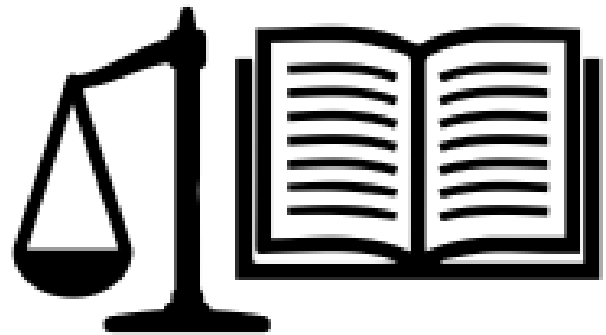


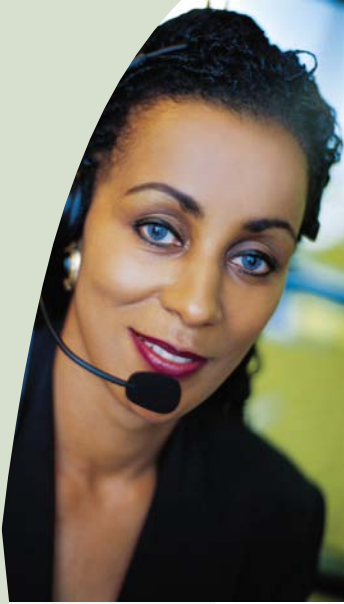
**Fleming College**

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# **How to Ensure That Your Accessibility and Human Rights are addressed at Fleming**





# What to Expect

If you are a student with a Human Rights complaint, you are:

Expected to know and understand your rights and responsibilities. These expectations allow each person to have the opportunity to develop as an individual and contribute positively to the College community.

- 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

## Policy Statement:

The College has three main policies, which discuss accessibility and accommodation. The first, our **Accessibility for Persons With Disabilities Policy** ([#3-341](#) and [Operating Procedure](#)) contains information for the entire College community about accessibility, how to access accommodations, and how the College meets its legislative requirements under the AODA.

The second policy, **Access and Accommodation for Students with Disabilities** ([#7-701](#) and [Operating Procedure](#)) speaks directly to students; and how you can request accommodation due to a disability. It describes the process to determine accommodation requirements, the admissions process; and how to go about resolving a complaint regarding accommodation.

The third policy is **Harassment and Discrimination Prevention** ([#3-311](#) and [Operating Procedure](#)). This policy describes the College's commitment to fostering a working and learning environment free from harassment and discrimination. Its Operating Procedure also contains the process whereby a student or employee who has not received appropriate accommodation under either of the two previous policies may pursue a human rights complaint.



# Reporting a Human Rights or Accommodation Complaint

## If you are a Student

You deserve respect and understanding

### Informal Resolution Process

Informal processes are encouraged as an alternative to a formal complaint process in effort to find mutual conflict resolution between two or more parties.

### How to Proceed

1. Have a dialogue; speak with respondent for possible resolution
2. Request conflict coaching through the College Counselling services
3. Mediation: Request a non-partial third party to coordinate a structured session.
4. Work with the Office of Student Rights and Responsibilities to construct an agreement on how to repair harm, or restore relationships moving forward.

**Please note:** Traditional resolution is available through the Aboriginal Student Services

### 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.

A detailed complaint procedure is available upon request



# Reporting a Human Rights or Accommodation Complaint

## If you are a Student

### Formal Process

If a complaint cannot be resolved through the informal process, a student may initiate a formal complaint process.

### How to Submit

1. Submit a written complaint online through the College Portal.
2. Complaint will be assigned to a Case Manager
3. Case Manager will hear the complaint with procedural fairness to all parties
4. Case Manager will investigate the complaint
5. Case Manager will follow up with a written decision within 15 business days

### 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.

### Appeal Process

Appeals will 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) If you believe you were treated unfairly
- b) There is new information to be presented
- c) The appeal is requested within 10 business days of the decision being made

### Next Steps:

The Associate Vice-President Student Services / Vice President Academic or designate will hear the appeal in the following way:

- Convene a Tribunal to hear the appeal and provide a written decision within 10 business days.

A detailed complaint procedure is available upon request



# Reporting a Human Rights or Accommodation Complaint

## If you are an Employee

You deserve respect and understanding

### Informal Resolution Process

Informal processes are encouraged as an alternative to a formal complaint process in effort to find mutual conflict resolution between two or more parties.

### How to Proceed

5. Have a dialogue; speak with respondent for possible resolution
6. Speak with the Human Rights Officer, or Union rep (if applicable)
7. Mediation: Request through the Human Rights Officer for a non-partial third party to coordinate a structured session.

### Reprisals

Everyone 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.



# Reporting a Human Rights or Accommodation Complaint

## If you are an Employee

### Formal Process

If a complaint cannot be resolved through the informal process, a student may initiate a formal complaint process.

### How to Submit a Complaint

1. Submit a written detailed complaint to your supervisor or Dean
2. Within 10 business days, the Supervisor or Dean along with the Human Rights Officer will meet with complainant and respondent to review the details of the complaint.
3. A report summarizing the findings and the conclusion will be provided.
4. A separate report summarizing the results and any corrective action will be provided within 10 business days.

### Appeal Process

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 15 working days of receiving a decision to the Vice President, Human Resources and Student Services.
2. The 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.



# Reporting a Human Rights or Accommodation Complaint

## If you are an Employee

### Appeal Process

You will be treated  
with dignity

### External Investigation

If the complainant is not satisfied with the outcome of the internal review nor the appeal, they may choose to request an external investigation by doing the following:

1. Submit a written request to the President
2. Within 10 business days, a decision will be made on whether or not to initiate an external investigation.
3. Review the process with the Human Rights Officer
4. An investigator will be contracted
5. Within 30 days, a decision will be made and a draft report provided to the Human Rights Officer
6. A copy will be given to the complainant and respondent for review
7. A final report will be provided to the Executive Officer and VP, Human Resources and Student Services. At such time, they will determine appropriate remedies / sanctions required.

## Contacts

Should you have any questions or comments about making a complaint regarding accessibility at Fleming you may contact any of the following:

### **Red Keating**

Director, Counselling & Accessible Education Services

[red.keating@flemingcollege.ca](mailto:red.keating@flemingcollege.ca)

### **Nick Duley**

Human Rights Officer

[Nick.duley@flemingcollege.ca](mailto:Nick.duley@flemingcollege.ca)

### **Amie Kroes**

Student Rights & Responsibilities Officer

[Amie.kroes@flemingcollege.ca](mailto:Amie.kroes@flemingcollege.ca)

Students may contact their Student Administrative Council (Sutherland Campus) or Student Association (Frost Campus)

Unionized employees may contact their OPSEU representative

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## Fleming College

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**Lynda Staples**

**Accessibility Facilitator**

**Human Resources Department**

The Ontario *Human Rights Code* is for everyone. It is a provincial law that gives everybody equal rights and opportunities without discrimination in areas such as jobs, housing and services. The *Code's* goal is to prevent discrimination and harassment because of race, sex, disability and age, to name a few of the 17 grounds. All other Ontario laws must agree with the *Code*.