



Stewards in Action

#6

Civility, Harassment, Human Rights & Mediation

HUMAN RESOURCES GUIDELINE ON WORKPLACE HARASSMENT AND CIVIL CONDUCT ("CIVILITY GUIDELINE")

Updated November 30, 2018

This Guideline sets out the expectations of the University, through its Vice-President, Human Resources & Equity on behalf of the President, regarding the standard of civil conduct that it expects and requires all employees to maintain in dealings with each other. It is intended to guide central and divisional Human Resources Offices throughout the University as they respond to situations where the standard of civility does not appear to be maintained, and also to assist them work with managers and others in communicating expectations.

This Guideline constitutes part of a Workplace Harassment Program as required by the Occupational Health and Safety Act. The University's Workplace Harassment Program also includes another document called the Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment, which deals with allegations of workplace harassment that are based upon the prohibited grounds set out in the Human Rights Code (the "Code").¹

In the case of any inconsistency between a collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.

Introduction and Definitions

This Guideline describes what constitutes civil and uncivil conduct and sets out a general framework for staff members who are concerned that they have experienced such conduct. The University wishes to maintain a collegial work environment in which all employees behave in a civil manner and treat each other with respect and civility regardless of position or status in the organization. The University will not condone uncivil conduct.

Workplace harassment constitutes uncivil conduct within the meaning of this Guideline. Workplace harassment is defined in the *Occupational Health and Safety Act* as follows:

"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.

¹ The grounds listed under the *Human Rights Code* are: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, and disability

“workplace sexual 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.

This Guideline applies to all employees of the University of Toronto while in the course of their duties or at work-related events, whether on or off University property. For clarity, this Guideline also applies to communications in whole or part through electronic means, such as e-mail, web postings, text messaging and other forms of electronic behaviour.

If your allegations relate to uncivil conduct that is not sexual harassment and is not based upon any other prohibited ground under the Code your allegations fall within the scope of this Guideline.

If your allegations relate to conduct that is based upon prohibited grounds under the Code, please refer to the *Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment* (“Discrimination Guideline”).

If your allegations relate to conduct based upon sex, sexual orientation, gender identity or gender expression, including workplace sexual harassment, please also refer to the University’s [Policy on Sexual Violence and Sexual Harassment](#).

Examples of Civil and Uncivil Conduct

In many cases, the determination of whether conduct is civil or uncivil depends on the context. Context can include the activities occurring at the time of the conduct. In an environment as diverse as the University, we must also be mindful of cultural differences that influence behaviour and the interpretation of that behaviour. We must also appreciate that all members of the University community have a right to freedom of speech and expression, in accordance with the University’s Policy on Freedom of Speech. The Guideline is not intended to infringe on academic freedom including the academic freedoms and responsibilities articulated in article 5 of the Memorandum of Agreement between the University and its faculty members and librarians. Instead, this Guideline describes the conduct expected of all members of the University community including when exercising their academic freedom.

Civil conduct includes:

- Treating others with dignity, courtesy, respect, politeness and consideration
- Speaking in tones of voice that are appropriate for the circumstances
- Being respectful of others’ right to express their views, even if you disagree
- Managing conflict with others in a respectful way rather than a confrontational way

Some examples of behaviour that will generally not be viewed as civil are set out below. Generally, these behaviours will only be in breach of this Guideline if they are part of a pattern of conduct, as opposed to isolated events. Depending upon the context, some of these examples may also constitute workplace violence within the meaning of the University of Toronto Policy with respect to Workplace Violence and related Workplace Violence Program.

- Shouting
- Profanity, abusive, aggressive or violent language directed at an individual or individuals
- Using props suggestive of violence
- Slamming doors
- Throwing objects
- Humiliating, degrading, demeaning, belittling, insulting, frightening or intimidating another person
- Distributing comments about an individual, whether verbally or in writing, including online, that are unjustified and are likely to have a negative impact on the individual if he/she were to see them
- Telling inappropriate jokes

The following are examples of behaviours that are NOT considered uncivil conduct:

- Reasonable management action, taken in accordance with the relevant collective agreement or employment contract where applicable, such as:
 - Meetings, letters or conversations dealing with performance management, attendance management, coaching
 - Instructions given by a supervisor/manager such as what to do, how to do it, the expected standard of performance

- Disciplinary action
- Denial of leave requests
- Requests for documentation to substantiate requests for leave

- Evaluative comments made in the context of peer review processes
- Differences of opinion or debate conveyed in a respectful manner
- Interpersonal conflicts where the parties remain respectful of one another

Where to Go with a Concern/Complaint about workplace conduct

The first step, whenever possible, is to approach the person whose conduct is at issue. That person may not be aware of how his/her behaviour is affecting you or others and should be given an early opportunity to change his/her behaviour.

If discussion with the person in question does not resolve the issue or if such discussion is not appropriate, you are encouraged to discuss concerns regarding uncivil behaviour with the administrative officer responsible for the department or division in which the behaviour is alleged to have occurred. If this is not appropriate (for example, if your concern/complaint is against the administrative officer responsible for the department or division in which your concerns arose), you may wish to speak to someone at a more senior level of the department or division or a human resources representative. Administrators in the department/division should seek advice in a confidential way from their human resources office and/or an equity office to assist in determining the appropriate course of action.

If you require assistance in raising a complaint, you are encouraged to discuss the issue with the manager/director of any human resources office, whether or not it is the human resources office for your own division. The human resources manager/director can assist you in determining whether there is an issue that should be raised, how to raise it, with whom to raise it, and the range of resolutions that might be possible.

If the behaviour that you are concerned about relates to a ground of discrimination under the Ontario Human Rights Code, you should consult the Human Resources Guideline on Complaints Regarding Prohibited Discrimination and Discriminatory Harassment. Similarly, if the behaviour that you are concerned about relates to sex, sexual orientation, gender identity or gender expression, you should also consult the Policy on Sexual Violence and Sexual Harassment. If you require assistance in determining where your complaint falls, you may wish to speak with a human resources manager/director or one of the equity offices listed at www.equity.utoronto.ca.

The University makes the following commitments:

- Your concerns will be heard.
- You will be given assistance in determining whether your concerns can be processed under this Guideline or whether some other process is more appropriate.
- If your concerns do not fall under this Guideline, you will be given advice regarding how you might pursue those concerns.
- You will be given assistance in determining whether you wish to pursue a complaint.
- You will be told of other resources that might be of assistance to you in the circumstances.
- You will be told who will have primary responsibility for the complaint if you decide to go forward with it. You will be advised if at any stage responsibility for the complaint is transferred to another party.
- If your complaint alleges a violation of this Guideline, you will be advised of the type of investigation that will be undertaken, the scope of the investigation, and the process that will be followed.
- Information obtained by the University and any investigator about an incident or complaint of uncivil conduct, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.
- Respondents to complaints will be provided with procedural fairness and the University will take their interests into account so as to minimize any risk of reputational or other impact while the complaint is being assessed and dealt with in a confidential manner.
- You and any respondent(s) will be advised in writing in a timely manner of the results of an investigation and any corrective action that has been taken or will be taken as a result of the investigation, although you may not be advised of the details of any sanction against any other party.

Responsibility of Complainant

You have a responsibility to bring your complaint forward as soon as reasonably possible, so that it can be dealt with in a timely manner.

In the event of an investigation, you will have a responsibility to provide sufficient details to allow the person(s) against whom you are making a complaint to be able to respond to the complaint. In most cases where an investigation is to be done, you will be expected to particularize your complaint in writing.

You have a responsibility to respect confidentiality and to respect the other steps taken by the University to assist in maintaining both procedural fairness and a fair working environment for

both you and the respondent while the complaint is being assessed. Please note that your obligation to respect confidentiality does not restrict you from seeking support and discussing your concerns in confidence with one or more support person(s).

Responsibility for a Complaint

Primary responsibility for your complaint will rest with one office. That office will be responsible for tracking your complaint until its resolution. Responsibility for your complaint will initially rest with the office to which you directed the complaint. However, it may ultimately be transferred to another office, such as the division/department in which the complaint arose, an equity office, or your human resources department. If the University is of the view that your complaint more appropriately falls within an existing procedure, responsibility for your complaint will be in accordance with that procedure.

Some employees are covered by collective agreements that deal with the subject of civil conduct. In such a case, the collective agreement provisions govern to the extent of any inconsistency with this Guideline.

Both the complainant and respondent will be kept informed regarding which office has primary responsibility for processing the complaint.

Regardless of who has responsibility for the complaint, departments and human resources offices that receive complaints about uncivil conduct are expected to contact the applicable equity office to discuss the equity considerations, if any, before advising you as to what next steps may be. Departments are also expected to contact their human resources office.

Ultimately, the department/division will need to be involved in the implementation of any resolution. Accordingly, you need to be aware that a complaint can only proceed with the involvement of the department/division.

Investigating the Complaint

The investigation of a complaint under this Guideline may proceed through one of several different mechanisms, depending upon contextual factors such as the subject-matter of the complaint and the parties involved in the complaint.

As described above with respect to protection of information from disclosure, efforts are made to provide appropriate protection of the confidentiality of information obtained during the investigation process. However, anonymity is not possible since in almost all cases the respondent will need to know who is making the allegations, and others will need to know certain basic information in order to process the complaint.

It should be understood that the word “investigation” does not necessarily involve a full-scale, complex inquiry. Often, informal inquiries and discussion, with the views of the parties being

solicited and assessed, will be appropriate.

Informal Resolution

In many cases, concerns of uncivil conduct will be resolved through discussions between the parties with the assistance of a manager.

Resolution of Complaint:

Resolutions to complaints involving uncivil conduct vary greatly, depending on such factors as the subject-matter of the complaint, the part of the University community of which the complainant and respondent are members (*e.g.*, student, staff, visitor, contractor), and the specific policies and contracts applicable in the circumstances (*e.g.*, Student Code of Conduct, Code of Behaviour on Academic Matters, Sexual Harassment Policy, employment policies, collective agreements).

Generally speaking, if a complaint is found to be substantiated it will result in some remedial action involving the respondent.

The University may request or require that one or more of the parties participate in processes including the following: training, coaching, mediation, or facilitation.

Dissatisfaction with the Resolution of a Complaint

The available channels if you are not satisfied with the resolution of your complaint depend on the policies, contracts or other documents that govern your relationship with the University and the relationship of others involved in the complaint. You should speak with the office that had responsibility for your complaint to determine what avenues are available in your circumstances and/or your union representative, if applicable.

Should a complaint result in disciplinary action against an employee that individual will have access to the normal grievance or other processes available to him or her under the applicable memorandum of agreement, collective agreement, policy, or other terms of employment.

Reprisals

There will be no reprisals against persons who, in good faith, bring forward a complaint or otherwise take action under this Guideline. Reprisals may be the subject of a complaint under this Guideline.

Vexatious or Bad Faith Complaints

There may be penalties or sanctions for bringing forward concerns or complaints under this Guideline in bad faith or that are vexatious.

Other Processes

Unless otherwise required by law, in the event that the same facts giving rise to the concern/complaint under this Guideline are also raised through another process, the University reserves the right to put the process under this Guideline on hold, or choose to proceed under the other process instead. .

Annual review

This Guideline will be reviewed at least annually.

**GUIDELINE FOR EMPLOYEES ON CONCERNS AND COMPLAINTS REGARDING PROHIBITED
DISCRIMINATION AND DISCRIMINATORY HARASSMENT
("DISCRIMINATION GUIDELINE")**

Updated November 30, 2018

The University is committed to upholding the Ontario Human Rights Code and the Occupational Health and Safety Act. This Guideline describes what constitutes prohibited discrimination and discriminatory harassment and sets out a process for employees who are concerned that they have experienced discrimination and/or discriminatory harassment.

This Guideline supplements the existing Statement on Prohibited Discrimination and Discriminatory Harassment found on the Governing Council website at: <http://www.governingcouncil.utoronto.ca/policies.htm>, and also constitutes a Workplace Harassment Program as required by the Occupational Health and Safety Act. The University's Workplace Harassment Program also includes another document called the Human Resources Guideline on Workplace Harassment and Civil Conduct ("Civility Guideline"), which deals with allegations of uncivil conduct and workplace harassment that are not based upon the prohibited grounds set out in the Human Rights Code.

This Guideline applies to all employees of the University of Toronto while in the course of their duties or at work-related events, whether on or off University property. For clarity, this Guideline also applies to communications in whole or part through electronic means, such as e-mail, web postings, text messaging and other forms of electronic behaviour.

In the case of any inconsistency between a collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.

1. What are Prohibited Discrimination and Discriminatory Harassment?

The meanings of the terms "discrimination" and "discriminatory harassment" as they are used in this Guideline are taken from the Ontario Human Rights Code (the "Code"). Under the Code, every person has a right to equal treatment in employment without discrimination because of "race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability." Each of these terms is defined in the Code.

Under the Code, every person who is an employee also has the right to freedom from harassment in the workplace by the employer or a person working for or on behalf of the employer, or by another employee because of any of the prohibited grounds listed above. Harassment is defined in the Code as "engaging in a course of vexatious comment or conduct

that is known or ought reasonably to be known to be unwelcome” and that is based upon one of the prohibited grounds. A similar definition of harassment is set out in the *Occupational Health and Safety Act* (“OHSA”).

Sexual harassment, including workplace sexual harassment, is also covered by the University’s [Policy on Sexual Violence and Sexual Harassment](#). If your allegations relate to harassment based on sex, sexual orientation, gender identity or gender expression, or otherwise fall within the definition of Sexual Violence,¹ you may go directly to the Sexual Violence Prevention and Support Centre to make a disclosure or report, and/or to seek support. You may also choose to discuss your concern with human resources and/or an equity officer as set out in this Guideline before or instead of going to the Sexual Violence Prevention and Support Centre; such discussion may constitute a disclosure within the meaning of the Policy on Sexual Harassment and Sexual Violence. In most circumstances, the University will only be able to act on a complaint that falls under the Policy on Sexual Violence and Sexual Harassment (*e.g.*, by conducting an investigation) if a Report has been filed under that Policy. Any process under the Policy on Sexual Violence and Sexual Harassment that is undertaken to address allegations by employees of sexual harassment (including workplace sexual harassment) will meet the requirements set out in this this Guideline.

Harassment by students at the University is also prohibited by the *Code of Student Conduct*. Harassment by employees is also prohibited under their terms and conditions of employment. Some employees are covered by collective agreements that deal with the subject of discrimination and discriminatory harassment. In the case of any inconsistency between the collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.

If you are concerned about conduct that is not based on one of the prohibited grounds of discrimination listed above, your concern may be more appropriately dealt with under the process outlined in the *Human Resources Guideline on Civil Conduct* (“Civility Guideline”). Under the Civility Guideline, you may access the same offices/resources listed under this Guideline to discuss the matter and find possible ways to resolve your concern.

2. What should I do if I have a concern or complaint about discrimination and/or discriminatory harassment?

This Guideline uses the terms “concern” and “complaint” to refer to two separate but often sequential ways in which issues may be raised for resolution. The term “concern” means

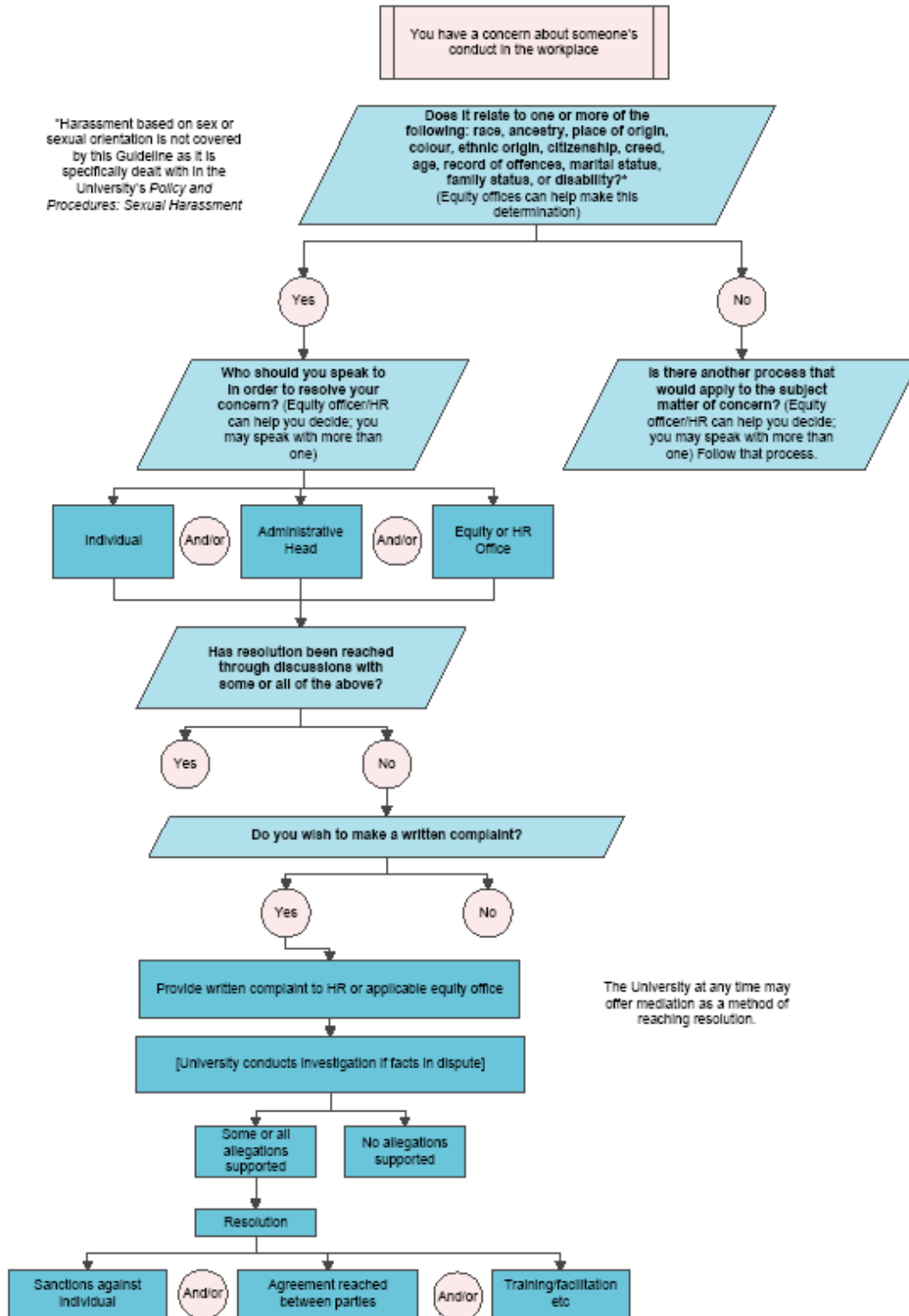
¹ The Policy on Sexual Violence and Sexual Harassment defines sexual violence as follows: any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

something you are raising in an informal way, often in the hopes of reaching early resolution. The term “complaint” refers to a more formal, written expression of a concern that has not been resolved at an early stage. A concern may or may not develop into a complaint. However, an issue that becomes a complaint should in almost every case have been raised first as a concern.

You should raise your concern as early as possible. Delays in raising a concern may hinder the parties’ ability to effectively resolve the matter.

When you begin developing a concern, it is recommended that you keep notes of specific incidents, including when and where they occurred and the parties involved, the identities of any witnesses, as well as relevant documents.

There are a variety of resources for dealing with concerns and complaints that are set out in more detail further below. On the next page is a flow chart that provides an overview of the available options and resources.



2(a) Where to go if you have a concern

Concerns about discrimination and discriminatory harassment may be resolved informally, as outlined in this section. In order for a concern to be resolved, it will usually have to be raised with the individual(s) who you believe engaged in discrimination/harassment. In appropriate cases, you should speak to that person yourself. That person may simply not be aware of how his/her behaviour is affecting you or others and should be given an early opportunity to change his/her behaviour. Thus an informal resolution will usually involve some type of discussion (ideally direct but possibly indirect) between you and the individual(s) who you believe engaged in discriminatory/harassing conduct.

Before and during such discussions you may consult with an equity officer and/or your human resources department. In some cases senior administrators in the applicable University department may also be involved in reaching an informal resolution. If the informal efforts described in this section do not resolve your concern, you may wish to file a complaint as described in the next section of this Guideline.

When you first become concerned about the conduct of another member of the University community, one key resource that you may wish to consult is an equity office. You can consult with an equity office throughout the stages described in this Guideline. The University's equity offices are staffed by officers who have expertise in different equity areas, and who can help you figure out whether your concern falls under this Guideline or another process, what steps to take to resolve your concern, and how to express your concern. You may meet confidentially with the equity offices without making any commitment to pursuing the concern (although, as noted below, the University may decide to pursue issues raised in your concern even if you choose not to file a formal complaint). The equity offices that deal with complaints based on prohibited grounds under the Code are listed at www.equity.utoronto.ca.

Another place from which you could seek advice at any stage of the processes set out in this Guideline is your human resources office.

If your concern involves a concern for your safety, you should contact the Community Safety Office at 416-978-1485.

If discussion with the individual(s) who you believe engaged in discrimination/harassment does not resolve the issue or if you believe such discussion is not appropriate (*e.g.*, if your concern/complaint is against that administrative office), you are encouraged to discuss your concern with the administrative officer responsible for the department or division in which your concerns arose, or someone at a more senior level of the department or division. That person may be able to assist in resolving your concern.

2(b) Filing a complaint

If your concern has not been resolved informally despite you meeting with one or more of the offices/individuals described in the section above, you have the option of filing a formal complaint. This involves setting your complaint in writing and delivering it to an equity office or your human resources office. At that point, your complaint will be recorded and tracked by the University until it is resolved. You should file your complaint as soon as possible (if you have attempted informal resolution and that has not been successful, you should file your complaint as soon as possible after the informal efforts at resolution have concluded). Failure to file a complaint in a timely manner may affect the University's ability to proceed.

A written complaint must specify the individual(s) who you believe engaged in discrimination/harassment, and details of the conduct that gave rise to your complaint and the remedy requested. It should include a description, dates and location of events or situations. It should also include the name of any witnesses. The written complaint must be in sufficient detail for the appropriate University officers (usually senior administrators in consultation with others including human resources and equity officers) to make decisions including the type and scope of investigation that is appropriate, and what other steps should be taken to resolve the situation. The person handling your complaint may contact you to clarify or obtain additional details on your complaint and/or to narrow the issues where appropriate.

2(c) A University complaint

In exceptional circumstances, the University may decide to pursue issues that you have raised as either a concern or complaint, even if you choose not to pursue them. For example, this might be the case if several people have raised similar concerns in one department, suggesting that there is a broader issue that the University needs to address beyond your particular concerns.

2(d) If a complaint has been made against you

If a complaint has been made about you, you have a right to be notified of the fact that the complaint has been made, you will be given sufficient details to enable you to respond to the allegation(s), and you will be given an opportunity to respond. You will in most cases have a right to identify others who you think should be interviewed. You will also be entitled to produce any other evidence you believe to be relevant.

If you require information or advice at any stage of the complaint process you may access any or all of the following resources: the applicable equity office, your divisional human resources office, or the Employee and Family Assistance Program. If you and the person making the complaint about you are both represented by the same divisional human resources office, you may choose to seek advice from a different divisional HR office. You will be advised in writing

of the outcome of the investigation and corrective action, if any, in a timely fashion.

Once you have been notified that a complaint has been made against you, it is advisable to create and keep written notes about the events at issue and maintain relevant written documents.

3. Responsibility for Dealing with Your Concern/Complaint

Primary responsibility for dealing with your concern/complaint will rest with one office, and you will be informed at all times of which office has responsibility. That office will be responsible for tracking your concern/complaint until its resolution. Responsibility for your concern/complaint will initially rest with the office to which you directed the concern or complaint. However, the University may ultimately transfer responsibility to another office, such as the division/department in which the complaint arose, or another equity office, or the human resources department. If the University is of the view that your concern/complaint more appropriately falls within a different procedure than that set out in this Guideline, responsibility for your concern/complaint will be in accordance with that procedure.

The fact that one particular office has responsibility for your complaint does not prevent you from discussing the matter with the other offices that may be involved. For example, you may always seek advice from an equity office even if it does not have responsibility for your concern/complaint.

Regardless of who has responsibility for the concern/complaint, departments and human resources offices that receive a concern/complaint about issues of discrimination or discriminatory harassment are expected to contact the applicable equity office(s) to discuss the equity considerations before advising you as to what next steps may be.

Ultimately, the department/division will need to be involved in the resolution of any complaint. Accordingly, you need to be aware that a concern/complaint can only proceed with the involvement of administrators in the applicable work unit.

4. Investigating the Concern/Complaint

The decision of what type of investigation is required, and the scope of that investigation will be made by the University, usually by senior administrators in consultation with others including HR and equity officers.

The specific process followed in an investigation will depend upon contextual factors such as the subject-matter of the concern/complaint, the complexity of the complaint, and the parties involved. For purposes of this Guideline it is important to understand that the term “investigation” applies to any inquiries designed to ascertain relevant facts. This could mean anything from the equity officer asking questions of you and the party against whom your

complaint is made, to a larger scale investigation that could involve many witnesses and documents. The scope of the investigation in any particular case depends on factors such as the type and scope of the allegations, the number of parties who are alleged to be involved and the relationship of those parties to the University. The scope also depends upon whether the investigation involves a concern or a complaint. Generally, at the concern stage the equity officer, human resources office or administrator may make some inquiries, but a larger scale investigation would not occur unless the concern were to progress to a written complaint that warrants such an investigation in the University's assessment. All employees are expected to cooperate with an investigation under this Guideline.

As described below with respect to protection of information from disclosure, efforts are made to provide appropriate protection of the confidentiality of information obtained during the investigation process. However, anonymity is not possible. In almost all cases the person(s) against whom allegations of discrimination or discriminatory harassment have been made will need to know who is making the allegations in order to respond, and others will need to know information in order to process and respond to the complaint.

Both the complainant and the person(s) against whom a complaint is made will be entitled to invite one support person to accompany them to investigation interviews. This person may be a representative from the employee's union. The support person's role will be limited to support and that person will not be permitted to speak on behalf of the person being interviewed.

5. Resolution of Concern/Complaint:

Potential resolutions of your concern/complaint vary greatly, depending on such factors as the subject matter of the concern/complaint, the part of the University community of which the individuals involved are members (*e.g.*, student, staff, visitor, contractor), and the specific policies and contracts applicable in the circumstances (*e.g.*, Student Code of Conduct, employment policies, collective agreements, employment contracts and contracts with independent contractors).

You will be advised of whether your concern/complaint is found to be substantiated or not. If it is found to be unsubstantiated it will be dismissed.

Generally speaking, if a concern/complaint is found to be substantiated, steps will be taken to address the conduct that has occurred and to prevent recurrence. For example, there may be sanctions against, or remedial action involving the individual(s) who engaged in act(s) of discrimination or discriminatory harassment. The resolution will be monitored as appropriate.

Whether or not the concern/complaint is found to be substantiated, the University may request or require that one or more of the parties participate in processes including the

following: training, coaching, or facilitation.

At any time during the processes described in this Guideline the University may offer mediation as a method of reaching resolution. Mediation will be conducted by an appropriate individual selected by the University from inside or outside the University.

6. University Commitment

In respect of your concern/complaint, the University makes the following commitments:

- Your issues will be heard and taken seriously.
- You will be given assistance to determine whether your concern/complaint should be processed under this Guideline or whether some other process is more appropriate.
- If your concern/complaint does not fall under this Guideline, you will be given advice regarding how you might pursue it or assistance in resolving it.
- You will be given assistance in determining the next step you may wish to take to resolve your concern/complaint.
- You will be advised of the next step(s) that the University plans to take in order to move your concern/complaint toward resolution.
- You will be told of other resources that might be of assistance to you in the circumstances.
- You will be told which office at the University will have primary responsibility for handling your concern/complaint. You will be advised if at any stage responsibility for your matter is transferred to another office.
- If your complaint alleges a violation of this Guideline, you will be advised of the type of investigation that will be undertaken, the scope of the investigation, and the process that will be followed.
- Information obtained by the University and any investigator about an incident or complaint of discrimination/harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.
- You and other individuals involved in the concern/complaint will be provided with a fair process.
- You and any respondents will be advised in writing in a timely manner of the results of an investigation and any corrective action that has been taken or will be taken as a result of the investigation, although you may not be advised of the details of any sanction against any other party.

7. Dissatisfaction with the Resolution of a Complaint

The available channels if you are not satisfied with the resolution of a complaint depend on the policies, contracts or other documents that govern your relationship with the University and the relationship to the University of others involved. For example, a unionized or confidential employee may file a grievance in accordance with the applicable collective agreement/employment policy. Employees in the professional/managerial or Research Associate groups may use the applicable Problem Resolution policies. Members of UTFA may file a grievance. You should speak with the office that had responsibility for your concern/complaint to determine what avenues are available in your circumstances.

The Office of the Ombudsperson is also available to provide assistance in certain circumstances. Information on the scope of the Office of the Ombudsperson and how to contact the Office is available online at <http://www.utoronto.ca/ombudsperson/>.

8. Application under Ontario Human Rights Code

At any stage of this Guideline members of the University community retain the right to bring an application directly to the Human Rights Tribunal of Ontario in accordance with the provisions of the Code.

9. Reprisals

There will be no reprisals against persons who, in good faith, bring forward a concern or complaint or otherwise take action under this Guideline. Reprisals may be the subject of a complaint under this Guideline.

10. Vexatious or Bad Faith Complaints

There may be penalties or sanctions for bringing forward concerns or complaints under this Guideline in bad faith or that are vexatious.

11. Other Processes

Unless otherwise required by law, in the event that the same facts giving rise to the concern/complaint under this Guideline are also raised through another process, the University reserves the right to put the process under this Guideline on hold, or choose to proceed under the other process instead.

12. Annual Review

This Guideline will be reviewed at least annually.



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy on Sexual Violence and Sexual Harassment

Approved December 12, 2019
Effective January 1, 2020

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall
27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

Phone: (416) 978-6576
Fax: (416) 978-8182
E-mail: governing.council@utoronto.ca

Policy on Sexual Violence and Sexual Harassment

Contents

DEFINITIONS	1
STATEMENT OF COMMITMENT	3
I. APPLICATION AND SCOPE.....	3
II. EDUCATION, SUPPORT, AND RESOURCES	4
III. PRINCIPLES RESPECTING PROCESS	4
IV. CONFIDENTIALITY AND PRIVACY	5
V. ACCESSING THE POLICY: DISCLOSURE AND REPORTING	5
VI. DISCLOSURE.....	6
VII. REPORTING	7
A. REPORTING PROCESS	7
B. UNIVERSITY RESPONSE.....	8
C. ASSESSMENT AND APPOINTMENT OF AN INVESTIGATOR.....	8
a) ASSESSMENT.....	8
b) APPOINTMENT OF AN INVESTIGATOR	9
D. INVESTIGATION	9
E. DECISION-MAKING AND APPEAL PROCESS	10
F. UNIVERSITY’S OBLIGATION WHEN A COMPLAINANT REQUESTS NO INVESTIGATION OR CHOOSES NOT TO PARTICIPATE	11
G. UNIVERSITY’S OBLIGATION WHEN SOMEONE OTHER THAN THE COMPLAINANT MAKES A REPORT OR A REPORT IS MADE ANONYMOUSLY	12
VIII. REVIEW	12
APPENDIX: REFERENCES TO OTHER POLICIES AND LEGISLATION	13

DEFINITIONS

The following definitions are intended to assist in the interpretation of this Policy, as well as other related University policies:

Member(s) of the University Community: Includes students, faculty, librarians, post-doctoral fellows, and all employees of the University of Toronto. For clarity, faculty includes clinical, adjunct, status-only, retired, and visiting faculty. When used in reference to the University's training obligation with respect to this Policy, the term also includes contractors and members of the Governing Council of the University.

Complainant: A Member of the University Community who has Disclosed or Reported an Incident of Sexual Violence experienced by that individual.

Respondent: Someone against whom an allegation of Sexual Violence has been made.

Disclosure: The sharing of information by an individual with a Member of the University Community regarding an Incident of Sexual Violence experienced by that individual.

Reporting: The sharing of information by an individual with a designated Member of the University Community regarding an Incident of Sexual Violence experienced by that individual, with the intention of initiating one of the processes set out in this Policy, which could result in disciplinary action being taken against the Member of the University Community alleged to have committed Sexual Violence.

Incident of Sexual Violence: Includes any instance of Sexual Violence, including Sexual Harassment and all associated definitions provided herein.

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.

Sexual Harassment: Includes but is not limited to engaging in a course of vexatious comments or conduct that is known or ought to be known to be unwelcome. For the purpose of this Policy, Sexual Harassment includes workplace sexual harassment. Sexual Harassment includes any 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. Sexual harassment also includes 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.

Sexual Assault: Any form of sexual contact without a person's consent, including the threat of sexual contact without consent. A Sexual Assault can range from unwanted sexual touching to forced sexual intercourse; and a Sexual Assault can involve situations where sexual activity is obtained by someone abusing a position of trust, power or authority.

Cyber Sexual Violence: Includes but is not limited to knowingly publishing, distributing, transmitting, selling, making available or advertising an intimate image of a person, knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct. An intimate image includes but is not limited to a visual recording of a person made by any means, including a photographic, digital or video recording, in which the person is nude and/or engaged in sexual activity. For the purpose of this Policy, Sexual Violence includes Cyber Sexual Violence.

Cyber Sexual Harassment: Includes but is not limited to Sexual Harassment conducted in whole or in part through electronic means, such as email, web postings, text messaging, and other forms of electronic behaviour. For the purpose of this Policy, Sexual Harassment includes Cyber Sexual Harassment.

Gender-based Harassment: Includes but is not limited to engaging in a course of vexatious comment or conduct related to a person's sex, gender, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known to be unwelcome.

Consent: The voluntary agreement of an individual to engage in a sexual act. Consent is positive, active and ongoing, and can be revoked at any time. Consenting to one kind of sexual act does not mean that consent is given for another sexual act or kind of activity. Consent is NOT obtained where a person is incapable of consenting – for example due to intoxication, or where a person is induced to engage in the activity by someone abusing a position of trust, power or authority.

As per the *Criminal Code of Canada*, it is not a defence to an allegation of Sexual Violence that the Respondent believed that the Complainant consented to the activity that forms the subject matter of the complaint, where (a) the Respondent's belief arose from the Respondent's (i) self-induced intoxication; or (ii) recklessness or wilful blindness; or (b) the Respondent did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the Complainant was consenting.

Non-adjudicative Resolution: As described in section 78, this term refers to a resolution of the matters alleged in a Report that is agreed to by both the Complainant and the Respondent.

STATEMENT OF COMMITMENT

1. All members of the University of Toronto (“the University”) community should have the ability to study, work, and live in a campus environment free from Sexual Violence, including Sexual Assault and Sexual Harassment.
2. Sexual Violence is a serious issue that undermines the health, well-being, and security of individuals, communities, and society. Addressing the causes and consequences of Sexual Violence requires the deliberate and collective efforts of governments, institutions, and citizens.
3. The University is committed to making available programs and resources to educate its community on the prevention of and response to Sexual Violence.
4. The University is committed to responding to and addressing incidents and complaints of Sexual Violence involving its students, staff and faculty, and to ensuring that those members of the community who are affected by Sexual Violence receive support.
5. The University recognizes that Sexual Violence can occur between individuals regardless of sex, sexual orientation, gender, gender identity or expression, or relationship status.
6. The University recognizes the intersection of Sexual Violence with discrimination and harassment, including but not limited to the grounds set out in the Ontario *Human Rights Code*. The University recognizes that individuals from historically marginalized communities may be disproportionately affected by Sexual Harassment and Sexual Violence.
7. Sexual Violence can be committed against any person and is an issue that requires an inclusive response. The University recognizes that Sexual Violence is overwhelmingly committed against women, and in particular women who experience the intersection of multiple identities such as, but not limited to, indigenous women, women with disabilities, and racialized women. Additionally, the University recognizes that those whose gender identity or gender expression does not conform to historical gender norms are also at increased risk of Sexual Violence.
8. The University recognizes that individuals who have experienced Sexual Violence experience a range of effects that can profoundly affect their lives.

I. APPLICATION AND SCOPE

9. This Policy applies to all Members of the University Community. All Members of the University Community will be offered appropriate support with respect to issues of Sexual Violence, regardless of their role in the University or the role of the person against whom an allegation is made. A companion guide is available to provide more information about this Policy to students.
10. This Policy relies on a centralized system of Reporting, investigation and decision-making for complaints of Sexual Violence in order to avoid actual or perceived conflicts of interest or reasonable apprehension of bias, to preserve privacy, to minimize risk of reprisal, and to ensure coordination and consistency across all academic divisions, campuses, and centralized services.
11. The Reporting procedure and the processes it initiates apply to all Incidents of Sexual Violence in which both the Complainant and the Respondent are Members of the University Community, regardless of whether the event occurred on campus, off campus, or using social media or other electronic media. Support will be made available under this Policy to Complainants regardless of whether the Respondent is a Member of the University Community.

II. EDUCATION, SUPPORT, AND RESOURCES

12. The University provides support to Members of the University Community who have experienced Sexual Violence and to those who receive a Disclosure or Report of an Incident of Sexual Violence. See paragraphs 38 and 55.
13. The University has established the University of Toronto **Sexual Violence Prevention and Support Centre** [“the Centre”] [link to be provided] with a tri-campus presence. The Centre has a mandate to conduct intake, accept Disclosure and Reporting of Sexual Violence, and provide support to individual Members of the University Community who have experienced Sexual Violence. The Centre will also provide education and training to Members of the University Community with respect to how to respond to Disclosures of Sexual Violence and how to support Complainants.
14. The University provides Sexual Violence education and prevention education for all Members of the University Community, including training on this Policy and awareness programs about Sexual Violence and personal safety.
15. The University provides education and training on this Policy to Members of the University Community who are likely to receive Disclosures or Reports to support those who Disclose with dignity and compassion and to inform them of their options in a safe and supportive manner.
16. The University provides support to Members of the University Community who have had an allegation of Sexual Violence made against them.

III. PRINCIPLES RESPECTING PROCESS

17. A person who has made a Disclosure and/or a Report of Sexual Violence has autonomy in decision-making, and in particular with respect to whom to Disclose, whether to Report, whether to pursue recourse to the criminal or civil justice systems, and whether to access support and accommodations as described in paragraphs 38 and 55.
18. The University is committed to the provision of a fair process for all parties and one that respects due process and procedural fairness.
19. The University is committed to reducing barriers to Disclosure and Reporting of incidents of Sexual Violence. In that regard, Complainants will not be asked to repeat their accounts more than is necessary for the implementation of this Policy.
20. The University process will appropriately accommodate the needs of Members of the University Community who are affected by Sexual Violence.
21. The University will not tolerate any retaliation, through any means including through social or other electronic media, against anyone who Discloses or Reports an Incident of Sexual Violence, or who participates in a University process that is addressing allegations of Sexual Violence against a Member of the University Community.
22. Confidential counselling and support will be made available as quickly as practicable to any Member of the University Community who experiences an Incident of Sexual Violence.
23. The University will respond to Disclosures and/or Reports of Sexual Violence fairly and expeditiously.

IV. CONFIDENTIALITY AND PRIVACY

24. The University will treat Disclosures and Reports of an Incident of Sexual Violence in a confidential manner and in accordance with the *Freedom of Information and Protection of Privacy Act*.
25. The University will limit sharing of information to those within the University who need to know the information for the purposes of implementing this Policy, including providing accommodation, interim conditions and interim measures, and the investigation and decision-making processes; and taking corrective action resulting from those processes. For example, where a Complainant wishes to make a Report, fairness to the Respondent will require disclosure of the Complainant's identity and the material allegations being made.
26. Confidentiality cannot be maintained where information needs to be disclosed in order to address a risk to the health and safety of Members of the University Community or where the University is obliged by law to disclose the information. For example, confidentiality cannot be maintained where:
 - a. an individual is at risk of imminent and serious harm to themselves or others;
 - b. Members of the University Community may be at risk of harm; and/or
 - c. reporting or investigation is required by law (for example, but not limited to, an incident involving a minor, or obligations related to occupational health and safety or to human rights legislation).

V. ACCESSING THE POLICY: DISCLOSURE AND REPORTING

27. Disclosure and Reporting are separate actions that the Complainant can choose to take. The Centre offers confidential support and services to those who have experienced Sexual Violence.
28. Disclosure is the sharing of information by an individual with a Member of the University Community regarding an Incident of Sexual Violence experienced by that individual.
29. Reporting is the sharing of information by an individual with a designated Member of the University Community regarding an Incident of Sexual Violence experienced by that individual, with the intention of initiating one of the processes set out in this Policy, which could result in a disciplinary action being taken against the Member of the University Community alleged to have committed Sexual Violence. The Centre also manages the initial process for Sexual Violence Reporting. Individuals at the Centre and at Campus Police will be designated to receive Reports under this Policy.
30. A Member of the University Community who witnesses an Incident of Sexual Violence affecting another Member of the University Community should contact the Centre or Campus Police immediately.
31. The University recognizes that an individual who has experienced an Incident of Sexual Violence may require time and reflection before making the decision as to whether or not they wish to make a Disclosure or a Report of the incident. Notwithstanding those considerations, individuals who have experienced an Incident of Sexual Violence are encouraged to make a Disclosure and/or Report as soon as they are able to do so, recognizing that the passage of time may affect the University's ability to address the issues raised by a Disclosure or a Report.

VI. DISCLOSURE

32. A Disclosure does not result in a Report being made and does not initiate a process to address the Incident of Sexual Violence. The decision to Disclose and the decision to Report are separate decisions.
33. A Disclosure can be made to any Member of the University Community. A Disclosure may relate to a Respondent who is or is not a Member of the University Community.
34. The Centre is the first point of contact for a Member of the University Community affected by an Incident of Sexual Violence to obtain academic, employment, or other accommodations and services. A Member of the University Community who receives a Disclosure should inform the Complainant about this Policy and direct them to the Centre.
35. The University recognizes that such Disclosures are often shared in confidence, that the Complainant may have an expectation of confidentiality, and that in many cases confidentiality is essential in order for Complainants to come forward. The person to whom the Disclosure is made may consult with the Centre for advice but except as directed by the Complainant or as indicated by the provisions in the “Confidentiality and Privacy” section of this Policy, is expected to hold such information in confidence.
36. Members of the University Community outside of the Centre who receive a Disclosure of an Incident of Sexual Violence and who receive the Complainant’s permission to do so can provide to the Centre the name and contact information of the person who made the Disclosure and the date of the Disclosure to them for follow-up support and services.
37. The University respects a Complainant’s right to choose whether and how to pursue action related to an Incident of Sexual Violence, subject to the provisions set out in the “Confidentiality and Privacy” section of this Policy. In particular, when the University is made aware of an Incident of Sexual Violence that poses a risk to the health and safety of Members of the University Community, the University will take steps to maintain their health and safety.
38. The University will make support and services, including counselling, access or referrals to medical services, and academic and other accommodations, available to Members of the University Community who Disclose having been affected by an Incident of Sexual Violence. Support services will also be made available to Members of the University Community who are Respondents. Persons affected by an Incident of Sexual Violence should contact the Centre to obtain such support and services. See also paragraph 55.
39. A Complainant is not required to make a Report about an Incident of Sexual Violence in order to obtain the support and services or accommodations referred to in this Policy.
40. The Centre will make support staff available by phone, email, or through Campus Police on a 24/7 basis. These staff members can provide guidance and support to a Complainant through the process of Disclosure and/or Reporting.
41. The Centre can, on a confidential basis, consult or seek the assistance of other internal personnel or resources of the University to facilitate the safety, follow-up, and support of those involved in a Disclosure of Sexual Violence.

VII. REPORTING

A. REPORTING PROCESS

42. The Centre is responsible for receiving Reports of Incidents of Sexual Violence involving a Member of the University Community in a non-emergency situation.
43. In an emergency, Campus Police or 911 should be the first point of contact. In case of emergency, Sexual Violence can be Reported to Campus Police, which is in turn required to inform the Centre as well as municipal police services. A Report can also be made at a later date following the incident.
44. Reporting can be initiated in person, by phone, or online. A Complainant can also request that the Centre staff file a Report on their behalf. The Office of Safety and High Risk will maintain a confidential database of Reports received.
45. The University has the jurisdiction to investigate Reports of Sexual Violence made against a Member of the University Community under this Policy.
46. The University does not have the jurisdiction to address allegations made against a person who is not a Member of the University Community. However, in the event of such allegations, the University will provide support to Complainants who are Members of the University Community (see section entitled “Education, Support, and Resources”) and may be able to take measures such as restricting access to campus by the person against whom allegations are made.
47. A Complainant is not precluded from reporting an Incident of Sexual Violence to municipal police services if they have Reported the incident to the University. A Complainant is not precluded from Reporting an Incident of Sexual Violence to the University if they have reported the incident to municipal police services. A Complainant may choose to Report to one or the other, to neither or to both.
48. Once a Complainant has made a Report of an Incident of Sexual Violence to the Centre, the Complainant has initiated the University’s Reporting process. The intention of this Policy is for the Reporting process and each of its steps to be completed as expeditiously as practicable.
49. Both the Complainant and the Respondent have the right to be accompanied by a support person and a union, association, or legal representative at any point during the Reporting process and subsequent processes under this Policy. The support person and union, association, or legal representative, whether or not Members of the University Community, are expected to adhere to the provisions outlined in the “Confidentiality and Privacy” section of this Policy.
50. Confidentiality requirements may change once the Complainant or the University decides to Report under this Policy. In addition to the provisions outlined in the “Confidentiality and Privacy” section of this Policy, all Members of the University Community who are involved in receiving a Report of an Incident of Sexual Violence or who are involved in addressing or investigating it should treat the matter as discreetly and confidentially as practicable, within the context of their roles in implementing this Policy. Information will only be shared to the extent necessary to carry out responsibilities under this Policy or as required to provide a fair process during the investigation and decision-making process.
51. The University will take reasonable steps to protect Complainants and others who participate in a University process that is addressing allegations of Sexual Violence from retaliation, including: advising individuals in writing of their duty to refrain from committing an act of reprisal, and sanctioning individuals for a breach of that duty. The University may also address the potential for

reprisals by providing an accommodation appropriate in the circumstances. Threats of or acts of retaliation will be treated as Incidents of Sexual Violence.

B. UNIVERSITY RESPONSE

52. When the Centre receives a Report of an Incident of Sexual Violence, it will take steps to engage as soon as practicable in an intake discussion with the Complainant.
53. At the intake discussion, the Centre will provide assistance to the Complainant and will discuss with the Complainant the potential available options. The Centre will outline information about available support and services, including information about accommodations, interim conditions and interim measures that may be available to address the immediate situation.
54. The Centre can, on a confidential basis, consult or seek the assistance of other internal personnel or resources of the University for direction, and can consult or seek the assistance of external parties relevant to the particular incident being Reported.
55. Some of the options that may be made available to the Complainant at the first point of contact following a Report include, but are not limited to:
 - a. referral to contacts for suitable support, services or resources available within and outside the University and in the municipality. Information about external community services is available at [link to be provided];
 - b. where appropriate, communication with the person said to have engaged in Sexual Violence to inform them that the conduct is unwelcome and to note the no-retaliation provisions of this Policy;
 - c. availability of academic accommodation and interim conditions and interim measures, including those provided for under and in accordance with other University policies such as the *Code of Student Conduct*, collective agreements, employment agreements, and human resources policies and guidelines:
 - i. Examples of such measures for students include: separation of the parties, exam or assignment deferral, class and/or schedule changes, emergency bursaries, and/or housing changes;
 - ii. Examples of such measures for employees include: making changes that are not disciplinary but precautionary to avoid contact between parties.
 - d. information about the investigation and decision-making processes that may occur, depending on the role of the Respondent within the University community.
56. The Office of Safety and High Risk will be responsible for coordinating the implementation of accommodations, interim conditions and interim measures as expeditiously as practicable, including referrals as appropriate for the purposes of addressing any non-compliance.

C. ASSESSMENT AND APPOINTMENT OF AN INVESTIGATOR

a) ASSESSMENT

57. While the Centre receives Disclosures and initiates Reports, the assessment and investigation processes will be coordinated through the Office of Safety and High Risk.
58. Upon receipt or completion of a written Report, the Centre will send the Report to the Office of Safety and High Risk, which will assess the Report to determine whether the matter falls within the

scope of this Policy. If it is determined that the matter falls within the scope of this Policy, the Office of Safety and High Risk will decide whether to commence an investigation.

59. The Complainant can choose not to request an investigation by the University and has the right not to participate in any investigation that may occur. Where a choice not to participate in an investigation is made, the Complainant will be advised that this may affect the nature of the investigation and the ability to draw conclusions from any investigation report. For further clarity about what will occur in this situation, see the section of this Policy entitled “University’s Obligation when a Complainant Requests No Investigation or Chooses Not to Participate.”
60. If the Office of Safety and High Risk makes the determination that the Report does not appear to fall within the scope of this Policy, or decides not to commence an investigation, the Office of Safety and High Risk will notify the Complainant of this determination. The Office of Safety and High Risk will also determine whether or not to disclose the fact that allegations were made and any other information to the Respondent.
61. If there is a determination that a Report will not be investigated, the Complainant may seek a review of that decision by making a request in writing within 14 days of the decision to the Vice-President and Provost or designate or to the Vice-President, Human Resources & Equity or designate, who will review the matter and advise the Complainant of their decision in writing.

b) APPOINTMENT OF AN INVESTIGATOR

62. Once a determination has been made to commence an investigation, a competent person with the appropriate skills, training and/or experience will be appointed to conduct the investigation. The investigator will either be someone who is a Member of the University Community or a person who is external to the University, as appropriate to the circumstances.
63. The Office of Safety and High Risk will send written notice to the Respondent that an investigation of a Report of Sexual Violence under this Policy is being initiated and provide the name of the investigator. This notice will include the particulars of the incident Reported and indicate that the Respondent will have opportunities to respond to the allegations. The notice will indicate that the Respondent has the right to seek legal advice and to bring a support person, including a union or association representative, or legal counsel, to any meetings during the investigation.

D. INVESTIGATION

64. The investigation must be completed in a timely manner, taking into consideration the circumstances of the particular matter including its complexity and the requirements of fairness and due process.
65. The investigator will provide the Respondent with a reasonable opportunity to respond in writing or orally to the allegations. If the response is oral, the investigator should normally confirm the content of the response with the Respondent in writing. If the Respondent does not respond within a reasonable timeframe set by the investigator, or chooses not to participate in the investigation, the investigator may proceed in the absence of their response.
66. The investigator will provide the written particulars of the response from the Respondent, if received, to the Complainant. The Complainant may submit a reply to the response within a reasonable timeframe set by the investigator. If no written reply is received within the time

requested, the investigator can proceed in the absence of a reply. The investigator will provide the written particulars of the reply from the Complainant, if received, to the Respondent.

67. The Complainant and Respondent may choose to submit any additional information to the investigator, including the names of any potential witnesses.
68. The investigator may choose to conduct interviews with either or all parties at any time during the investigative process at the investigator's discretion or at the request of a party. The investigator may also choose to seek witness information.
69. The investigator will act in a timely, fair, impartial, and professional manner. The investigator will treat the information gathered during the investigation in a confidential manner in accordance with the requirements of this Policy.
70. The investigator will remind individuals contacted of the provisions outlined in the "Confidentiality and Privacy" section of this Policy and keep confidential the personal information of the people contacted.
71. Following the completion of the investigation, the investigator will provide to the Office of Safety and High Risk a written confidential report containing a summary of the information gathered during the investigation and the findings of fact made based on the balance of probabilities.
72. The Office of Safety and High Risk will inform the Complainant and the Respondent (and/or their designated representatives) in writing of the results of the investigation, with a reminder as to the provisions outlined in the "Confidentiality and Privacy" section of this Policy.

E. DECISION-MAKING AND APPEAL PROCESS

73. In the case of a student Respondent, the investigation report will be reviewed by the Vice-Provost, Students or delegate to determine whether or not the matter will be referred for a hearing under the *Code of Student Conduct* in order to determine whether or not Sexual Violence occurred and, if so, the appropriate penalty or remedies. Appeals against the decision of the Hearing Officer may be made to the Discipline Appeals Board of the Governing Council as provided for in the *Code of Student Conduct*.
74. In the case of a staff member Respondent, the investigation report will be reviewed by the Vice-President, Human Resources & Equity or designate, who will determine whether workplace violence and/or Sexual Violence occurred and, if so, the appropriate sanctions or discipline and corrective action, having regard to appropriate factors such as the nature of the offence and any mitigating or aggravating circumstances. The Respondent will be notified in writing of the decision and any discipline or sanction imposed and will have access to the grievance process under the relevant collective agreement or human resources policy in order to appeal.
75. In the case of a faculty member or librarian Respondent covered by the Memorandum of Agreement with the University of Toronto Faculty Association, the Vice-President and Provost or designate, in consultation with the Vice-President, Human Resources & Equity, will review the investigation report and determine whether workplace and/or Sexual Violence occurred and impose the appropriate discipline, sanction or corrective action, having regard to appropriate factors such as the nature of the offence and any mitigating or aggravating circumstances. The Respondent will be notified in writing of the decision and any discipline or sanction imposed and will have access to the grievance process in Article 7 of the Memorandum of Agreement in order to appeal. If the appropriate sanction is determined to be termination, the Vice-President and Provost will

recommend that termination proceedings be instituted in accordance with the applicable policies and procedures of the University.

76. In the case of a Member of the University Community who holds more than one role – for example, a student who is also an employee – or in the case of multiple Respondents who hold different roles, or in the case of a Respondent who is a Member of the University Community who is not covered in paragraphs 73-75, the University will decide which process(es) will apply in the circumstances of the particular case.
77. A determination that a Member of the University Community has committed an act of Sexual Violence may result in a number of possible outcomes, including the imposition of education and training, corrective action such as relocation or change of duties or supervision, reprimand, suspension, termination or expulsion, commensurate with the nature of the incident complained of and taking into account all other relevant considerations and in accordance with the applicable University policies and procedures, collective agreement, employment contract, or Memorandum of Agreement.
78. If any existing policy’s adjudicative process includes “informal resolution” or “mediation”, or in any other situation where it has been specifically agreed to by both the Complainant and the Respondent, an opportunity to endeavour to reach a Non-adjudicative Resolution is available subject to two conditions:
 - a. Both parties must consent to such Non-adjudicative Resolution, and
 - b. Such Non-adjudicative Resolution must not require any face-to-face meeting between the Complainant and the Respondent.
79. If the Respondent’s relationship to the University ends and that person is no longer a Member of the University Community, the University may choose to suspend the processes under this Policy. If the Respondent becomes a Member of the University Community again, the University can reinstate the process with notice to the Complainant and Respondent. A leave of absence or any other temporary break from the University does not constitute the end of a relationship with the University for the purposes of this Policy.

F. UNIVERSITY’S OBLIGATION WHEN A COMPLAINANT REQUESTS NO INVESTIGATION OR CHOOSES NOT TO PARTICIPATE

80. The Complainant can choose not to request an investigation by the University and has the right not to participate in any investigation that may occur.
81. If a Complainant requests that the University not investigate or act on their Disclosure or Report of an Incident of Sexual Violence, the University will consider that person’s request but may decide to proceed, having regard to the health and safety of Members of the University Community and its obligations and responsibilities. In such cases, the Complainant has a right to choose not to participate in such an investigation.
82. The Complainant is entitled to receive other support outlined in this Policy regardless of whether they decide to request an investigation or choose not to participate in one.
83. If requested by the Complainant and subject to any applicable legal obligations and access to information and privacy legislation, the Complainant will be informed of the outcome of such an investigation.

G. UNIVERSITY'S OBLIGATION WHEN SOMEONE OTHER THAN THE COMPLAINANT MAKES A REPORT OR A REPORT IS MADE ANONYMOUSLY

84. An allegation of Sexual Violence made by someone other than the Complainant can also be Reported to the University. However, the University's ability to address the allegation will depend on a number of factors regarding the information available and the Complainant's decision respecting whether or not to participate in a University process.
85. It may transpire that an allegation of Sexual Violence is Reported to the University anonymously. The University's ability to address the allegation will be dependent on a number of factors, including the information available to substantiate the allegation and to permit a fair process.
86. In such circumstances, the University will make a determination under the section of this Policy entitled "Assessment and Appointment of an Investigator."

VIII. REVIEW

87. The University recognizes that appropriately addressing Sexual Violence on campus is an evolving issue and that the University will revisit this Policy and its associated resources and other related and existing University policies on a regular basis.
88. The University will conduct a review of this Policy every three years that will include consultation with Members of the University Community including students, staff and faculty, and will amend the Policy as appropriate.

Approved by Governing Council: December 12, 2019

Effective: January 1, 2020

APPENDIX: REFERENCES TO OTHER POLICIES AND LEGISLATION

Selected Relevant Legislation

- Ontario Bill 132, Sexual Violence and Harassment Action Plan Act, 2016
- Ontario Regulation 131/16: Sexual Violence at Colleges and Universities
- Freedom of Information and Protection of Privacy Act (FIPPA)
- Ontario *Human Rights Code*
- *Criminal Code of Canada*

Selected Relevant University of Toronto Policies and Guidelines

- Code of Student Conduct
- Policy with Respect to Workplace Harassment
- Policy with Respect to Workplace Violence
- Human Resources Guideline on Civil Conduct
- Statement on Prohibited Discrimination and Discriminatory Harassment
- Guidelines for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment
- Standards of Professional Practice Behaviour for all Health Professions Students
- Policy on Conflict of Interest – Academic Staff
- Conflict of Interest and Close Personal Relations
- Conflict of Interest and Close Personal Relations Protocols for Chairs and Academic Administrators
- Guideline Regarding Close Personal Relations between Senior University Administrators



University of Toronto
Workplace Violence Program
Updated: November 9, 2018

Table of Contents

1. Introduction	4
(a) Scope	4
(b) Definition of Workplace Violence	5
(c) Roles and Responsibilities	5
2. Who to Contact	12
(d) Immediate assistance	12
(e) Non-immediate assistance	12
(f) Institutional reporting of incidents of workplace violence	13
(g) Reporting Physical Workplace Conditions or Community Safety Concerns	13
3. Assessing Risk of Workplace Violence	15
4. Assessing Threats of Workplace Violence and Community Safety Concerns	17
5. Controlling Risk	19
(h) Electronic security measures	19
(i) Information Sheets	20
(j) Training	20
6. Investigating Incidents of Workplace Violence	22
(k) Interim Measures	23
(l) Penalties and Sanctions	23
(m) Reprisals	23
(n) Vexatious or bad faith use of Program	23
7. Appendix "A"	24
(o) Related Laws, Policies and Guidelines	24
8. Appendix B	26
(p) Campus Resources	26
(q) Communication systems	27

1. Introduction

The University of Toronto is committed to maintaining a workplace that is free of violence. Any act of workplace violence is unacceptable conduct that will not be tolerated. No one shall subject any employee to workplace violence, or allow or create conditions that support workplace violence.

This Program summarizes the many ways that U of T currently addresses workplace violence and it will be updated from time to time as new means of dealing with workplace violence are developed or as existing ways change.

This Program implements the University's [Policy with Respect to Workplace Violence](#) pursuant to its obligation under the *Occupational Health and Safety Act*.

(a) Scope

This Program addresses workplace violence that occurs on University of Toronto premises, that occurs via electronic communication, or at work-related activities that occur off-campus. This Program also addresses the threat or possibility of workplace violence.

It should be noted that in some cases incidents of workplace violence may result in the involvement of the campus or local police and, in some cases, charges under the *Criminal Code of Canada* or other statutes. These are separate processes that are not within the control of the University of Toronto and are outside of the scope of this Program.

It should also be noted that in some cases, threats of workplace violence could also fall within the University of Toronto's Workplace Harassment Program, comprised of the *Human Resources Guideline on Civil Conduct (Civility Guideline)* and the *Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment (Discrimination Guideline)*, or the University of Toronto's *Policy on Sexual Violence and Sexual Harassment*. The University reserves the right to move forward under the most applicable policy.

(b) Definition of Workplace Violence

Workplace violence is defined in the *Occupational Health and Safety Act* as follows:

- a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

In accordance with this definition, the terms “workplace violence” or “incident of workplace violence” as they are used in this Program will incorporate the exercise, attempted exercise or threatened exercise of physical violence that causes or could cause physical injury.

Additionally, the definition of “workplace violence” in this Policy includes domestic violence that may occur in the workplace and would likely expose a worker to physical injury.

Workplace violence may constitute sexual violence. Please refer to the University of Toronto’s [Policy on Sexual Violence and Sexual Harassment](#) or contact the Sexual Violence Prevention and Support Centre at 416-978-2266 or thesvpcentre@utoronto.ca to make a disclosure or report of sexual violence.

Incidents of workplace violence do not include accidental situations such as a worker accidentally knocking into another worker as a result of an unintended trip or loss of balance.

(c) Roles and Responsibilities

All members of the University community play a role in creating a workplace that is free from and does not tolerate any form of violence. Details about the roles and responsibilities of individual groups are set out below. Please note that the following is not an exhaustive list of all duties of each party, but is intended to provide parties with a general understanding of their roles and the roles of others in preventing and responding to workplace violence.

Employees

Employees are individually responsible for their own actions and in particular for not acting or threatening to act violently. An employee who subjects another employee to workplace violence may be subject to disciplinary action up to and including the termination of their employment.

Employees also have the following specific obligations:

- Abiding by the University's *Policy with Respect to Workplace Violence* and this Program.
- Calling Campus Police or 911 when immediate assistance is required to deal with a situation involving workplace violence.
- Reporting incidents of workplace violence, including attempted or threatened workplace violence and including domestic violence that may spillover into the workplace, as set out in sections 2(a) and (b) of this Program.
- Reporting concerns about physical conditions in the workplace to their supervisor or others as set out in section 2(d) of this Program.
- Cooperating as requested in any investigation into workplace violence.

Managers / Supervisors / Academic Administrators

Managers, Supervisors and Academic Administrators are responsible for:

- Calling Campus Police or 911 when immediate assistance is required to deal with a situation involving workplace violence.
- Immediately reporting any incident of workplace violence (including an attempt or threat and including domestic violence that may spillover into the workplace) of which they become aware to the manager/director of their Human Resources Divisional Office.
- Promoting an environment that does not tolerate violence.
- Providing direction to appropriate resources for employees who are experiencing or have experienced workplace violence, as defined in this Program, such as the Employee and Family Assistance Program, the Community Safety Office, Campus Police, Health & Well-Being Programs & Services, or services available to students for those employees who are also students).
- Providing workers with information and instruction on the contents of the *Policy with Respect to Workplace Violence* and Program and any measures and procedures in place for controlling any risks that may arise from the individual worker's work or workplace.
- Implementing the measures and procedures described in this Program.
- Taking every precaution reasonable in the circumstance for the protection of the worker.

- Working with the relevant University offices as requested in any investigation into workplace violence.

Community Safety Office

The Community Safety Office is responsible for:

- Calling Campus Police or 911 when immediate assistance is required to deal with a situation involving workplace violence.
- Reviewing issues and concerns that are brought forward for the presence of risk factors for general and workplace violence.
- Assessing cases of domestic or family violence (including threats) to identify likelihood for such threats to spillover into the workplace.
- Immediately reporting any incident of workplace violence (including an attempt or threat and including domestic violence that may spillover into the workplace) of which they become aware to the Director of the Office of Safety and High Risk as well as the manager/director of the applicable Human Resources Divisional Office and the Executive Director, Central Administration HR Services & Workplace Investigations.
 - to coordinate reporting to Campus and/or municipal police, where applicable
 - to report to campus or municipal police information related to risk or threat of violence, where applicable
- Providing support to students and employees with respect to personal safety issues.
- Preparing proactive, preventative safety plans for students and employees who have been victims of violence.
- Providing recommendations to human resources offices and any other relevant university office or department to address workplace violence.
- Providing referrals to counselling programs.
- Providing educational outreach and support to University departments; developing initiatives to respond to identified personal safety issues.
- Providing training through workshops offered to students, staff and faculty regarding personal safety-related issues.
- Contributing to the University's assessment of threats and risks of workplace violence.

Sexual Violence Prevention and Support Centre

In matters of workplace violence that are also considered sexual violence, the Sexual Violence Prevention and Support Centre is responsible for:

- Calling Campus Police or 911 when immediate assistance is required to deal with a situation involving workplace violence.
- Providing support to University employees who have been affected by sexual violence.
- Educating University community members about the *Policy on Sexual Violence and Sexual Harassment*.
- In cases of sexual violence, assessing risk or threats of violence that may flow into the workplace. Referring cases to the CSO as appropriate.
- Accepting reports of sexual violence under the *Policy on Sexual Violence and Sexual Harassment*.
- Immediately reporting any incident of workplace violence (including an attempt or threat and including domestic violence that may flow into the workplace) of which they become aware to the manager / director of the applicable Human Resources Divisional Office and the Executive Director, Central Administration HR Services & Workplace Investigations.
- Providing advice and assistance, including referral to the appropriate Human Resources Divisional Office, to employees who are experiencing or have experienced workplace violence, including attempted or threatened workplace violence and including domestic violence that may flow into the workplace.

University of Toronto Police Service (Mississauga, St. George and Scarborough)

The University of Toronto Police Service works in partnership with the University community in providing a reliable 24-hour response to emergencies and violations of rules, including the *Criminal Code*, and in promoting crime prevention, security and safety awareness, and community service and referrals.

The University of Toronto Police Service has the following responsibilities in respect of workplace violence:

- Immediately upon becoming aware of any incident of workplace violence ensuring the safety of all persons involved, and in any case involving injury ensuring the physical needs of those persons are met.
- Immediately reporting any incident of workplace violence involving an employee of the University (including an attempt or threat and including domestic violence that may spillover into the workplace) of which they become aware to the manager / director of the applicable Human Resources Divisional Office and the Executive Director, Central Administration HR Services & Workplace Investigations.
- Responding to emergencies and providing assistance to faculty, students and staff.
- Protecting persons and property by developing programs that promote safety and security and by broadly communicating these programs to the community.
- Preventing crime, maintaining the peace, resolving conflicts and promoting good order.

- Enforcing the *Criminal Code* and selected provincial and municipal statutes, to the extent permitted by their role, as necessary.

Joint Health and Safety Committees

The University has Joint Health and Safety Committees (JHSC) as required by the OHSA. The role of each JHSC in accordance with the OHSA is as follows:

- Inspecting the physical conditions of the workplace.
- Making recommendations for the improvement of the health and safety of workers.
- Recommending the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers.
- Reporting in accordance with existing procedures any physical aspects of the work or workplace that are identified in inspections as ones from which risks of workplace violence may arise.
- Immediately reporting any incident of workplace violence (including an attempt or threat and including domestic violence that may spillover into the workplace) of which the committee or any of its members become aware, directly to the committee co-chairs, upon receipt of which the management co-chair will immediately forward these issue to the manager / director of the applicable Human Resources Divisional Office, the Executive Director, Central Administration HR Services & Workplace Investigations, as well as the supervisor responsible for that area and the responsible line manager.

The Office of Environmental Health & Safety

The Office of Environmental Health & Safety has the following responsibilities:

- Calling Campus Police or 911 when immediate assistance is required to deal with a situation involving workplace violence.
- Immediately reporting any incident of workplace violence (including an attempt or threat and including domestic violence that may spillover into the workplace) of which they become aware to the manager/director of the applicable Human Resources Divisional Office and the Executive Director, Central Administration HR Services & Workplace Investigations.
- Participating as requested in the investigation of incidents of workplace violence.
- Participating in the ongoing assessment of the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work at the University.
- Training and providing resources for JHSC workplace inspectors as they relate to workplace violence.

- Offering training for supervisors regarding due diligence under the OHSA, including as it pertains to workplace violence.
- Responding to work refusals in accordance with OHSA and internal processes.
- Assisting in the annual review of the Workplace Violence Program.
- Notifying the Ministry of Labour where necessary of injuries caused by workplace violence.

Equity Officers

The Equity Officers are responsible for:

- Calling Campus Police or 911 when immediate assistance is required to deal with a situation involving workplace violence.
- Immediately reporting any incident of workplace violence (including an attempt or threat and including domestic violence that may spillover into the workplace) of which they become aware to the manager/director of the applicable Human Resources Divisional Office and the Executive Director, Central Administration HR Services & Workplace Investigations.
- Providing advice and assistance, including referral to the appropriate Human Resources Divisional Office and the Executive Director, Central Administration HR Services & Workplace Investigations, to employees who are experiencing or have experienced workplace violence, including attempted or threatened workplace violence and including domestic violence that may spillover into the workplace.

Human Resources

Human Resources personnel have the following responsibilities:

- Calling Campus Police or 911 when immediate assistance is required to deal with a situation involving workplace violence.
- Providing advice and assistance to employees who are experiencing or have experienced workplace violence, including attempted or threatened workplace violence and including domestic violence that may spillover into the workplace.
- Referring such employees to appropriate resources such as Employee and Family Assistance Program, the Community Safety Office, The Sexual Violence Prevention and Support Centre, Campus Police, Health & Well-Being Programs & Services, or services provided within the Division of Student Life in the case of employees who are also students.
- HR generalists are responsible for immediately reporting to their managers, and managers are responsible for immediately reporting to the Executive Director, Central Administration HR Services & Workplace Investigations, any incident of

workplace violence (including an attempt or threat and including domestic violence that may spillover into the workplace) of which they become aware.

- Conducting or participating in investigations into allegations of workplace violence as directed by the Director of the Office of Safety and High Risk, the Executive Director, Central Administration HR Services & Workplace Investigations or their designates.

2. Who to Contact

(d) Immediate assistance

An employee who becomes aware of an immediate risk or threat to a community member or to the community or who the victim is of, or a witness to, a violent incident at work should, as soon as safely possible, contact:

University of Toronto Campus Police at:

Mississauga: 905.569.4333

St. George: 416.978.2222

Scarborough: 416.978.2222

Or

911 (9-911 from some campus telephones)

Once the immediate response is underway, the employee should call their immediate superior and advise them of the situation.

(e) Non-immediate assistance

Employees with concerns regarding workplace violence (actual violence, attempted violence, threatened violence, or risk of violence, including concerns about domestic violence that may spillover into the workplace) that do not require an immediate response should contact one of the following for advice and assistance:

- Their supervisor / manager / academic administrator
- Their [Human Resources Divisional Office](#)
- [Sexual Violence Prevention and Support Centre](#)
- [Community Safety Office](#)

Employees who are represented by unions may also wish to contact the union for advice and assistance.

(f) Institutional reporting of incidents of workplace violence

Any supervisor / manager / academic administrator, equity officer (including community safety case manager), Campus Police Special Constable or other University officer that becomes aware of an incident of workplace violence (including an attempt or threat and including domestic violence that may spillover into the workplace) has a duty to immediately contact the manager / director of the applicable Human Resources Divisional Office.

The manager of any **Human Resources Divisional Office** who becomes aware of an incident of workplace violence (including an attempt or threat and including domestic violence that may spillover into the workplace) must immediately contact the Executive Director, Central Administration HR Services & Workplace Investigations.

The Executive Director, Central Administration HR Services & Workplace Investigations will take appropriate steps that may include one or more of the following:

- Record the incident for tracking purposes
- Consult with and / or provide briefings to other relevant University offices
- Direct the office that became aware of the incident of workplace violence, or any other office, to take certain steps
- Notify and consult with the Office of Safety and High Risk
- Initiate an investigation
- Notify the Office of Environmental Health and Safety
- Monitor steps taken by other relevant University offices

The Office of Environmental Health and Safety will ensure that if any incident of workplace violence results in a situation requiring a report to be made to the Ministry of Labour, JHSC, and/or union, such report is made within the time periods required.

(g) Reporting Physical Workplace Conditions or Community Safety Concerns

Employees are encouraged to bring to the attention of their supervisors any physical conditions in the workplace from which a community safety risk emerges or a risk of workplace violence may arise, such as:

- Security breaches (e.g., broken locks, windows)
- Presence of persons who should not be in the space after hours
- Inappropriate use of facilities by members of the public
- Dark or isolated areas, including areas with poor phone reception

- Impeded sight lines (e.g., overgrown shrubbery or other objects blocking areas from being seen that create potential for workplace violence to occur in areas hidden from view)
- Impeded safety mechanisms (e.g., objects interfering with emergency telephones or lighting in dark areas)

Additionally, these types of workplace conditions can be reported to a [Human Resources Divisional Office](#) or a member of a [Joint Health & Safety Committee](#).

Each campus also has a phone line for reporting emergency maintenance needs, as listed below.

St. George

During normal working hours*: 416.978.3000

After normal working hours: 416.978.3000

Mississauga

During normal working hours*: 905.828.5301

After normal working hours: 905.828.5200

Scarborough

During normal working hours*: 416.287.7579

After normal working hours: 416.287.7398

* Normal working hours are 8:45 a.m. - 5:00 p.m., with the exception of July and August when the normal work day is 8:45 a.m. – 4:30 p.m.

3. Assessing Risk of Workplace Violence

The University uses a variety of measures and procedures for assessing on an ongoing basis the potential risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work. The purpose of risk assessments is to identify risks that may expose a worker to physical injury. The risk assessment takes into account both circumstances that are specific to our workplace and circumstances that would be common to similar workplaces. When risks are identified as likely to expose a worker to physical injury, the University will put into place responsive measures and procedures to control such risks.

The results of a risk assessment will be provided to the applicable Joint Health & Safety Committee (JHSC) in writing if the risk assessment is in writing, otherwise the assessment can be provided orally.

Below are some of the means of assessment that the University currently uses. Other means will be used as appropriate in particular circumstances.

Assessment of Risks of Specific Job Categories

The University will maintain an assessment of the various job categories in the University and the potential risk of workplace violence that may arise in each category from the nature of the workplace and the type and conditions of the work. This assessment will be reviewed on a periodic basis.

Supervisors / Managers / Academic Administrators

Supervisors, managers and academic administrators are responsible for identifying and assessing the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work in their area, and for taking appropriate responsive action. They should discuss the potential risks and appropriate responsive action with other university offices such as human resources, Campus Police, the Community Safety Office and the Office of Environmental Health & Safety.

Joint Health & Safety Committee Inspections

Joint Health & Safety Committee members will be provided with information to support them in identifying any physical aspects of the work or workplace from which risks of workplace violence may arise. Any identified issues will be reported in the same way as the JHSC reports other issues arising from inspections. When issues are reported to the committee co-chairs, the management co-chair will forward these issues to the applicable Human Resources Divisional Office as well as the supervisor responsible for that area and the Responsible Line Manager.

Campus Safety Recommendations and Audits

Campus Police work closely with Facilities & Services, Student Housing, the Community Safety Office and other campus resources to identify and make recommendations regarding measures to reduce the risk of workplace violence. Requests can be made to Campus Police for a Crime Prevention Through Environmental Design (CPTED) Audit of areas on the campuses from which risks of workplace violence may arise. Campus Police are also available to make general recommendations regarding campus lighting, addressing issues of poor sightlines, isolated areas, landscaping, emergency communication, workplace layout and design, and specific needs in high risk areas.

4. Assessing Threats of Workplace Violence and Community Safety Concerns

In some cases an individual may present a threat of workplace violence to workers or a broader safety concern for the U of T community. The University has structures in place to deal with such threats. Many can be managed at the local level, for example by Campus Police, the Community Safety Office, Human Resources and offices on each campus that deal with student life. For issues that cannot be managed at the local level, the University has a High Risk Committee that deals with issues from all three campuses. The University also has a Crisis and Emergency Management Framework to address major incidents and crises.

High Risk Committee

The High Risk Committee is comprised of senior University Administrators and managers with experience and expertise in dealing with individuals who may present a threat of workplace violence. The mandate of this committee is as follows:

- Review incidents of workplace violence that have occurred – determine appropriate response to individual incidents; consider proactive steps to minimize likelihood of future incidents.
- Consider concerns about threats of violence toward employee(s), including threats related to domestic violence – determine whether any steps need to be taken and what those steps might be to reasonably protect employees.
- Assess whether in particular circumstances to make information available about a person with history of violent behaviour, and the extent of such disclosure.
- Review patterns to assess effectiveness of existing policies and practices, particularly in respect of controlling the threat of workplace violence and responding to incidents of workplace violence, and where appropriate make recommendations about changes to such policies and practices and/or recommend new policies and practices.

Incidents of workplace violence (including attempts or threats and including domestic violence that may spillover into the workplace) will be referred, as appropriate, to the High Risk Committee by the Director of the Office of Safety and High Risk, whose office will be advised of all incidents in accordance with the reporting procedures set out in section 2 of this Program.

Sharing of personal information

In cases where an individual with a history of violent behaviour presents a threat of workplace violence that is likely to expose a worker to physical injury the University will put measures in place to help protect the worker(s). The University will also provide information related to the risk of workplace violence to any worker(s) who can be expected to encounter that person in the course of their work. The information provided

may include personal information, though no more than is reasonably necessary to protect the worker from physical injury. Such sharing of information is authorized, on a need-to-know basis, by privacy legislation, and should be done in a way that reflects privacy principles. Managers and supervisors should seek guidance on this issue from their Human Resources Divisional Office.

5. Controlling Risk

The University has in place many measures and procedures for controlling risks that arise from the nature of the workplace, the type of work or the conditions of work at the University, both generally and in particular positions. A summary of the resources currently in place are available in Appendix B. New resources will be put in place from time to time as needed.

(h) Electronic security measures

All three University campuses utilize a variety of electronic security measures including both general measures such as emergency call stations located around campus, and specific measures appropriate to particular areas such as closed circuit televisions and building access control. Some of the key campus-specific measures are set out below.

St. George:

- Over 530 [emergency call stations](#) located at multiple points on the campus grounds, elevators, buildings and underground parking lots. These emergency call stations ring directly to the Campus Police dispatch centre and are given the highest priority by the dispatcher. The emergency call stations provide two-way communication between the caller and the dispatcher.
- Emergency Phones. Offers all members of the University community the ability to register their office phone with the [Telephone Emergency Locations System](#) (TELS). To register contact U of T Campus Police at 416.978.2323.
- Free Emergency calls from any campus Bell Canada phone. Dial 416.978.2222 and you will be connected with a Campus Community Police dispatcher.

Mississauga:

- Over 60 emergency telephones and emergency call strips located throughout the campus including in elevators, washrooms and both interior and exterior locations that let Campus Police know exactly where the caller is.
- No-cost dialling on all pay phones for 911 service or the Campus Police emergency line.

Scarborough:

- The upper and lower UTSC campus, including the residence areas and parking lots, are equipped with over 200 emergency interior and exterior phones, panic buttons and intercoms that provide a direct line to UTSC police when the receiver is removed from the cradle or the button is pressed. No dialling is necessary and the University police can pinpoint the location of the call immediately.
- No charge to call University police when using any Bell pay phone on campus. The UTSC police telephone number is displayed on all Bell pay phones.

(i) Information Sheets

The University currently maintains the following information sheets, which may be found at <http://www.communitysafety.utoronto.ca>:

- Safety in University Buildings
- Safety on Elevators
- Safety in Parking Lots and Garages
- While You Are Out
- Using an ATM machine

The University will develop additional information sheets providing advice on safety topics that will be posted on the Community Safety Office website and employees are encouraged to check back regularly for updates.

Additional safety information can be found on the following websites:

Tri-Campus: <http://safety.utoronto.ca/>

St. George: <http://campuspolice.utoronto.ca/safety/>

UTSC: <http://www.utsc.utoronto.ca/police/personal-safety>

UTM: <http://www.utm.utoronto.ca/campus-police/safety-programs>

(j) Training

The University provides various training programs about personal safety issues, including the following:

Organizational Development & Learning Centre (ODLC)

- ODLC conducts sessions for managers on managing difficult/volatile behaviour

Environmental Health & Safety (EHS)

- Supervisors are provided with training on their responsibilities under the *Occupational Health and Safety Act*, which will include their responsibilities in respect of workplace violence.
- Joint Health and Safety Committees are provided with training on their responsibilities, which will include the identification of risks of workplace violence that may arise from the nature of the workplace or the conditions of the work at

the University as well as their role in the case of a violent act causing a critical injury.

Community Safety Office (CSO)

- Wen-do courses
- Presentations on a variety of issues relating to personal safety or risk can be facilitated by request. These trainings can be offered in conjunction with Campus Police.

Sexual Violence Prevention and Support Centre

- Online and in-person training to members of the University Community about the *Policy on Sexual Violence and Sexual Harassment*

6. Investigating Incidents of Workplace Violence

When an incident of workplace violence is reported to the Office of the Vice-President, Human Resources & Equity, an investigation may be undertaken to gather the facts relating to the incident so that the University can respond appropriately. Each situation of workplace violence is, by definition, unique, and a variety of investigative techniques could be suitable. Accordingly, the investigation may proceed through one of several different mechanisms, depending upon contextual factors such as the subject-matter of the complaint and the parties involved in the complaint. For example, the alleged behaviour may fall under the purview of the [Policy on Sexual Violence and Sexual Harassment](#). Or, if a student engages in workplace violence, the incident may be investigated under the [Code of Student Conduct](#). Where an employee engages in workplace violence, the investigation will be conducted in accordance with human resources procedures.

In all cases investigations will be consistent with the relevant collective agreement, employment policy, student policies, and/or other agreement documenting the relationship between that individual and the University, as well as the *Occupational Health and Safety Act*.

Any employee who has been a victim of workplace violence or is alleged to have engaged in workplace violence will be advised of the process that will be followed if the matter is being investigated and will be provided with a fair process that will include an opportunity to meet with the investigator, an opportunity to respond to relevant statements made by the other party, and being advised of the outcome of the investigation in a timely manner. Please note that while employees have a right to be advised of the outcome of the investigation they will not generally be advised of the details of any sanction/remedial action against any other party.

It should be understood that the word “investigation” does not necessarily involve a full-scale, complex inquiry. Often, informal inquiries and discussion, with the views of the parties being solicited and assessed, will be sufficient.

While efforts are made to provide appropriate protection of the confidentiality of information obtained during the investigation process, anonymity is not possible. In almost all cases the person(s) against whom allegations of workplace violence have been made will need to know who is making the allegations in order to respond, and others will need to know information in order to process and respond to the complaint.

Any employee who has been a victim of workplace violence or is alleged to have engaged in workplace violence will be entitled to invite one support person to accompany them to any investigative interviews should they wish to do so. This person may be a representative from the employee’s union. The support person’s role will be

limited to support and that person will not be permitted to speak on behalf of the person being interviewed.

(k) Interim Measures

In some cases measures may be put in place to separate parties during an investigation. For example, reporting structures may be changed or an individual alleged to have committed workplace violence may be placed on an administrative, non-punitive suspension during the investigation. For example, an employee might be placed on a leave of absence or a suspension, either with or without pay. A student might be subject to interim measures under the *Code of Student Conduct*. In all cases such measures will be in accordance with the relevant agreement documenting the relationship between that individual and the University (e.g., employment contract, collective agreement, residence agreement, student contract, consulting agreement, etc.).

(l) Penalties and Sanctions

An employee who is found to have subjected another employee to workplace violence may be subject to disciplinary action up to and including the termination of their employment.

A student who is found to have subjected any employee to workplace violence may be subject to sanctions or other consequences under the *Code of Student Conduct*.

Others who are found to have subjected any employee to workplace violence will be subject to penalties that are appropriate in view of their relationship to the University.

Criminal conduct may be subject to action under the *Criminal Code of Canada* or other statutes.

(m) Reprisals

There will be no reprisals against persons who, in good faith, raise issues under this Program.

(n) Vexatious or bad faith use of Program

There may be disciplinary consequences or sanctions for utilizing this Program in a way that is in bad faith or is vexatious.

7. Appendix “A”

(o) Related Laws, Policies and Guidelines

Ontario Laws

Ontario laws and their regulations can be found here: <http://www.ontario.ca/laws>

[Occupational Health and Safety Act](#)

[Human Rights Code](#)

Federal Laws

[Criminal Code](#)

University of Toronto Policies

[Policy with Respect to Workplace Violence](#)

[Policy with Respect to Workplace Harassment](#)

[Policy on Crisis Preparedness and Response](#)

[Policy on Disruption of Meetings](#)

[Statement on the Bearing of Firearms](#)

[Health and Safety Policy](#)

[Police Policy](#)

[Policy on Sexual Violence and Sexual Harassment](#)

[Statement on Human Rights](#)

[Statement of Institutional Purpose](#)

[Statement on Prohibited Discrimination and Discriminatory Harassment](#)

[Code of Student Conduct](#)

University of Toronto Guidelines

[Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment](#)

[Human Resources Guideline on Civil Conduct](#)

8. Appendix B

(p) Campus Resources

Campus Community Police:

St. George - [Campus Police](#)
416.978.2222

Scarborough - [Campus Community Police](#)
416.978-2222

Mississauga – [Campus Police Services](#)
905.569.4333

Escorted Campus Travel programs:

[St. George Travel Safer](#) – call 416.978.SAFE (7233)

[UTSC Travel Safer](#) – call 416.287.7022

[UTM WalkSafer](#) – call 905.607.SAFE (7233)

Work Alone programs:

[St. George Work Alone Program](#) – call 416.978.2323

[UTSC Lone Worker Program](#) – call 416.287.7398

[UTM Work Alone Program](#) – call 905.828.5200

Community Safety Office

Health & Well-Being Programs & Services

[Employee and Family Assistance Program](#): (Offers free confidential short-term counselling to eligible employees and their dependents for personal, family, and work-related problems).

[Sexual Violence Prevention and Support Centre](#)

416.978.2266

thesvpcentre@utoronto.ca

Services available to students:

(For employees who are also students)

[St. George Student Life Programs and Services](#)

[UTSC Department of Student Life](#)

[UTM Student Life](#)

(q) Communication systems

- [University Emergency Alert System](#) – provides emergency alerts to subscribers' cell phones



UNIVERSITY OF TORONTO

University of Toronto
Governing Council

Policy with Respect to Workplace Violence

May 13, 2010

(amended October 26, 2017)

To request an official copy of this policy, contact:

The Office of the Governing Council
Room 106, Simcoe Hall
27 King's College Circle
University of Toronto
Toronto, Ontario
M5S 1A1

Phone: 416-978-6576

Fax: 416-978-8182

E-mail: governing.council@utoronto.ca

Website: <http://www.governingcouncil.utoronto.ca/>

POLICY WITH RESPECT TO WORKPLACE VIOLENCE

The University of Toronto is committed to maintaining a workplace that is free of violence. Any act of workplace violence is unacceptable conduct that will not be tolerated. No one shall subject any employee to workplace violence or allow or create conditions that support workplace violence.

This Policy applies to activities that occur while on University of Toronto premises and to work- related activities or social events occurring off-campus

If you are the victim of or a witness to a violent incident at work, as soon as safely possible contact:

- **campus police at:**
 - **416-978-2222** (St. George)
 - **416-287-7333** (UTSC)
 - **905-569-4333** (UTM)

or

- **911 (9-911 from a campus telephone)**

You may also contact the Community Safety Office at 416-978-1485 to discuss safety concerns.

If you are the victim of or a witness to a sexual violent incident at work, you may also contact the Sexual Violence Prevention and Support Centre at 416-978-2266 to discuss available services and supports and options for making a formal report to the University and/or to Police.

What is workplace violence?

Workplace violence is defined in the *Occupational Health and Safety Act* as follows:

"Workplace violence" means,

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,

- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace violence may constitute sexual violence. Please refer to the University of Toronto Policy on Sexual Violence and Sexual Harassment

<http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2016/12/p1215-poshsv-2016-2017pol.pdf> or contact the Sexual Violence Prevention and Support Centre at 416-978-2266 or thesvpcentre@utoronto.ca.

Penalty

An employee who subjects another employee to workplace violence may be subject to disciplinary action up to and including the termination of his/her employment.

A student who subjects any employee to workplace violence will be subject to penalties under the *Code of Student Conduct*.

Others who subject any employee to workplace harassment will be subject to penalties that are appropriate in view of their relationship to the University.

Program

The University has developed and maintains a Workplace Violence Program to implement this Policy which can be found online at <http://dlrissywz8ozqw.cloudfront.net/wp-content/uploads/sites/34/2016/04/U-of-T-Workplace-Violence-Program.pdf>

Related Documents

In applying this Policy, the University is committed to acting conscientiously and in keeping with applicable legislation as well as its own policies and guidelines. These include, for example:

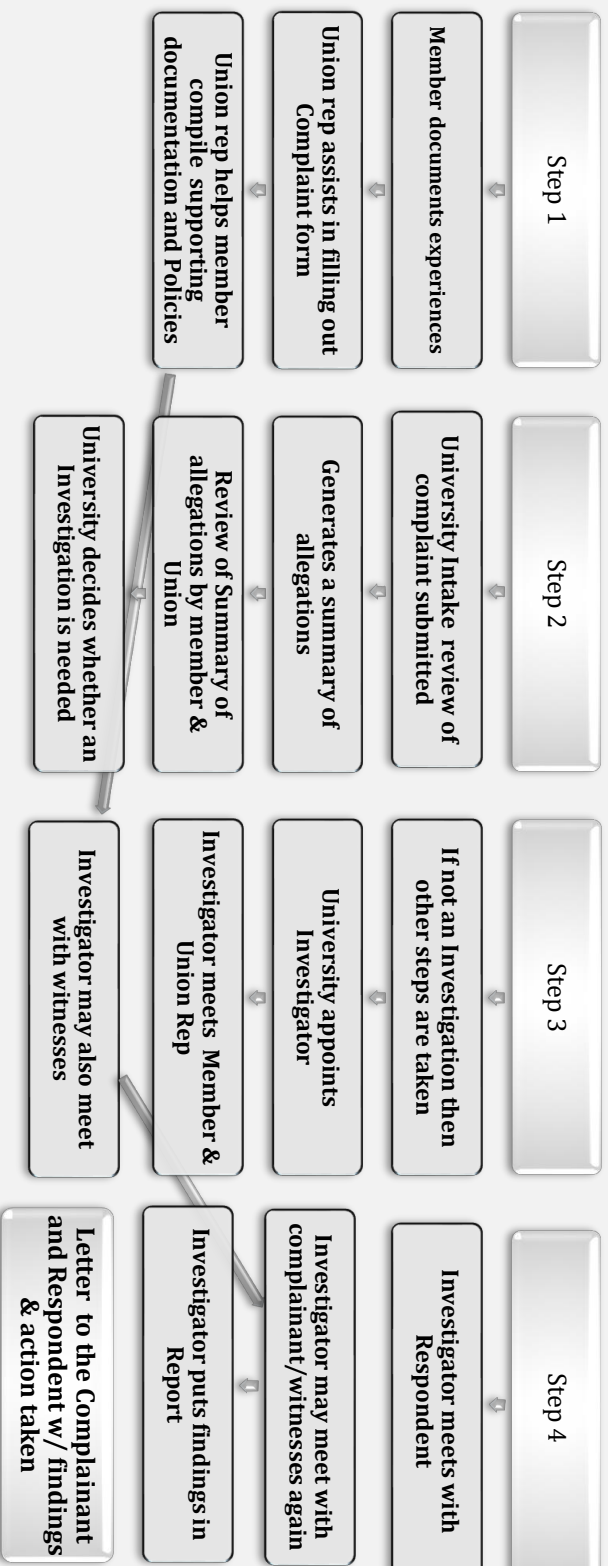
- Ontario *Occupational Health and Safety Act*
- Ontario *Human Rights Code*
- University of Toronto *Code of Student Conduct*

- University of Toronto *Policy on Sexual Violence and Sexual Harassment*
- University of Toronto *Workplace Violence Program*
- University of Toronto *Workplace Harassment Program (Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment* (“Discrimination Guideline”) and *Human Resources Guideline on Workplace Harassment and Civil Conduct* (“Civility Guideline”))
- University of Toronto *Policy on Crisis Preparedness and Response*
- University of Toronto *Statement on Human Rights*
- University of Toronto *Statement of Institutional Purpose*
- University of Toronto *Statement on Prohibited Discrimination and Discriminatory Harassment*

*May 13, 2010, approved by Governing Council
Amended October 26, 2017*

55776

Complaint process USW/NON-USW



Ontario Human Rights Code

Definitions

PART II

INTERPRETATION AND APPLICATION

Definitions re: Parts I and II

10. (1) In Part I and in this Part,

“age” means an age that is 18 years or more; (“âge”)

“disability” 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, 1997*; (“handicap”)

“equal” means subject to all requirements, qualifications and considerations that are not a prohibited ground of discrimination; (“égal”)

“family status” means the status of being in a parent and child relationship; (“état familial”)

“group insurance” means insurance whereby the lives or well-being or the lives and well-being of a number of persons are insured severally under a single contract between an insurer and an association or an employer or other person; (“assurance-groupe”)

“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome; (“harcèlement”)

“marital status” means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage; (“état matrimonial”)

“record of offences” means a conviction for,

(a) an offence in respect of which a pardon has been granted under the *Criminal Records Act* (Canada) and has not been revoked, or

(b) an offence in respect of any provincial enactment; (“casier judiciaire”)

“services” does not include a levy, fee, tax or periodic payment imposed by law; (“services”)

“spouse” means the person to whom a person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. H.19, s. 10 (1); 1993, c. 27, Sched.; 1997, c. 16, s. 8; 1999, c. 6, s. 28 (8); 2001, c. 13, s. 19; 2001, c. 32, s. 27 (2, 3); 2005, c. 5, s. 32 (8-10); 2005, c. 29, s. 1 (1).

From <http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90h19_e.htm>

Bill 168

	Workplace Harassment	Workplace Violence
Definition	“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”	<ul style="list-style-type: none">a. “The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,b. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,c. A statement of behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.”

Bill 132

Expands definition of workplace harassment to explicitly include workplace sexual harassment

	Workplace Harassment
Definition	<p>“engaging in a course of vexatious comment or conduct against a worker 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</p> <p>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.”</p>

Bill 132 requires that an employer’s harassment program:

- Includes measures and procedures for workers to report incidents or workplace harassment to a person OTHER than the employer or supervisor, if that person is the alleged harasser;
- Has confidentiality measures, so information obtained about a complaint will not be disclosed unless necessary for the investigation, or for taking corrective action, or otherwise required by law;
- Informs a complainant of the results of the investigation and of any corrective action taken as a result
- Bill 132 places a positive obligation on an employer to take reasonable steps to protect a worker from workplace harassment.
- Employer MUST conduct an investigation into incidents and complaints
- Complainant and respondent (if they are a worker of the employer) must be informed of the results of the investigation and of any corrective action taken
- MOST IMPORTANTLY Bill 132 gives a Ministry of Labour inspector the power to order an employer to conduct an investigation with an impartial outside person, if the investigation is deemed to not be appropriate

Concept of Procedural Fairness as applied to Civility Investigations

The more serious the allegations and potential negative repercussions for the person accused of harassment or bullying, the more stringent the aspects of procedural fairness should be. Investigators should always respect procedural fairness, but the extent to which measures are taken to protect these principles will depend on the nature of the allegations and the consequences for the parties.

5 KEY POINTS TO REMEMBER

I. The Right to be Informed of the Allegation(s)

The respondent has the right to know the totality of the allegation(s) made by the other party and must be afforded a reasonable opportunity to respond to them. It is generally the role of the person responsible for managing the harassment complaint process to notify the accused party of the allegations at the outset by providing him or her with a copy of the allegations and an opportunity to respond.

II. Investigator Must be Impartial

The parties have the right to an impartial investigator. Investigators must be neutral third parties with no interest or stake in the case or its outcome. It is imperative that their skills be exercised impartially and independently. An investigator must refrain from taking part in an investigation should a situation arise where bias or a reasonable apprehension of bias may be perceived by the parties. A written request by a party that the investigator withdraw from the case because of a real or reasonable apprehension of bias on his part must be presented at the outset of the investigation or as soon as the party has knowledge of circumstances that could justify this apprehension. In other words, the parties may be considered to have agreed to proceed before this investigator by the fact that they have not objected. If a request for the investigator to be removed from the investigation reveals circumstances that could give a reasonable person grounds to believe that the investigator could be seen to have an interest in favouring one party over another or if the investigator demonstrates bias towards one of the parties, the person responsible for managing the harassment complaint process should decide whether it would be appropriate to hire the services of a different investigator to maintain the integrity of the process.

III. The Right to be Heard and to Present Evidence

The parties must be afforded the opportunity to present their version of the facts, identify witnesses and submit documentary evidence (documents, videos, tapes, electronic files, photographs, etc.).

It is then up to the investigator to decide whether the evidence submitted is relevant and admissible. Any evidence that confirms or refutes incidents related to the allegations should be admitted as evidence.

The investigator may disregard evidence that would be inadmissible in law because of:

- Laws governing privilege (e.g. lawyers, mediators); and
- Laws protecting the confidentiality of medical records or other documents (e.g. psychologists, physicians, psychiatrists, Employee Assistance Program counsellor).

IV. The Right to be Accompanied

The parties may designate someone to accompany them during the investigation. This person may select a union representative, a spouse, a friend, etc. This person does not represent the party, but is there to assist.

V. The Right to Review Statements to Confirm their Accuracy

Every person who testifies in the investigation should have access to the statements to verify their accuracy. To ensure this, the investigator should ask the witness to sign and date their statement, before the preliminary summary of facts is written and disclosed to the parties.

Tips to get you started

When filing a complaint, here are some tips to get you started:

Tips

- Try to get the information down on paper in point form first. What you submit does not have to be in essay format.
- Write it in a manner that is most comfortable to you.
- Take your time, realize that you may stir up some emotions getting stuff down on paper, and so give yourself time and space to deal with feelings that may come up.
- Dates and locations are important so if you can remember them please include.
- If there were other people present to witness the incidents then indicate if they are willing or unwilling to be witnesses.
- If you do not want to name the witnesses then use initials or pseudonyms
- Please indicate if the person or person(s) doing the bullying were USW members, management, students or other.
- The Union can read your draft when you have a copy available.

Please let me know if you have any questions.

Investigation template

(adapted from a Ontario Human Rights Commission (OHRC) document)

This form is a starting point for planning and conducting an investigation, and should be modified to address the specific issues that arise in individual member situations. Additional pages can be added if needed.

Name of investigator (assign by U of T, usually by Sean Suleman)

Date of start of investigation: _____

Qualifications of investigator: _____

Gather background information:

Who are the parties involved or potentially involved? Keep in mind that even if the member raising the concern is doing so on behalf of themselves, he or she may also indicate other members or non-members as witnesses or respondent. Other members also have a right to Union support under the collective agreement Code (association or poisoned environment).

Name of person raising concerns: _____

Department: _____

Position raised: _____

Name of potential complainant (if different than person raising the complaint):

Department: _____

Position: _____

Name of potential respondent(s): _____

Department: _____

Position: _____

List the main concerns. Which ones might be human rights issues? Add an extra page if needed.

Summary of allegations:

Identify relevant Civility Guidelines, Human Rights Code principles and University of Toronto policies:

When did the issues arise? Keep an open mind about the last incident – for example, it could be a letter confirming a conversation that took place long ago.

Date of first incident: _____

Date of last incident: _____

Frequency of concerns: _____

What area do the issues relate to (for example, work being done, after work or personal interactions)? Does it relate to more than one area?

Area #1: _____

Area #2: _____

Do any Human Rights grounds apply? What are all the grounds that might apply? Could the discrimination be linked to the overlap of two grounds such as race and sex or disability and age (“intersectionality”)?

Ground(s): _____

Intersectionality: _____

What types of discrimination do the concerns relate to (for example, harassment, poisoned environment, subtle discrimination or systemic discrimination)? Are there problems with the process and/or substance of accommodation?

Types of discrimination: _____

What principles should be kept in mind when interviewing witnesses or reviewing documents (for example, that discrimination need only be one factor or that rules need to be designed inclusively and include the concept of accommodation)?

Civility Guidelines that may apply: _____

Code principles that may apply: _____

University policies that may apply: _____

Plan and conduct the investigation:

Before interviewing witnesses or reviewing documents, an investigator needs to plan each step and understand what evidence would show discrimination. Rather than asking witnesses if they think discrimination exists, witnesses should be asked specific questions about what they have observed, are aware of or have personally experienced.

An investigator should keep in mind that for many people discrimination means the same thing as harassment. Uninformed witnesses may not be able to identify a failure to accommodate or an unfair job competition process as discriminatory, but they would be able to say what happened. So, questions must be specific enough to allow the investigator to understand the facts and analyze at the end of the investigation whether all the facts uncovered amount to a violation of the Civility Guidelines or Human Rights Code.

Take detailed notes of the questions asked and answers provided by each witness, and give that witness a copy of the notes relating to his or her interview. Attach notes from all witness interviews to the investigation template.

Witness #1: _____

Reason for interview: _____

Specific information sought: _____

Witness #2: _____

Reason for interview: _____

Specific information sought: _____

Witness #3: _____

Reason for interview: _____

Specific information sought: _____

Document #1: _____

Relevance : _____

Document #2 : _____

Relevance : _____

Document #3: _____

Relevance : _____

Report conclusions and outcomes:

The investigator's summary report should set out what evidence was obtained and any further evidence needed, an analysis of the evidence consistent with human rights principles, and conclusions and recommendations for action. Do not make comments about character.

Add extra pages if needed.

Summary of key evidence:

Name of person responsible: _____

Position: _____

Date recommendations made: _____

Date for follow-up: _____

Date recommendations acted on: _____

Actions taken: _____



Experiencing conflict at work?
Having a difficult time working with a colleague?
Having trouble communicating in your professional life?
Feeling frustrated, vulnerable, or attacked?

You are not alone. The Steelworkers local 1998 Internal Mediation Service (SIMS) may be able to help.

What is mediation? Mediation is a confidential, voluntary, and effective process that brings people together, with mediators present, to help them reach a resolution to a dispute.

What is the SIMS? The Steelworkers local 1998 Internal Mediation Service is a mediation process facilitated by a team of trained mediators who work with Local 1998 members to help resolve workplace conflicts.

SIMS uses a non-adversarial, interest-based problem-solving approach. Our process establishes a safe-space for dialogue; we will facilitate a process to help you be heard and understood by your co-worker, and have an opportunity to hear and understand from your co-worker their needs and concerns.

What type of situation does the SIMS deal with? The service can help to resolve a variety of conflict situations; for example:

- Workplace conduct (e.g., speaking tone, communication styles)
- Workplace climate (e.g., dignity, respect, workplace culture)
- Negotiating shared space & shared resources
- Social and interpersonal interactions

What is the mediation process?

If both members agree to participate, here is what occurs:

- a. Two co-mediators are assigned
- b. The co-mediators contact each member to establish a time to meet and discuss issues and concerns
- c. The co-mediators meet with each member to hear their perspective on the situation
- d. The co-mediators meet with both members together for a structured and facilitated process to ensure a respectful and safe conversation to discuss issues and concerns and explore mutually acceptable resolutions.
- e. The mediators follow up with the members to help ensure follow-through on agreements

How do I initiate the process?

Please contact USW LOCAL 1998 (416) 506-9090 info@usw1998.ca

DETOXIFY

Your Workplace!

Standing Up to Bullying & Harassment at the University of Toronto

The following notes were generated from the group discussion at the USW1998 Workshop held on December 3, 2015. They are tips/actions members can take to deal with the **Four Workplace Bully types according to Dr. Gary Namie**
<https://www.youtube.com/watch?v=tvPqSn-W7QY>

The Screaming Mimi

- Remain calm, take deep breaths and try not to react too defensively
- If you are sitting down and the bully is standing, stand up so are at their level
- Say calmly “You seem upset, perhaps we can talk about this once you’ve had a chance to calm down?”
- Ask “is it ok if I record this?” Take out your cell phone to you are serious. If the bully does not give you permission to record, say “Ok, I will just take notes then.” Take out your notepad and start writing everything they say. Include details re: witnesses, time of day, location, etc.
- Remember that you can’t record a conversation without permission. While it is technically legal to record provided at least one person in the room is aware the conversation is being recorded, from the union’s perspective we strongly advise against recording anyone without their knowledge.



you
later
show

The Two-Headed Snake

- Build allies with other people in the office, whether they be colleagues (other USW members), or people with influence, as professors, Chair, etc.
- A strong network of support can result in information sharing added protection
- Don’t overshare with people you are not yet familiar with; be too trusting. Be cautious before giving information about



such
and
don’t

yourself, or revealing anything personal that could later be used against you. The Two-Headed Snake wants you to reveal vulnerabilities so they can use this information to attack you.

- Try to show and feel compassion for the bully. You don't always know what issues they themselves might be dealing with, i.e. domestic abuse, family illness, mental illness. Allowing yourself to feel compassion to people, even when they are not compassionate towards you, allows you to calm down and diffuse. Try to look at the situation from their perspective to understand where they might be coming from.

The Gate Keeper

- This is an insidious form of bullying that can be incredibly difficult to deal with
- If a person is deliberately withholding information you require to do your job, ask them politely why; explain the negative impact this is having on you. Say you would appreciate it if they could send you the information you need to do your job.
- Members suggested we have a separate seminar re: how to properly document bullying and harassment of this type, and how to identify a pattern of bullying, etc.
- Member on member mediation provided by the union might be a useful resource. Be very cautious before going to management to complain about a fellow union member. The result may be that you both get disciplined. Member on member mediation is meant to deal with the issue while preventing discipline.
- Members discussed the added peculiarity of the University environment, whereby professors are appointed to management/administrative positions without being properly trained nor hired to be a manager. Mismanagement by tenured faculty in administrative positions can cause a great deal of stress, frequently resulting in stress leaves



The Constant Critic

- Don't sign anything you're not comfortable signing, i.e. performance appraisal.
- Ask to have a union rep present. Note that according to the collective agreement, members only have a right to union representation for disciplinary meetings, or investigation meetings that are the result of a grievance/civility complaint. Still, if you are being heavily criticized unfairly, you can still to have a union rep present.
- You can say "I don't feel comfortable right now, I don't think these criticisms are fair, nor is this constructive feedback. If you would like to continue this conversation, I would like to have a union rep present." You can get up and leave. You don't have to sit there and take it. However, you must remain calm and respectful.
- Take care of yourself. Remind yourself of your competency, of what you are good at. Don't beat yourself up over unfair criticisms.
- Members suggested the union provide more tools/workshops on how victims of bullying can take care of themselves, manage the situation positively



ask

-
- Members suggested assertiveness training, how to use language that's reasonable/permissible to stand up for yourself, i.e. knowing what insubordination means, and how to protect yourself against management claims of insubordination, while also standing up for your rights to have a work environment free of bullying and harassment.
 - Meditation/mindfulness, going for a walk when you are upset are examples of self-care. Learn coping skills, create an imaginary bubble to protect yourself, calm yourself.

For More Information

- Read the [University of Toronto Civility Guidelines](#) here.
- Visit <http://notinmyworkplace.com/>
- Contact a union steward, or call the main office at 25 Cecil St. to be referred to someone who can help. 416-506-9090. The [USW1998 list of union stewards can be found here](#).
- Read what your Collective Agreement says about Bullying and Harassment at <http://www.usw1998.ca/members/>. For the Staff Appointed CA, the relevant articles are 3:01-3:07 (pgs. 9-11 of the pdf document [here](#).)
- Visit the [Workplace Bullying Institute website](#) here.
- If you are suffering from bullying and harassment and require professional help, DO NOT use the University's EAP (Employee Assistance Programs.) Professionals you are referred to via this service may refuse to write you medical to support a leave due to bullying and harassment in the workplace. This is because they are a client of the University. You should use the USW Lifeline Foundation instead. Call Sharon Clarke, Lifeline Coordinator, at 416-445-5819 ext. 25. Lifeline provides confidential information and referral services to USW members, their families, and their employers.



**LIFELINE
FOUNDATION**

Look at the following scenarios and indicated what policies, guidelines or programs would play an important role in addressing the issues. Which policy would apply to which issue.

- 1) Sue is a Cree woman who is repeatedly, and openly, exposed to incidents of discrimination and harassment in a male-dominated work environment. She copes by keeping to herself at work and getting support from her family at home. She is reluctant file a complaint because she has seen what has happened to others viewed as "troublemakers," and there is not much point because management doesn't seem to mind the workplace culture. She also remembers how hard it was to find a job with steady hours and good benefits. Ultimately, the harassment leads to termination of her employment and at that time she acts.
- 2) All the women in a area of Grounds-keeping are assigned to work outdoors in the parking lot during the cold winter months, a task that is not normally part of the duties of their positions. Most of the women are racialized and speak English as a second language. There are high rates of absences and turnover for the women in that group compared to women supervised by other managers. Whenever a posting for a temporary assignment in any branch of the organization comes up, all the female members of this group apply even if the hourly pay is much less. No complaints of harassment have yet been filed, these circumstances warrant further inquiry.
- 3) An Executive Assistant alleges that her boss, the VP of Finance, has sexually harassed her. She states that her environment is poisoned, and she no longer feels safe working with him. While there is objective evidence to confirm that harassment likely occurred, the decision is made to put her on a leave until an investigation is concluded. This is because there are other secretaries who can fill in for her, whereas the VP Finance is viewed as essential to the operation of the business. Also, the company is concerned about minimizing the impact of the allegations on the VP's reputation.
- 4) A racialized member with a disability alleges that he was subjected to inappropriate comments because of his race and disability. A manager investigates and writes a report indicating that the Code was not violated because none of the alleged comments explicitly referred to the member's race or disability and because he never objected. The manager concludes that there was no discrimination, because although there was evidence that one serious comment was made, harassment requires a course of comment or conduct.

- 5) 'Two members of Egyptian background are in a conflict. One member, a Christian woman who has been in Canada for 10 years, claims that she is being harassed by the other, a Muslim man who recently immigrated from Egypt. The University declines to investigate on the basis that there could not be discrimination because they are both Egyptian and that this must just be a dispute about "back-home politics."
- 6) A Faculty's hiring process for students is to have them all interviewed individually by a number of supervisors and management. Interviewers are not given a set list of questions or hiring criteria. Instead, each candidate's resume is used as a starting point for a free-flowing discussion of topics of interest to the interviewer, such as which school the person studies at and where they play golf. At the end of the interview, candidates are ranked based on how well they "fit" the Faculty's image.