

Hello Ryan,

According to the Ontario Human Rights Commission the following is true:

[1] **ON COMPLAINT MECHANISM PRESCRIPTIONS**<sup>1</sup>: With respect to complaints of human rights violations the University of Windsor bears organizational responsibility to uphold the following “minimum” requirements:

At minimum:

- A. Complaints must be acted upon **promptly** when received.
- B. Complaints must be taken **seriously**.
- C. **Appropriate resources** must be applied to resolve complaints.
- D. A **viable complaint mechanism** must be in place and have been **communicated** throughout the organization.
- E. The complaint procedure must ensure a **healthy work environment** is created and maintained for the complainant
- F. Decisions and actions taken by the organization **must be communicated** to the parties.

[2] **ON REPRISALS**<sup>2</sup>: With respect to reprisals, the Ontario Human Rights stance is clearly stated as follows:

- A. Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.
- B. A reprisal has occurred when the following are true:
  - i. Action has been taken or threatened against, a complainant;
  - ii. The alleged action or threat is related to the complainant having claimed, or attempted to enforce a right under the Code; and
  - iii. There was an intention on the part of the respondent to retaliate for the claim or attempt to enforce the right.
  - iv. The alleged action or threat is related to the complainant having claimed, or attempted to enforce a right under the Code; and
  - v. An intention on the part of the respondent to retaliate for the claim or attempt to enforce the right.

**In addition, the following principles are relevant:**

- vi. There is no strict requirement that the complainant has filed a complaint or application under the *Code*, and
- vii. There is no requirement that the Tribunal find the respondent did in fact violate the complainant’s substantive rights to be free from discrimination.<sup>3</sup>

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<sup>1</sup> Complaint Mechanisms: <http://www.ohrc.on.ca/en/policy-primer-guide-developing-human-rights-policies-and-procedures/2-organizational-responsibility-preventing-and-addressing-human-rights-issues>

<sup>2</sup> Reprisals: <http://www.ohrc.on.ca/en/policy-ableism-and-discrimination-based-disability/7-reprisal>

<sup>3</sup> Reprisals: <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions/11-reprisal>

[3] **ON RACIAL PROFILING<sup>4</sup>:**

- A. The OHRC has defined racial profiling as any action undertaken **for reasons of safety, security or public protection** that relies on stereotypes about race, colour, ethnicity, ancestry, religion or place of origin rather than on reasonable suspicion, to **single out an individual for greater scrutiny or different treatment**. Its practice is not limited to any one group of people or particular institution.
- B. The OHRC has stated that racial profiling is, at its heart, a form of stereotyping based on preconceived ideas about a person's character. As human rights are founded on the need to ensure individualized decision-making about individuals, instead of judgments based on presumed characteristics, racial profiling is a form of racial discrimination and can result in applications to the Tribunal.

[4] **ON RESISTING DISCRIMINATION<sup>5</sup>:**

- A. Finally, it is important to note that persons who reasonably believe they are being racially profiled can be expected to find the experience upsetting and might well react in an angry and verbally aggressive manner.
- B. A citizen who honestly and reasonably believes that he or she is being treated **unjustly is entitled to protest vigorously, as long as there is no resort to threatening gestures to accompany the words**. A Tribunal has stated that a person's use of abusive language in these circumstances requires reasonable tolerance and tact and **cannot form the basis for further differential treatment**.

[5] **ON CONDONING BEHAVIOURS<sup>6</sup>:**

- A. The Board finds there is a human rights duty not to condone or further a discriminatory act that has already occurred. To condone or further a discriminatory act would extend or continue the life of the initial discriminatory act. Indeed, it is conceivable that the subsequent discriminatory act or tail-end could be worse in impact than the beginning of the chain of discrimination. The legal duty owed is not just as between employer-employee, service provider-client, landlord-tenant, etc. **The obligation extends to those who become involved in a situation that involves a discriminatory act, who, while not the main actors, are drawn into the matter nevertheless, through contractual relations (i.e., the Ontario Respondents) or otherwise.**
- B. The nature of when a third party or collateral person would be drawn into the chain of discrimination is fact specific. However, general principles can be determined. **The key is the control or power that the collateral or indirect respondent had over the complainant and the principal respondent. The greater the control or power over the situation and the parties, the greater the legal obligation not to condone or further the discriminatory action.** The power or control is important because it implies an ability to correct the situation or do something to ameliorate the conditions. Accordingly, on one end of the spectrum of responsibility, an employer has a legal duty to its employees, agents and even to its customers and clients.

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<sup>4</sup> Racial Profiling: <http://www.ohrc.on.ca/en/what-racial-profiling-fact-sheet>

<sup>5</sup> Resisting Discrimination See Page 20:

[http://www.ohrc.on.ca/sites/default/files/attachments/Policy\\_and\\_guidelines\\_on\\_racism\\_and\\_racial\\_discrimination.pdf](http://www.ohrc.on.ca/sites/default/files/attachments/Policy_and_guidelines_on_racism_and_racial_discrimination.pdf)

<sup>6</sup> Condoning Behaviour See Page 38:

[http://www.ohrc.on.ca/sites/default/files/attachments/Policy\\_and\\_guidelines\\_on\\_racism\\_and\\_racial\\_discrimination.pdf](http://www.ohrc.on.ca/sites/default/files/attachments/Policy_and_guidelines_on_racism_and_racial_discrimination.pdf)

On the other end of the spectrum, a mere bystander would have no duty to another stranger. A customer generally would have no duty to another customer of its supplier.<sup>7</sup>

### **My Narrative of the Incident that Occurred in Assumption Hall<sup>89</sup>:**

Today I attended the Assumption building looking to follow up on an email I had sent on Monday to the President's office. I had sent the president a letter over a month ago detailing my complaints towards the University. I have attended two times in the past, prior to today and spoken with Charlene. The last time I saw her, Charlene informed me that I should send an email to the president's office to book an appointment to follow up. Having done so and receiving no response, I wanted to ensure that the email had sent. When I arrived, the lobby workstation was empty, so I walked around the corner of the lobby into the east facing hallway to search for someone to speak to (I was not certain if she was on vacation). The doors on both sides of the counter were propped wide open and there were several people walking in and out of each. Some of them looked as if they may be students but I was not certain. As I was looking for someone, Charlene appeared from around the far east corner of the hallway looking surprised to see me. She was very upset and visibly shaking (a response I am familiar with by now from University administration). Our interaction was short and recorded. Upon seeing her I asked her "Are you coming back?" She spoke much faster than I've ever heard her speak— indicating to me that my presence there alarmed her. The following is a transcription of our conversation. I have attached the recording as well:

**Jordan:** Hi--

**Charlene:** Hello--

**Jordan:** Are you—are you coming back?

**Charlene:** Not yet. You can go up there and wait for me though—You're not supposed to come back down this way— I think we've had a lot of discussions—you have to send it in writing. You're not gonna--

**Jordan:** I did send it in writing. I did send it in writing— **Charlene:** Did you schedule an appointment today?

**Jordan:** Okay, look—you're going to have to be calm – **Charlene:** "I'm using the washroom

**Charlene:** You can go up to the lobby there and wait there. You're not supposed to come this way you know that—I'm going to the washroom.

**Jordan:** Okay, you're being extremely rude— **Charlene:** Thank you— **Jordan:** You can go to the washroom— **Charlene:** Thank you, go back up there--

**Jordan:** You can go to the washroom, there's nowhere that says I'm not allowed to be in here.

**Charlene:** \*Turns on heel and walks away abruptly\*

I then returned to the lobby and proceeded to wait. I notice Charlene running back and forth in the hallways panicked. A lady came out and asked some of the people in the lobby if she could help them. Under the impression that Charlene was returning, I responded to the lady "No thank you I'm fine". This is the second interaction I had with the staff. I did not scream or shout or act in anyway aggressive. I was calm in my reply to her as is indicated on the recording. Finally, a third staff member came and began closing the hallway door. Noting this, and also noting that I would have no proof

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<sup>7</sup> Condoning Behaviour: <http://www.ohrc.on.ca/en/policy-and-guidelines-discrimination-because-family-status/vii-organizational-responsibility>

<sup>8</sup> Charlene Recording June 31st, 2019: [https://drive.google.com/open?id=1BfABnTuwbDWUSPz0luOVz\\_MnwdHXOHpB](https://drive.google.com/open?id=1BfABnTuwbDWUSPz0luOVz_MnwdHXOHpB)

<sup>9</sup> 2nd AssumptionHall Secretary June 313st, 2019: <https://drive.google.com/open?id=1xFfNUI4euVZz20T3T1aviHBEE-adxRwS>

that the doors were open in the case that I was accused of having forced my way in, I approached her and asked why she was closing the doors. Our interaction was as follows:

**Jordan:** Excuse me?

**Secretary (?):** Hello.

**Jordan:** Is there a reason you're closing that door?

**Secretary (?):** Well, it's supposed to be closed. It's not supposed to be held open. It's a security door.

**Jordan:** Okay. If it's a security door, it seems rather irresponsible to leave it open, doesn't it? That one's open as well (pointing to the one she left open across the hall).

**Secretary (?):** Yes, I know.

**Jordan:** Moreover, it seems irresponsible to shout at students, that are looking for someone to speak to, for walking through an open door. Correct?

**Secretary (?):** Shouting at a student who did that?

**Jordan:** Charlene did.

**Secretary (?):** No, she didn't.

**Jordan:** Are you—(Three police officers enter lobby) is this a joke? Is this a joke right now?

As I spoke to her, three police officers entered the lobby and began approaching me. It was at this point that I realized the police had been called yet again on a matter of my simple presence on campus. I was extremely infuriated and shouted at them that I was doing nothing wrong. I did NOT want to be arrested again. That the police were called is particularly egregious since this is the second time that they've been called when I have dealt with administrative staff in a polite and respectful manner.

According to my records and my evidence the following is also true (with respect to the numbered paragraphs cite earlier):

- [1] **ON COMPLAINT MECHANISM PRESCRIPTIONS:** You and your staff have made an absolute mockery of the prescribed complaint mechanism criteria.
- A. **PROMPTNESS:** Your brazen choices to ignore my complaint of **ONGOING** human rights violations on campus was anything but timely. My complaint was submitted to both of your respective offices on June 19th, 2019. Today, August 1st, 2019, marks 44 days that my complaint has gone unresponded to. As indicated to me by the police officer I spoke with today, some portion of this decision has been due to actual intentional effort to delay on the part of Dr. Kneale<sup>10</sup>. His response, as relayed to me by the CCP Officer I spoke with today, was that he chose not to "touch it" on account of his interim position terminating in "about a week" and his preference not to have a "double-touching" of the matter. Such explanation is meaninglessly convoluted at best, and disgustingly apathetic at worse. In addition to my written letter, I had personally complained to the Office of student experience on the dates of March 26th, 2019 (during my first meeting with Danieli Arbex), and subsequently on March 28th, 2019 (during my second visit to the Office).
- B. **SERIOUSNESS:** My complaints have been handled with the utmost ridicule imaginable. On March 26th, 2019, my first complaints of discrimination at the hands of my human resources professor (as referenced in the letters I delivered to your offices) were responded to with laughter, and light justifications of his

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<sup>10</sup> Dr. Kneale Response to Complaint: <https://drive.google.com/open?id=1cMxg4KSKvEsNxCwkanOH32GOkAWc9qv7>

behaviour by Danieli claiming that professors of University of Windsor do not have the proper training to respond to a student asking for help after being assaulted. My second complaint to Danieli on March 28th, 2019, (stating that she was dealing with me with prejudice and that I intended to take action to stop it) was immediately met with furious jeers and, and an intentionally retaliatory breach of my right to confidentiality. This was the beginning of a series of reprisals. Even worse, on the same day, she went on to file an intentionally inaccurate police report against me and I was reprimanded by you, stating that I would no longer be allowed to write my exams with my classes and that I would no longer be allowed to contact any members of the Assessment and Care Team. These were further reprisals in response to me for doing absolutely nothing wrong aside from trying to enforce my human rights. Despite both you and Danieli being aware of my allegations, no investigation was undertaken by the University that day. My most recent complaints (the letters I have sent to both your office and the president's office) have been treated with absolute disrespect. You have informed me that you did not even open any of the attached evidence in the flashdrive I sent with the letter, and also informed me that you had lost the flash drive itself. Throughout my conversation with you, there were also seriously concerning indications that you had not read the letter fully. Prior to pointing your attention to them, you were unaware of the backup annotations I had made in the document of links to online copies of the flash drive contents. That is to say despite losing the flash drive, if my complaint were taken seriously as required by the human rights law of this province, it still should have been investigated and you were still provided with the means to do so. Needless to say, my complaints have been treated with no semblance of seriousness by any of the University of Windsor administration.

- C. **APPROPRIATE RESOURCES:** There have been absolutely no resources applied to resolving any of the complaints I have made the University aware of. Though you have undertaken to perform an informal inquiry into the Danieli's false police report, I do not consider this to be appropriate, given the nature of my complaint. When a complaint was submitted against me by another student, an entire investigation was initiated by the office of student experience. Initially my matter was investigated by Danieli. Due to Danieli's mishandling of the case, my investigation was overturned to a 3rd party investigator. A significant amount of University resources were expended to investigate false allegations that were made against me. I have provided recorded evidence of my interaction with Danieli-- this is to mean that there is no frivolous nature to my allegations-- and there has been no attempt to devote appropriate resources into a formal non-biased investigation. Additionally, It is clear that there is a conflict of interest and you are not the appropriate person to investigate your colleague. Your skepticism towards my claims was betrayed when you essentially absolved her of any wrongdoing without investigating simply, as you claimed, because you have worked with her for 3 years. I cannot have confidence in your ability to investigate and take appropriate measures and allocate appropriate resources to investigating this matter. There is an inherent clear conflict of interest. This has already manifested through your prolonged indifference towards this matter as well as your refusal to seriously entertain the possibility that your colleague has blatantly lied-- this despite the fact that I have provided you with incontrovertible evidence of this.
- D. **VIABLE COMPLAINT MECHANISM COMMUNICATED THROUGHOUT ORGANIZATION:** Given that I have submitted my complaint to the office of student experience (as is the method prescribed by the U Windsor website) and that my complaints have not been sufficiently responded to, the U Windsor complaint mechanism cannot accurately be described as viable.
- E. **HEALTHY WORK ENVIRONMENT:** I have been repeatedly forced to juggle my coursework with the work I am doing to document and respond to the ongoing violations of my human rights on campus. The student who attacked me on February 14th, 2019 is still free to roam campus and has not been officially reprimanded by the University. I am also in fear of the police being called on me while accessing regular student services. This has happened to me twice in a very short span of time now. I also regularly cross paths with several of

the administrative staff that have been involved in this matter during their breaks in other areas of campus. There have been no assurances made that any of this treatment by administration will stop or that the student who attacked me will be reprimanded.

**F. COMMUNICATION:** Thus far no communication concerning my complaints has been initiated by the University. Recently, on the dates of the 24th, 25th, and 26th of July 2019, I attended your office multiple times to speak with you about the complaint as it relates to Danieli. These have been the only communications I have received concerning my complaints and they were a result of my own initiative. These came over a month since the last one was submitted.

[2] **ON REPRISALS:** Please note that I am/have been diligently monitoring and documenting this matter. The following actions amount to reprisals that I have suffered on account of my stated intent to enforce my human rights:

- a. March 28th, 2019: Danieli's intentional public breach of confidence in response to my stated intent to take action to enforce my human rights.
- b. March 28th, 2019: Danieli's intentionally false and malicious police report concerning our interactions in response to my stated intent to take action to enforce my human rights.
- c. March 28th, 2019: Your punitive email response to my interaction with Danieli (in which I stated my intent to take action to enforce my human rights).
- d. March 28th, 2019: The delay of the investigation into the complaint that was filed against me by the student who attacked me when it was turned over to a 3rd party in response to my interaction with Danieli (in which I stated my intent to take action to enforce my human rights).
- e. July 31st, 2019: Assumption hall's alert of the police in response to my efforts to enforce my human rights by following up on the complaint I had previously submitted to them.
- f. July 31st, 2019: Assumption hall's issuing of a trespass order in response to my efforts to enforce my human rights by following up on the complaint I had previously submitted to them.
- g. Any further action taken against me in response to any past/future attempts to enforce my human rights by holding the University of Windsor accountable to its obligations to investigate my complaints.  
\*Please note that regardless of whether or not the administrative staff is in agreement with the validity of my complaints, it is a violation of human rights to take any actions against me for my lawful attempts to enforce my rights.

[3] **RACIAL PROFILING:** At no time have I ever posed a threat to any member of the University of Windsor-- least of all to a member of administrative staff. I have provided numerous letters of reference from U Windsor professors who I've had the opportunity to be taught by. You have repeatedly attempted to justify the fear of staff members like Danieli by the implicitly loaded argument that a woman of her size has no way to resist me physically or by claiming that I must try to understand that Danieli was afraid due to the fact that I had informed her that I had used physical force to defend myself from the student that attacked me on February 14th, 2019. You followed by claiming that she was in fact legally entitled to have such unfounded concerns for her safety, despite me having attended the office with her consent. At several points in this matter, white female members of the administrative staff have raised unfounded concerns for their safety as a means to justify differential treatment of my presence in their offices. On July 31st, 2019 Charlene (the secretary of the assumption hall) called the police on me despite me making no threats, refusing no directions, and not breaking any student code of conduct policies. This is the most recent example of the racial profiling that has been allowed by the University. Please note that it is not a requirement for a person to be aware of the fact that he/she has racially profiled a person of colour in order for him/her to have actually done so and it is, in fact, quite common for people to be unaware of their own racial prejudices.

[4] **ON RESISTING DISCRIMINATION:** Please understand that, according to the referenced text, any actions taken against me on the basis that I was upset by the presence of the campus community police, or that I protested

vigourously upon their arrival, amount to further discrimination and reprisals and I will respond accordingly. I will not sit idly by as such actions continue to be taken against me. I will do everything within my power to hold the perpetrators of any such action accountable.

[5] **ON CONDONING BEHAVIOURS:** Please understand that all members of the executive or administrative staff of the University of Windsor that have been made aware (either indirectly or directly) of these allegations, and are empowered by their positions to have influence on any of the parties I have named as [subjects/respondents](#) to my complaints, are in breach of their duty to not condone discrimination on this campus. Please understand that I fully intend to hold all and every member of the U Windsor Admin/Exec team accountable for any failure in this duty to me.

The University's brash behaviours and responses to my complaints of harrasment and discrimination have led to numerous compounding violations of my human rights. The U Windsor admin/exec have made the serious mistake of treating my human rights as an optional luxury. I have made every effort to be diplomatic and understanding of your timelines, arbitrary processes, and natural human errors; however, there are absolutely no more reasonable excuses to be offered for the treatment I have received from the University of Windsor admin/exec team.

Repeatedly my matter has been put aside or otherwise inadequately dealt with. I am deeply hurt and saddened by the fact that I sent a very serious complaint to both the vice president's as well as the president's office and was met with absolute silence. Your actions have absolutely shattered my faith in the moral fabric of this University and I am deeply ashamed to be even organizationally associated with your offices. I am no longer proud to call myself a student of U Windsor. I am profoundly shocked, disturbed and absolutely disgusted by the sheer lack of professionalism that has been displayed by my University. I have always believed this University to be one of few that would unwaveringly uphold its commitment to create an environment free from discrimination and harassment. I am now fully aware that such policies are no more than a sick joke amongst the top executive staff. It would seem your team cares more for the aura of social justice than its substance. I have done everything reasonable within my power to escalate my complaint according to the appropriate channels and you, along with your staff, have only extended the life of the human rights violations I initially complained of. Notwithstanding this, I am unshakably determined to continue doing everything I can until I receive fair treatment and fair consideration. I have repeatedly been subjected to both with impunity.

Simply put, it is time that the irrational fear of black men among the female staff be dealt with rather than justified. I cannot change who I am. I cannot change the fact that University staff has a propensity to be fearful of me and stereotype me as an aggressive black male that must be dealt with by the police. The University can and must take action to change this immediately. This is getting ridiculous. I have twice had white female staff members report me to the police making false claims about my behaviour. I have recordings that reflect a vastly different story from that which was reported by the staff to police. False reports have been repeatedly made against me in malice. If this manner with which all students who approach and deal with administrative staff in respectful but assertive inquiry into breaches of human rights, this a severe systemic issue. If it is the case that only treat black males of my size and stature are treated like this, this is still a problem. Irrational fears and perceptions of my appearance (so far as I cannot change) are not my concern and should not be. The university must stop sanctioning me based on irrational fears of me. These fears are so irrational that they have on two occasions lead to blatantly false police reports being filed. I have provided all of these to the authorities and nothing has been done.

**In summary, my complaint is as follows:**

- 1) Today, I was discriminated against on the basis of my race by Charlene for no more than attempting to speak with her concerning a follow up on my complaint.
- 2) My persistence in holding the university to account for their consistent cavalier disregard for both their own rules as well as the Human Rights code was met with a further reprisal contrary to human rights law.
- 3) I was again falsely and maliciously described as aggressive and the irrational fear of the administration led to further police involvement on my behalf despite me doing nothing wrong.

- 4) I was informed by campus community police that the president has thus not addressed my complaint promptly as required by the human rights code because he is only serving an interim role.
- 5) I have been arbitrarily prevented from accessing a building on campus.

**My immediate requests are as follows:**

- 1) The trespass order that has been discriminatorily issued from the President concerning my presence at Assumption Hall be immediately rescinded. Every day for which I am trespassed from the building constitutes a further day of reprisals and violations of my human rights contrary to section 8 of the code.
- 2) I wish to know what resulted in the police being called other than fear of my race or attempts by the university and its administration to silence me for holding it accountable.
- 3) I wish to know what the President's justification was for having issued the trespass order concerning Assumption Hall.
- 4) My initial email (requesting a follow up on my letter) and complaint, as submitted to the Office of the President's email address, must be appropriately responded to by the President.
- 5) That my complaints immediately be dealt with according to the proper processes I am entitled to according to the Ontario Human Rights Code.

In conclusion, I want to make it absolutely clear that I am not willing to abandon my complaints. This matter will not just 'go away' for the University by ignoring me. I will continue to fiercely pursue my complaints against the University. The university will respond to them in accordance with human rights regulations. If they do not this will constitute a further breach of my human rights. It will result in further complaints. And if these further complaints are not dealt with the cycle will continue. You must understand that there is no version of this matter that concludes with my capitulation to unlawful threats, negligence, abuse, or reprisals.