student / faculty scientific studies and research ; group education; school trips and activities
- Public awareness of area – profile to municipality

SSFC Property Access

- College requires commitment of perpetual access to their property by faculty and students as a condition for conveyance of the property to Kawartha Conservation
- Water-based access currently available
- Land-based pedestrian hiking trail access is preferred by College
- Use of road allowances is required
- Municipal approval and agreements required

SSFC PROPERTY ACCESS MAP



Next Steps

Short Term (1 year)

- Working group established (February)
- Concept plan developed and presented to Council (September)
- Partner Commitments confirmed

Next Steps

Long Term (2 - 5 years)

- Plan implementation begins
- Sir Sandford Fleming land conveyance (subject to approval of Board of Governors)
- Further land securement



**School of Environmental &
Natural Resource Sciences**
Frost Campus | Fleming College



**OUR VISION
2013-2016**

Frost Vision Achievements 2013-2016

Natural resources & environmental focus

- Completed a successful logo launch and re-brand of the School of Environmental & Natural Resource Sciences ✓
- Differentiation reflected in program offerings and SMA ✓

Enrich quality & reputation through learning experiences

- Increase in the number of Co-op programs (5 new) ✓
- Growth of international opportunities for students and staff ✓

Business growth & viability

- Moving beyond applied research focused on water and expanding to forestry and aquaculture ✓
- Blended/off site delivery – Forestry program with AEI and GIS remote ✓
- Increased pathways and articulation agreements – 12 signed between 2013-16 ✓



Frost Vision Accomplishments 2013-2016

Maximize our campus infrastructure & facilities

- Completed Frost Master Space Plan 2015 ✓
- Developed 2 wetlands on campus 2016 ✓

Lead in sustainability

- Comprehensive/renewed MOU signed with the City of Kawartha Lakes 2015 ✓
- Creation of an on campus farm ✓
- Introduced the Moveable Feast event ✓
- Introduced the Lindsay/Peterborough Shuttle service ✓

Nourish long-standing & new partnerships

- New partnerships with the RLPJI, Gamiing & the Trent School of the Environment ✓
- Enhancing partnerships with Kawartha Conservation, MNRF, ROM etc. ✓



From a Powerful Legacy

Fleming Forward

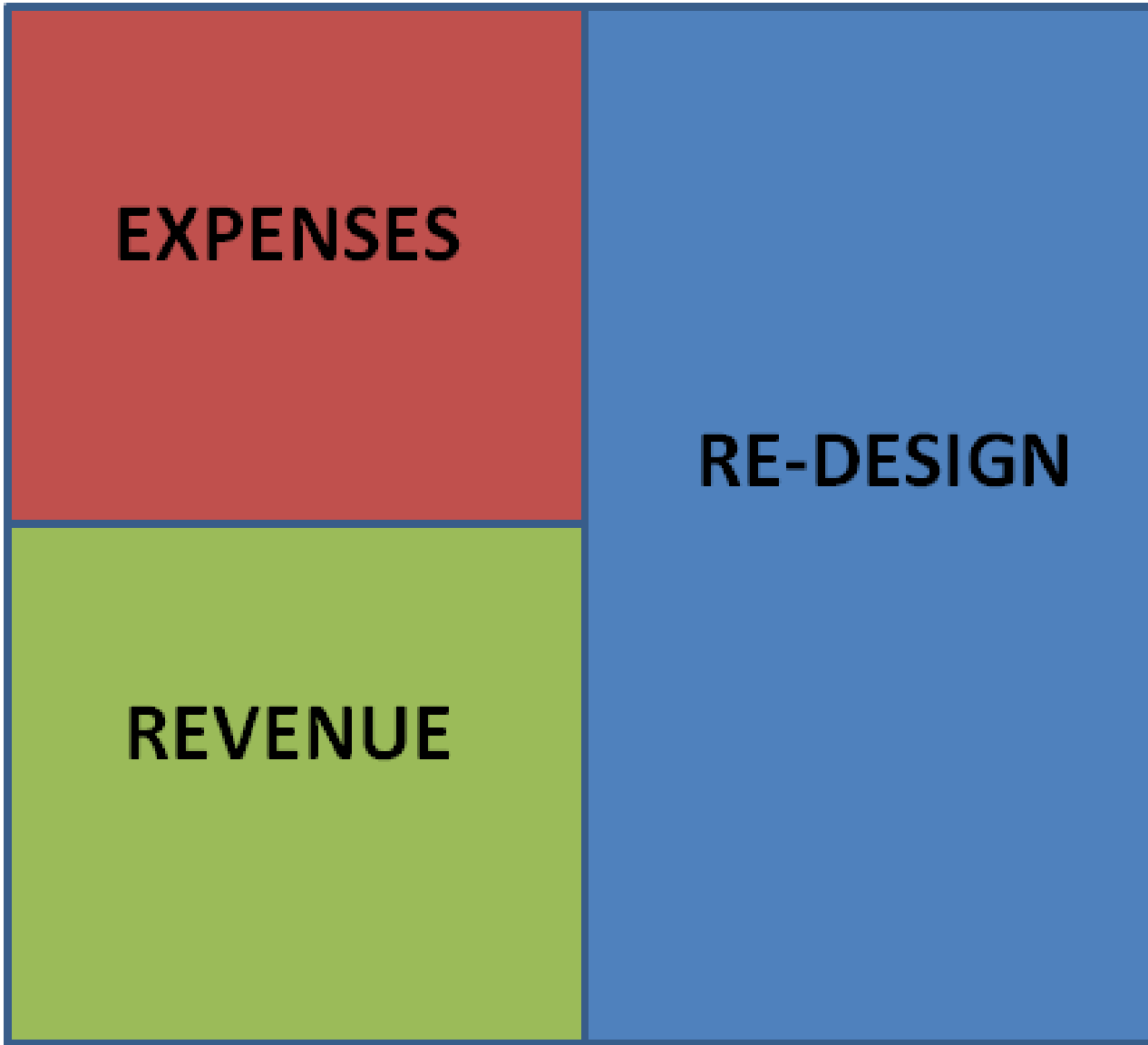
For Our Students

For Our Communities

For Our Employees

FLEMING COLLEGE
STRATEGIC PLAN
2015-2018





Priorities Moving Forward 2017-2020

Deliver outstanding student learning and experiences

- Expand program offerings via online and blended delivery (GIS as a model)
- Cross program and cross school collaboration
- Increase international exchanges and learning opportunities for students, faculty and staff
- Utilize the talents and skills of our faculty and staff in program delivery

Collaborate and prosper with our communities

- Increase our training and program offerings in Indigenous communities
- Expand partnerships with provincial, national and international public and private sector bodies to elevate our profile as a Centre of Excellence



Priorities Moving Forward 2017-2020

Excel as an organization

- Complete the SIF project and continue implementing other phases of the Frost Master Space Plan
- Spotlight on QUALITY through continuous improvement

Enhance financial health and sustainability

- Increase the number Indigenous, women and non-direct students
- Increase international student enrolment at Frost
- Achieve goal of 2000 full time students
- Increase other sources of revenue and decrease expenses



Frost Plan 2017-2020

Coming soon ...

BOARD BRIEFING REPORT

SUBJECT: Status Report - Initiatives Under the Indigenous Education Protocol
Submission to: Public Board Meeting
Meeting Date: November 23, 2016
Requested Action: For Information

Agenda Item 6.2

CONTEXT / PURPOSE

To provide an update on the College's progress on the seven Indigenous Education Principles as defined within the Colleges and Institutes Canada's (CICan) Indigenous Education Protocol.

BACKGROUND

On December 7, 2015, Fleming College signed the Colleges and Institutes Canada's (CICan) Indigenous Education Protocol (IEP). Signing of the IEP symbolized Fleming College's commitment to fortifying relationships with Indigenous communities while embedding intellectual and cultural traditions, as understood by Indigenous peoples, into our curriculum, and activities.

The seven principles of the Colleges and Institutes Canada's (CICan) Indigenous Education Protocol (IEP) are:

1. Commit to making Indigenous education a priority.
2. Ensure governance structures recognize and respect Indigenous peoples.
3. Implement intellectual and cultural traditions of Indigenous peoples through curriculum and learning approaches relevant to learners and communities.
4. Support students and employees to increase understanding and reciprocity among Indigenous and non-Indigenous peoples.
5. Commit to increasing the number of Indigenous employees with ongoing appointments throughout the institution, including Indigenous senior administrators.
6. Establish Indigenous-centred holistic services and learning environments for learner success.
7. Build relationships and be accountable to Indigenous communities in support of self-determination through education, training and applied research.

Attachments:

- Update Report

RELATIONSHIP TO STRATEGIC PLAN / BUSINESS PLAN / VISION / MANDATE

Strategic Plan, Priority 2 – 5.0 *“Work with both local and distinct Indigenous communities to expand and improve programs and services, access, participation, and success rates for Indigenous learners”*

Business Plan Priority 6 - Indigenous Plan – *“Complete a three-year work plan to map out how we will implement the Indigenous Education Protocol (IEP). Implementation will focus on initiatives and programs that attract and support indigenous students, complement experiential learning outcomes, and are aligned with enhanced Indigenous Perspectives programming. Success will be measured by the endorsement of the Aboriginal Education Council (AEC) and the completion of the year one goals*

AUTHORED BY: Vice-President Academic Judith Limkilde and Associate Vice-President Student Services Kristi Kerford

UPDATE ON INITIATIVES UNDER THE INDIGENOUS EDUCATION PROTOCOL

BACKGROUND

On December 7, 2015, Fleming College signed the Colleges and Institutes Canada's (CICan) Indigenous Education Protocol (IEP). Signing of the IEP symbolized Fleming College's commitment to fortifying relationships with Indigenous communities while embedding intellectual and cultural traditions, as understood by Indigenous peoples, into our curriculum, and activities.

The seven principles of the Colleges and Institutes Canada's (CICan) Indigenous Education Protocol (IEP) are as follows:

1. Commit to making Indigenous education a priority.
2. Ensure governance structures recognize and respect Indigenous peoples.
3. Implement intellectual and cultural traditions of Indigenous peoples through curriculum and learning approaches relevant to learners and communities.
4. Support students and employees to increase understanding and reciprocity among Indigenous and non-Indigenous peoples.
5. Commit to increasing the number of Indigenous employees with ongoing appointments throughout the institution, including Indigenous senior administrators.
6. Establish Indigenous-centered holistic services and learning environments for learner success.
7. Build relationships and be accountable to Indigenous communities in support of self-determination through education, training and applied research.

IMPLEMENTATION

An Indigenous Education Protocol (IEP) working group was formed to document our current state, identify future goals, and map out a three-year work plan. Year one will come to a close in the summer of 2017 and planning is currently underway for year two. Work as defined within with seven IEP principles is closely connected to Fleming College's Aboriginal Education Council (AEC) This connection includes acquiring advice, as appropriate, from AEC and providing the Council with regular updates on IEP progress. For additional information (including the three year work plan), please visit the AEC website at:

<https://department.flemingcollege.ca/aec/indigenous-education-protocol/>

PROGRESS TO DATE ON THE SEVEN INDIGENOUS EDUCATION PROTOCOL PRINCIPLES

Principle #1 *Commit to making Indigenous education a priority.*

- When Fleming College was considering signing the Indigenous Education Protocol (IEP), lengthy discussions with Fleming Aboriginal Education Council (AEC) were undertaken. It was strongly felt that we needed to ensure that with the signing also came a sincere commitment to aspire to meet the principles. To ensure that we were committed to making Indigenous Education a priority, a working group and three-year action plan were developed. This included many senior leaders, an accountability framework, and a reporting mechanism to ensure that the Fleming community and the AEC were aware of the efforts and had an opportunity to give feedback. Some of the key initiatives related to this area include research into our past recruitment efforts in order to guide our future work.
- New employee orientation training include information about Fleming's commitment to the IEP and its meaning.
- Initially (at the signing of the IEP) there were two programs that met the Indigenous Perspectives Designation (IPD) requirements. This fall we have begun the process of adding two additional programs with the intention of having several more IPD designated programs by fall 2017.
- A number of programs have made GNED49 a required general education subject for all of their students, even though they may not meet the IPD requirements. GNED49 is the Introduction to Indigenous Studies course which provides a good fundamental grounding for students.
- We are working with the Schools, New Product Development, and the Learning Design and Supporting team to design new Indigenous focussed programming that is aligned with economic, social, and labour market needs of Indigenous communities.

Principle #2 *Ensure governance structures recognize and respect Indigenous peoples.*

- Our current Aboriginal Education Council (AEC) membership includes the Fleming President, Vice-President Academic and Associate Vice-President Student Services. This year we are also working to build a stronger connection between the AEC and our governing bodies.
- Work is being done to ensure that Program Advisory Committee membership for (IPD) programs includes a member of First Nations, Metis or Inuit decent.

Principle #3 *Implement intellectual and cultural traditions of Indigenous peoples through curriculum and learning approaches relevant to learners and communities.*

- As our policies are being reviewed, consideration is given to how we can incorporate cultural traditions. Examples of this include adding a healing circle as a potential option for issue resolution in our Harassment and Discrimination Policy and the inclusion of restorative practice to our student Academic Appeal Policy.
- A new position (Indigenous Education Specialist) is being created to work with the Learning and Design Team to assist faculty to bring Indigenous knowledge into their courses in a variety of ways

Principle #4 *Support students and employees to increase understanding and reciprocity among Indigenous and non-Indigenous peoples.*

- A concerted effort has been made to acknowledge the territory in group meetings. In addition, the acknowledgement was used in the employee orientation as a teaching tool. It provided an opportunity to introduce new staff to the protocol and our commitment as a community.
- Indigenous awareness training has been offered at several school and divisional meetings. As well, several programs have revised their curriculum to include awareness and/or Indigenous history and reparation.

Principle #5 *Commit to increasing the number of Indigenous employees with ongoing appointments throughout the institution, including Indigenous senior administrators.*

- Development of a new Indigenous Education Specialist (title to be determined) position is underway. This person will assist faculty to build content into their courses that embodies the learning approaches and the intellectual and cultural traditions of Indigenous persons as well as reviewing Academic Policies and procedures to ensure they align the values espoused in the IEP. The incumbent will maintain strong relationships with Aboriginal communities, agencies, and employers. They will contribute to business and strategic planning, identifying key Indigenous education institutional deliverables and milestones while ensuring Fleming College's adherence to the vision articulated in (CICan) Indigenous Education Protocol.
- Fleming has increased its reach to Aboriginal Communities through social media. Examples of this include: Fleming and the Curve Lake Employment Officer have been retweeting each other's job postings and LinkedIn job ads are posted in specific groups such as Aboriginal Professional Network and Aboriginal Human Resources.
- As well, Fleming has added the following text under the section "A Diverse Workforce" on our Careers Page: "*Fleming is a signatory to the Colleges and Institutes Canada Indigenous Education Protocol. This historic document reaffirms Fleming's commitment to Indigenous education, hiring, and employment practices and provides a vision of how the College will strive to improve and better serve Indigenous peoples. More information on this document and Fleming's commitment is available here*".

Principle #6 *Establish Indigenous-centred holistic services and learning environments for learner success.*

- We continue to grow our Aboriginal Services as resources allow. This summer we piloted a transition program, Biishkaa, in partnership with Trent University.
- In the coming year, we are hiring a new Traditional Knowledge Keeper role and hoping to be able to increase our access to Elders through partnerships, both between the academic and service divisions, as well as with Trent.
- Aboriginal Student Services "Circle of Care" comprises a group of individuals fully invested in supporting our First Nation, Inuit and Métis students with their individual development and academic success. The "Circle of Care" strives to promote spiritual, physical, mental and emotional wellness, strengthening our connectedness and community.

Principle #7 Build relationships and be accountable to Indigenous communities in support of self-determination through education, training and applied research.

- As mentioned, under principle #1, a key part of signing the protocol was to ensure that we continue to aspire to the guidelines and principles. Our accountability framework and reporting mechanisms assist in being accountable to our Indigenous communities and the Fleming community.
- Our Aboriginal Student Services Coordinator regularly liaises with Aboriginal communities, agencies, and employers in the interest of relationship building, deeper knowledge, and understanding.
- In interest of building and maintaining relationships with Indigenous communities we have recently revised our honorarium for Elders and Traditional Knowledge procedure. Elders and Traditional Knowledge Holders will be recognized appropriately, and with the utmost regard for traditional practices.
- The Indigenous Education Coordinator, in collaboration with Fleming College's Education Pathways department, will be working to develop partnerships with Trent First Peoples House of Learning and other Indigenous Institutes.
- Fleming College signed an articulation agreement with Trent University so that Indigenous students from a variety of programs can transfer into the Indigenous Bachelor of Education program.