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Harris Law Solutions

July 8, 2020

Canadian Museum for Human Rights
85 Israel Asper Way
Winnipeg, Manitoba R3C 0L5
Attention: Ms Lianne Lambert, Corporate Secretary

VIA EMAIL to: lianne.lambert@humanrights.ca

Dear Ms Lambert:

Re: Proposal for Services

Further to our discussions by telephone, I confirm that I (hereafter, the "Reviewer") will undertake an external review of the Canadian Museum for Human Rights' (hereafter, "the Museum") culture, policies and processes in response to allegations of racism made by former staff members of the Museum. Allegations of homophobia and sexual assault have also been made.

Background:

Employees of the Museum have publicly expressed having experienced racism, particularly anti-Black and anti-Indigenous racism, while employed at the Museum. The public statements were made on social media, using the hashtag "#CMHRStopLying".

Four former staff members made initial disclosures of racism online; shortly thereafter, other former staff members also came forward with additional accounts of having been subjected to or having witnessed similar conduct directed against co-workers. The disclosures include allegations that incidents of racism, homophobia and misogyny have been raised to management but that the Museum did not take appropriate action to address individual complaints nor did it examine its own processes and the manner in which systemic oppression may be manifesting within the institution.

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The Museum has requested an external review to examine workplace culture, practices, policies and processes for the purpose of addressing systemic oppression. The Museum has requested that no traditional (or adversarial) workplace investigation take place at this time. Such an investigation which would serve the purpose of identifying whether individual acts of oppression have occurred; rather the Museum seeks assistance in reviewing and supporting the Museum in commencing the work of remediating systemic racism and other forms of oppression within the institution.

Purpose and Scope:

The Museum has requested an external review to examine workplace culture, practices, policies and processes for the purpose of addressing systemic oppression. The Museum seeks assistance in reviewing and supporting the Museum in commencing the work of remediating systemic racism and other forms of oppression within the institution.

The Museum has requested that the external review progress in two stages. Laurelle Harris will lead the review; team members will be engaged to ensure the work is conducted in a manner which is multi-disciplinary and collaborative. It is a term of Ms Harris' retainer that the review be conducted from anti-racist, anti-colonialist, intersectional feminist and trauma-informed perspective.

External Review: Phases One and Two

Phase One: Interim Review

Phase One of the review will begin with interviews of former or current staff members who have come forward either publicly or internally with statements about their experiences as of June 22, 2020, will analyze the response of management and identify the broader scope of systemic racism and other forms of oppression within the Museum. An interim and a final report will be issued containing findings and recommendations to address systemic racism or oppression within the Museum.

The first phase of the external review's purpose is to:

- a. Identify the specific nature and scope of concerns raised by current and former staff and in what ways systemic oppression may be manifesting within the Museum;
- b. Identify and analyse the response of management to the expression of the specific concerns raised;

- c. Identify areas of strength and areas of concern with respect to the response of management to the specific concerns raised as a starting point to understanding the broader manifestation of systemic racism and other forms of oppression within the Museum;
- d. Provide initial findings and make recommendations as to actions which may be taken in short order to commence remediation by way of an interim report.

The bulk of work in this phase will be conducted by Ms Harris, together with Ms Barbara Bruce, an Indigenous consultant and Elder, who will assist with conducting interviews and contributing to the interim report to the Board of Trustees.

This phase of the review will entail:

- Interviewing current and former employees who have come forward to express concerns about the Museum as at June 22, 2020;
- Interviewing staff and management involved in the complaints made by the former employees;
- Reviewing employment records of all former employees, with their consent, who have come forward to publicly allege racist, sexist and/or homophobic conduct on the part of Museum management and staff;
- Reviewing other internal records, including communications and memoranda relating to the assertions of the former employees and any actions taken;
- Producing an interim report with findings and recommendations for action.

Phase Two: Comprehensive Review

Building on the findings in Phase One, the purpose of the second phase of the external review will be to expand the scope of inquiry to determine in what ways the Museum's employees and processes may be contributing to systemic racism and other forms of oppression in order to provide a framework for long term action.

The bulk of work in this phase will be conducted by Ms Harris, together with Ms Bruce as part of a multi-disciplinary team of people with unique expertise and knowledge, including museum professionals.

Subject to outcomes and findings from Phase One, this phase is expected to entail:

- Conducting further interviews with former and current staff and volunteers, the scope of which is to be determined, with a view to both providing staff with the opportunity to be heard and for the Museum to become aware of the impact of actions taken (or not taken) by the Museum on persons from equity groups;

- Analysis of areas where existing systems within the Museum are supporting equity or, conversely, are supporting systemic racism and oppression, in relation to their conceptualization and/or in their execution. This analysis will include a comprehensive review of the Museum's suite of policies, formal and informal procedures/processes, including but not limited to:
 - Hiring practices;
 - Rates of hire, retention, and promotion of persons from equity groups;
 - Internal complaint resolution practices and responses;
- Identifying conduct on the part of Museum staff, management, and volunteers which may be contributing to systemic oppression;
- Analyzing the Museum's processes for decision-making as it relates to exhibition and program content in order to address systemic oppression and bias;
- Identifying opportunities for the Museum to encourage content which is explicitly anti-racist and which may serve to educate the public with respect to systemic racism and oppression;
- Producing a final report, including findings and recommendations.

Phase Three: Action and Implementation

Building on the findings and recommendations in the interim and final reports, the Museum will undertake those actions necessary to begin the process of remediation on a short term basis, and to begin the long term work that will be necessary on an ongoing basis to enable the Museum to reflect its values.

Specific terms of engagement:

1. Services performed on behalf of the Museum by the Reviewer and her subcontractors and/or agents will be conducted from an anti-racist, anti-colonialist and intersectional feminist perspective;
2. All notes and recordings taken by the Reviewer and its agents, as well as all draft documents and internal memoranda produced by the Reviewer or her subcontractors or agents will remain the property of the Reviewer and will not be disclosed to any third party without the express consent of the Reviewer and the person interviewed, if applicable;

3. Former employees will be formally released from their non-disclosure agreements for the sole purpose of participating in the review;
4. It is contemplated that additional team members will be required for both phases. Additional team members will be determined by the Reviewer after consultation with the Museum.
5. The Museum shall appoint a member of the Board of Trustees for the purpose of communications with the Reviewer after consultation with the Reviewer.
6. The day-to-day liaison between the Museum and the Reviewer will be Lisanne Lambert unless otherwise agreed by the Museum and the Reviewer;
7. The Museum will indemnify the Reviewer and her subcontractors/agents against all legal proceedings and actions which may arise as a result of the processes, findings, and recommendations of the Reviewer.

Remuneration:

Phase One's fee for services up to and including the production of an interim report, including consultation with CMHR senior management, review of documents, meetings with middle management and employees, development of interview guide and questions, conducting interviews, transcription of data, analysis of data, development of recommendations, REDACTED

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

The scope of the engagement and fees for Phase Two and Phase Three shall be determined in due course.

Disbursements shall include, but are not limited to: scanning, photocopying, long-distance telephone charges, courier services, expenses related to travel and parking, and gifts/honoraria for elders. All disbursements will be billed on a monthly basis.

All statements of account are due and payable upon receipt. Enclosed please find your current statement of account.

Yours truly,

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REDACTED

Laurelle A. Harris*^
LAH/rk

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^ Uses she/her pronouns
Encl. (1)