

Wednesday, March 29, 2017

Public Session

12:10 p.m. – 1:30 p.m.

North Campus, ERC 3023

Toll-Free: 1-877-385-4099 Participant Passcode: 1028954#

Members: Karyn Brearley (Chair), Dan Borowec, Jeremy Bradbury (guest member), Andrew Elrick, Francis Garwe, Adele Imrie, Jay Lefton, Tim McTiernan, Mike Snow, Shirley Van Nuland (guest member)

Staff: Robert Bailey, Becky Dinwoodie, Craig Elliott, Cheryl Foy, Douglas Holdway, Susan McGovern, Michael Owen, Deborah Saucier

Guests: M. Bowman

AGENDA

No.	Topic	Lead	Allocated Time	Suggested End Time
1	Call to Order	Chair	1	
2	Agenda (M)	Chair	1	
3	Conflict of Interest Declaration	Chair	1	
4	Approval of Minutes of the Meeting of January 25, 2017* (M)	Chair	2	
5	Chair's Remarks	Chair	5	
6	President's Remarks	T. McTiernan	5	12:25 p.m.
7	Governance			
7.1	Annual Board Practices Assessment Review* (M)	J. Bradbury/ S. Van Nuland	15	12:40 p.m.
7.2	By-Law Review Project (U)	C. Foy	10	12:50 p.m.
7.3	Risk Management (P)(U)	C. Foy	10	1:00 p.m.
7.4	Policy		25	
	(a) Student Sexual Violence Policy Review* (P)(U)	M. Bowman		
	(b) Workplace Violence Policy Review* (P)(U)	C. Foy		1:25 p.m.
8	Other Business	Chair	3	
9	Termination (M)	Chair	2	1:30 p.m.
	* - Documents attached			
	D - Discussion			
	M - Motion			
	P - Presentation			
	U - Update			

Becky Dinwoodie, Secretary



**BOARD OF GOVERNORS
Governance, Nominations and
Human Resources Committee**

**Public Session Minutes for the Meeting of January 25, 2017
12:20 p.m. to 2:30 p.m., ERC 3023**

Attendees: Karyn Brearley (Chair), Adele Imrie, Tim McTiernan, Mike Snow

Staff: Becky Dinwoodie, Craig Elliott, Cheryl Foy, Douglas Holdway, Michael Owen

Guests: Mikael Eklund

Regrets: Dan Borowec, Andrew Elrick, Jay Lefton

1. Call to Order

The Chair called the public session to order at 12:20 p.m.

2. Agenda

The Agenda was approved, as presented.

3. Conflict of Interest Declaration

There were none.

4. Approval of Minutes of the Meeting of November 23, 2016

Upon a motion duly made by A. Imrie and seconded by T. McTiernan, the Minutes were approved, as presented.

5. Chair's Remarks

The Chair kept her remarks brief to allow further time for discussion as the public session started later than scheduled.

6. President's Remarks

The President also kept his remarks brief to allow additional time for discussion.

7. Human Resources

7.1 Annual Pension Plan Report

C. Foy provided the background for the pension plan compliance checklists. If the item on the checklist is marked green, it has been completed. She advised that the Senior Administration Sub-Committee members meet regularly and ensure the checklist items are completed. They have not engaged external counsel or an external auditor for this purpose.

C. Foy asked the Committee members to review the compliance certificates. She envisions implementing a similar model for compliance across the university. She is currently working with legal colleagues across the province to identify all legislation that applies to universities. She confirmed that the University Secretary and General Counsel is responsible for compliance. T. McTiernan added that he is responsible to the granting councils for compliance.

The Chair expressed her support for the “red, yellow, green” dashboard model, as it is intuitive.

8 Governance

8.1 By-Law Review Project

C. Foy provided the Committee with a status update on the By-Law Review Project. She confirmed that M. Eklund, also in attendance as a guest, is a member of the By-Law Review Working Group. The group met last week and focused on completing the review of article 8 of the By-Law. One of the group’s recommendations will be to separate the sections dealing specifically with Academic Council into a separate by-law, which would become By-Law Number 2. The group hopes to complete the review of section 8 by the next meeting.

C. Foy advised that the group will be working with Louis Charpentier, a consultant and former University Secretary of U of T, to complete a draft of By-law Number 1 that will deal with general matters. C. Foy confirmed that amending the By-Law is within the Board’s jurisdiction to approve. The group continues to make good progress and is working towards completing a draft by the end of the year.

8.2 Policy

C. Foy advised that they have not received much feedback from the community on the violence related policies, so far, and she will keep the Committee updated.

9. Other Business

There was none.

10. Termination

There being no other business, upon a motion duly made by T. McTiernan and seconded by M. Snow, the meeting terminated at 12:33 p.m.



COMMITTEE REPORT

Non-Public:
 Public:

Action Required:

Discussion
 Decision

DATE: March 29, 2017

TO: Governance, Nominations and Human Resources Committee

FROM: Becky Dinwoodie, Assistant University Secretary

SUBJECT: Annual Board Practices Assessment Review

A. Purpose

To obtain the Committee's approval of the proposed substantive changes to the annual Board Practices Assessment questionnaire.

B. Background/Context

Following the Committee's review of the 2014-2015 Board assessment results last year, the Committee asked that a review of the Board Practices Assessment process and tool be conducted during 2016-2017. In particular, the Committee requested a substantive review of the assessment questions.

At the Committee's meeting on January 25, the Committee confirmed their request for a substantive review of the assessment questionnaire. The Committee asked for the review to be completed by the next meeting so that any proposed amendments could be incorporated and the Board's 2016-2017 Annual Assessment could be completed prior to the June AGM. The Committee also expressed its preference to send out the assessment form electronically for governors to complete individually as opposed to in a group.

The Chair suggested that the Secretariat approach the elected faculty governors, Jeremy Bradbury and Shirley Van Nuland, to conduct the review, and the governors agreed to the Chair's request.

C. Discussion

Attached is the existing version of the Board Assessment Form and the proposed changes resulting from the review conducted by J. Bradbury and S. Van Nuland. The amended form incorporates changes to the wording to ensure that only one element is asked in each statement. They have also suggested some streamlining that would collapse the ideas of 'abilities' and 'and areas of expertise' since these are closely allied.

D. Recommendations/Requests

We are seeking the Committee's feedback and approval of the proposed changes to the Board Practices Assessment Form.

UOIT CONFIDENTIAL – CONTAINS SENSITIVE AND PERSONAL INFORMATION



BOARD OF GOVERNORS 2016-2017 Board Practices Assessment

This Board Practices Assessment Questionnaire is designed to assist the Board to evaluate its own effectiveness. The questions provide an opportunity for Governors to indicate whether the structure and conduct of meetings, and the information and support received enables them to participate effectively in the governance of the University. Understanding this information will provide key information for improving Board processes.

This year the Board Practices Assessment will be conducted as part of an interactive online session at the end of the AGM on June 25th. You will have the option of completing the assessment using one of the provided iPads or your own personal electronic device (laptop, tablet, smart phone). Any type of web-enabled device will allow you to connect to the web-based program we will use for the questionnaire.

In order to use the time during the AGM effectively, the questions are being provided in advance in order to give you the opportunity to reflect on your experiences during the 2014-2015 Board year prior to attending the session.

The questionnaire is a mix of multiple-choice and short-answer questions based on the following categories:

- Board Effectiveness
- Structure of the Board
- Board Meetings
- Individual Board Involvement

In each category you will be asked to indicate your agreement with a series of statements based on the following scale:

- 1 – Strongly Agree
- 2 – Agree
- 3 – Neither Agree nor Disagree
- 4 – Disagree
- 5 – Strongly Disagree
- 6 – NR (No response – if you cannot comment on a statement).

The responses you submit during the online session will be seen only by the Secretary and Chair of the Board and will be held in strict confidence. The Secretary will collate the responses to the assessment form and the Chair will present the results to the Board, without attribution, for information and discussion.

Please review the questions below ahead of the session to help assist you in completing the assessment during the AGM.

Board Effectiveness

In this section of the assessment you will be asked to indicate your level of agreement for how each of the following contributes to the effectiveness of the Board in its practices and performance.

1. The Board as a whole has a clear understanding of the University's mission.
2. The Board as a whole has a clear understanding of the University's strategic plan.
3. The University's strategic goals are clear.
4. The University's strategic goals serve as a useful guide to the Board in the deliberations and policy making decisions.
5. The Board is provided with adequate information at meetings for effective decision-making.
6. The Board is provided with adequate resources prior to meetings for effective decision-making.
7. The Board has sufficient engagement with Academic Council.
8. The Board has effective engagement with Academic Council.
9. The Board understands the distinction between the responsibilities of its role and the role of the administration.
10. The Board has the opportunity to discuss matters of critical importance before decisions are made.
11. The Board has the opportunity to ask questions of critical importance before decisions are made.
12. The Board ensures that members receive reports on how our organization has used its financial resources.
13. The Board knows the major challenges facing this university.
14. The Board knows the major opportunities facing this university.
15. The Board schedules sufficient time to discuss long term strategic issues.
16. Evaluation and reporting of Board performance is useful in improving the practices of the Board.

In this section you will also be asked to provide a short-answer response to the following:

17. In my view, the Board's most significant achievement in the past year was:
18. In my view, the most important thing the Board could do to improve its effectiveness is:
19. Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide.

Structure of the Board

In this section of the assessment you will be asked to indicate your level of agreement with each of the following statements regarding the structure of the Board and its Committees.

1. The Board has an effective committee structure for its needs.
2. The Board makes good use of its committees.
3. The level of delegation of authority to the Board Committees is appropriate.

4. Board committees act appropriately within the delegation of authority (i.e. routine matters are resolved and significant matters are properly recommended to the Board)
5. Work done at the committee level can be relied on when considering items brought forward to the Board for review and approval.
6. The Board has an effective orientation program for newly elected Board members.
7. The Board has a diversity of representation (gender, ethnicity, profession).
8. The Board has effective recruitment strategies to assess needs for, identify and attract new Board members.

You will also be asked to provide a short-answer response to the following:

9. Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide.

Board meetings

In this section of the assessment you will be asked to indicate your level of agreement with each of the following statements regarding the function of the Board meetings.

1. Board meetings are strategic.
2. Board meetings focus on priority issues.
3. Discussions are informative.
4. Discussions are productive.
5. Discussions occur in a respectful manner.
6. The meeting documentation provides adequate information for preparation prior to a meeting.
7. The agenda is well-planned so that the Board is able to get through all necessary business.
8. Board members are well apprised of issues prior to making a decision.

You will also be asked to provide a short-answer response to the following:

9. Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide.

Individual Board Involvement

In this section of the assessment you will be asked to indicate your level of agreement with each of the following statements regarding your individual involvement in the Board.

1. My abilities fit well with the strategic demands facing the University.
2. My abilities are being used effectively in my role(s) on the Board.
3. My abilities are being used effectively in my role(s) on the Board's committees.
4. My abilities are being used effectively to support the University's government relations strategy.
5. My abilities are being used effectively to support the University's advancement strategy.

6. My time is well-utilized at Board and committee meetings.
7. I read the minutes, reports and other materials in advance of Board and Committee meetings.
8. I am familiar with what is in University of Ontario Institute of Technology's Act, By-Laws and governing policies.
9. When I have a different opinion than the majority, I raise it.
10. I support Board decisions once they are made even if I do not agree with them.
11. I have taken advantage of opportunities made available to Governors to interact with faculty and students during my term.
12. I believe that I am able to contribute effectively to the Board's work.
13. I believe that I am able to contribute effectively to the University of Ontario Institute of Technology University.
14. Overall my experience as a Board member has been positive.

You will also be asked to provide a short-answer response to the following:

15. Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide.

UOIT CONFIDENTIAL – CONTAINS SENSITIVE AND PERSONAL INFORMATION



BOARD OF GOVERNORS
~~2014-2015~~ 2016-2017 Board Practices
Assessment

This Board Practices Assessment Questionnaire is designed to assist the Board to evaluate its own effectiveness. ~~The Assessment Questionnaire provides~~ The questions provide an opportunity for Governors to indicate whether the structure and conduct of meetings, and the information and support received enables them to participate effectively in the governance of the University. Understanding this information will provide key information for improving Board processes.

~~Each form~~ This year the Board Practices Assessment will be conducted as part of an interactive online session at the end of the AGM on June 25th. You will have the option of completing the assessment using one of the provided iPads or your own personal electronic device (laptop, tablet, smart phone). Any type of web-enabled device will allow you to connect to the web-based program we will use for the questionnaire.

In order to use the time during the AGM effectively, the questions are being provided in advance in order to give you the opportunity to reflect on your experiences during the 2014-2015 Board year prior to attending the session.

The questionnaire is a mix of multiple-choice and short-answer questions based on the following categories:

- Board Effectiveness
- Structure of the Board
- Board Meetings
- Individual Board Involvement

In each category you will be asked to indicate your agreement with a series of statements based on the following scale:

1 – Strongly Agree

2 – Agree

3 – Neither Agree nor Disagree

4 – Disagree

5 – Strongly Disagree

6 – NR (No response – if you cannot comment on a statement).

The responses you submit during the online session will be seen only by the Secretary and Chair of the Board and will be held in strict confidence. The Secretary will collate the responses to the assessment form and the Chair will present the results to the Board, without attribution, for information and discussion. ~~Please consider your responses carefully.~~

Name: ~~Click here to enter text.~~

Personal information on this form is collected under the authority of the UOIT Act (2002), and will be used to update Governor information and administer the evaluation process for the Board of Governors at UOIT. Questions about this collection should be directed to the Office of the University Secretary, UOIT, 2000 Simcoe Street North, Oshawa, ON L1H 7K4, 905.721.8668, ext 6707.

~~Email: Click here to enter text.~~

Please ~~complete~~review the ~~enclosed~~ questions below ahead of the session to help assist you in completing the assessment form and ~~return it to Cheryl Foy, University Secretary and General Counsel and Secretary to the~~during the AGM.

Board ~~of Governors~~Effectiveness

Forms may be returned electronically to: ~~BoardOffice@uoit.ca~~

Or by mail to:

Cheryl Foy
University Secretary and General Counsel
2000 Simcoe St. N.
Oshawa, ON
L1H 7K4

Thank you.

Board ~~Leadership & Involvement~~

1. ~~Are you a Chair or Vice-Chair~~In this section of the Board?

- Yes**
- No**

If yes, please specify which position:

Choose an item.

2.—Are assessment you a Chair of a Board Committee?

Yes

No

If yes, please specify the committee(s):

Committee 1: Choose an item.

Committee 2: Choose an item.

Committee 3: Choose an item.

3.—Leadership on the Board and its committees is integral to the performance and accountability of the Board and to its effectiveness in achieving its goals. To this end, in any given year, it is expected that at least half of the External Governors to the Board will participate in a leadership role.

Please indicate which leadership roles you are interested in on the Board for 2014-2015. Please list all committees for which you are interested in a given role:

Board Chair

Board Vice Chair

Committee Chair **Committee(s):** [Click here to enter text.](#)

**The standing committees of the Board are: Audit and Finance, GNHR, Investment, Strategy and Planning*

● **Board Effectiveness**

Please be asked to indicate your level of agreement for how each of the following contributes to the effectiveness of the Board in its practices and performance. Please choose No Response (NR) if you cannot comment on a statement.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	NR
The Board as a whole has a clear understanding of the University's mission and strategic plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The University's strategic goals are clear and serve as a useful guide to the Board in the deliberations and policy-making decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board is provided with adequate information and resources for effective decision-making.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has sufficient and effective engagement with Academic Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board understands the distinction between the responsibilities of its role and the role of the administration.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has the opportunity to discuss matters and ask questions of critical importance before decisions are made.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board ensures that members receive reports on how our organization has used its financial resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board knows the major challenges and opportunities facing University of Ontario Institute of Technology.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board schedules sufficient time to discuss long term strategic issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation and reporting of Board performance is useful in improving the practices of the Board.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In my view, the Board's most significant achievement in the past year was:	Click here to enter text.					
In my view, the most important thing the Board could do to improve its effectiveness is:	Click here to enter text.					
Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide:	Click here to enter text.					

~~Structure of the Board~~

1. ~~Please~~The Board as a whole has a clear understanding of the University’s mission.
2. ~~The Board as a whole has a clear understanding of the University’s strategic plan.~~
3. ~~The University’s strategic goals are clear.~~
4. ~~The University’s strategic goals serve as a useful guide to the Board in the deliberations and policy making decisions.~~
5. ~~The Board is provided with adequate information at meetings for effective decision-making.~~
6. ~~The Board is provided with adequate resources prior to meetings for effective decision-making.~~
7. ~~The Board has sufficient engagement with Academic Council.~~
8. ~~The Board has effective engagement with Academic Council.~~
9. ~~The Board understands the distinction between the responsibilities of its role and the role of the administration.~~
10. ~~The Board has the opportunity to discuss matters of critical importance before decisions are made.~~
11. ~~The Board has the opportunity to ask questions of critical importance before decisions are made.~~
12. ~~The Board ensures that members receive reports on how our organization has used its financial resources.~~
13. ~~The Board knows the major challenges facing this university.~~
14. ~~The Board knows the major opportunities facing this university.~~
15. ~~The Board schedules sufficient time to discuss long term strategic issues.~~
16. ~~Evaluation and reporting of Board performance is useful in improving the practices of the Board.~~

In this section you will also be asked to provide a short-answer response to the following:

17. In my view, the Board’s most significant achievement in the past year was:
18. In my view, the most important thing the Board could do to improve its effectiveness is:
19. Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide.

Structure of the Board

In this section of the assessment you will be asked to indicate your level of agreement with each of the following statements regarding the structure of the Board and its Committees. ~~Please choose No Response (NR) if you cannot comment on a statement.~~

	Strongly Agree		Neither Agree nor Disagree		Strongly Disagree		NR
The Board has an effective committee structure for its needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The Board makes good use of its committees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The level of delegation of authority to the Board Committees is appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Board committees act appropriately within the delegation of authority (i.e. routine matters are resolved and significant matters are properly recommended to the Board)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work done at the committee level can be relied on when considering items brought forward to the Board for review and approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has an effective orientation program for newly elected Board members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has a diversity of representation (gender, ethnicity, profession).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has effective recruitment strategies to assess needs for, identify and attract new Board members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide:	Click here to enter text.					

1. The Board has an effective committee structure for its needs.
2. The Board makes good use of its committees.
3. The level of delegation of authority to the Board Committees is appropriate.
4. Board committees act appropriately within the delegation of authority (i.e. routine matters are resolved and significant matters are properly recommended to the Board)
5. Work done at the committee level can be relied on when considering items brought forward to the Board for review and approval.
6. The Board has an effective orientation program for newly elected Board members.

- 7. The Board has a diversity of representation (gender, ethnicity, profession).
- 8. The Board has effective recruitment strategies to assess needs for, identify and attract new Board members.

You will also be asked to provide a short-answer response to the following:

- 9. Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide.

Board meetings

Please in this section of the assessment you will be asked to indicate your level of agreement with each of the following statements regarding the function of the Board meetings. Please answer the following questions for each committee you sat on in 2013-2014. Please choose No Response (NR) if you cannot comment on a statement.

	Neither Agree nor Disagree					
	Strongly Agree	Agree	Disagree	Disagree	Strongly Disagree	NR
Board meetings are strategic and focus on priority issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussions are informative and productive.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussions occur in a respectful manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The meeting documentation provides adequate information for preparation prior to a meeting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The agenda is well-planned so that the Board is able to get through all necessary business.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Board members are well apprised of issues prior to making a decision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide:	Click here to enter text.					

Meeting Scheduling

- 1. Did you find the scheduling of Board meetings are strategic.
- 2. Board meetings focus on priority issues.
- 3. Discussions are informative.
- 4. Discussions are productive.
- 5. Discussions occur in a respectful manner.

- 6. The meeting documentation provides adequate information for preparation prior to a meeting.
- 7. The agenda is well-planned so that the Board is able to get through all necessary business.
- 8. Board members are well apprised of issues prior to making a decision.

You will also be asked to provide a short-answer response to the following:

- 9. Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide.

~~4. Board Meetings and Committee Meetings on the same day as an effective way of managing your time commitment to the Board?~~

- ~~Yes~~
- ~~Somewhat~~
- ~~No~~
- ~~I did not have Committee meetings on the same day as Board meetings~~
- ~~I did not participate on any Committees~~

~~5. Please provide any feedback about how the scheduling of Board and Committee meetings could be improved:~~

~~[Click here to enter text.](#)~~

Individual Board Involvement

~~Please~~In this section of the assessment you will be asked to indicate your level of agreement with each of the following statements regarding your individual involvement in the Board. ~~Please choose No Response (NR) if you cannot comment on a statement.~~

1. My abilities fit well with the strategic demands facing the University.
2. My abilities are being used effectively in my role(s) on the Board.
3. My abilities are being used effectively in my role(s) on the Board’s committees.
4. My abilities are being used effectively to support the University’s government relations strategy.
5. My abilities are being used effectively to support the University’s advancement strategy.
6. My time is well-utilized at Board and committee meetings.
7. I read the minutes, reports and other materials in advance of Board and Committee meetings.
8. I am familiar with what is in University of Ontario Institute of Technology’s Act, By-Laws and governing policies.
9. When I have a different opinion than the majority, I raise it.
10. I support Board decisions once they are made even if I do not agree with them.
11. I have taken advantage of opportunities made available to Governors to interact with faculty and students during my term.
12. I believe that I am able to contribute effectively to the Board’s work.
13. I believe that I am able to contribute effectively to the University of Ontario Institute of Technology University.
14. Overall my experience as a Board member has been positive.

You will also be asked to provide a short-answer response to the following:

1. Please provide any feedback

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	NR
My abilities and areas of expertise fit well with the strategic demands facing the University.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
My abilities and areas of expertise are being used effectively in:						
a) my role(s) on the Board and its Committees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) to support the University’s government relations strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) to support the University’s advancement strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
My time is well-utilized at Board and committee meetings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I read the minutes, reports and other materials in advance of Board and Committee meetings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am familiar with what is in University of Ontario Institute of Technology's Act, By-Laws and governing policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When I have a different opinion than the majority, I raise it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I support Board decisions once they are made even if I do not agree with them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I have taken advantage of opportunities made available to Governors to interact with faculty and students during my term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I believe that I am able to contribute effectively to the Board's work and to University of Ontario Institute of Technology University.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall my experience as a Board member has been positive.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide:	Click here to enter text.					

2.15. [regarding the statements above or any additional comments and suggestions you would like to provide.](#)

UOIT CONFIDENTIAL – CONTAINS SENSITIVE AND PERSONAL INFORMATION



BOARD OF GOVERNORS
2014-2015 Board Practices Assessment

This Assessment Questionnaire is designed to assist the Board to evaluate its own effectiveness. The Assessment Questionnaire provides an opportunity for Governors to indicate whether the structure and conduct of meetings, the information and support received enables them to participate effectively in the governance of the University. Understanding this information will provide key information for improving Board processes.

Each form will be seen only by the Secretary and Chair of the Board and will be held in strict confidence. The Secretary will collate the responses to the assessment form and the Chair will present the results to the Board, without attribution, for information and discussion. Please consider your responses carefully.

Name: [Click here to enter text.](#)

Email: [Click here to enter text.](#)

Please complete the enclosed assessment form and **return it to Cheryl Foy, University Secretary and General Counsel and Secretary to the Board of Governors.**

Forms may be returned electronically to: BoardOffice@uoit.ca

Or by mail to:

Cheryl Foy
University Secretary and General Counsel
2000 Simcoe St. N.
Oshawa, ON
L1H 7K4

Thank you.

Board Leadership & Involvement

1. Are you a Chair or Vice-Chair of the Board?

- Yes**
 No

If yes, please specify which position:

Choose an item.

2. Are you a Chair of a Board Committee?

- Yes**
 No

If yes, please specify the committee(s):

Committee 1: Choose an item.

Committee 2: Choose an item.

Committee 3: Choose an item.

3. Leadership on the Board and its committees is integral to the performance and accountability of the Board and to its effectiveness in achieving its goals. To this end, in any given year, it is expected that at least half of the External Governors to the Board will participate in a leadership role.

Please indicate which leadership roles you are interested in on the Board for 2014-2015. Please list all committees for which you are interested in a given role:

Board Chair

Board Vice-Chair

Committee Chair

Committee(s): [Click here to enter text.](#)

**The standing committees of the Board are: Audit and Finance, GNHR, Investment, Strategy and Planning*

Board Effectiveness

4. Please indicate your level of agreement for how each of the following contributes to the effectiveness of the Board in its practices and performance. Please choose No Response (NR) if you cannot comment on a statement.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	NR
The Board as a whole has a clear understanding of the University’s mission and strategic plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The University’s strategic goals are clear and serve as a useful guide to the Board in the deliberations and policy making decisions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board is provided with adequate information and resources for effective decision-making.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has sufficient and effective engagement with Academic Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board understands the distinction between the responsibilities of its role and the role of the administration.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has the opportunity to discuss matters and ask questions of critical importance before decisions are made.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board ensures that members receive reports on how our organization has used its financial resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board knows the major challenges and opportunities facing University of Ontario Institute of Technology.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board schedules sufficient time to discuss long term strategic issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Evaluation and reporting of Board performance is useful in improving the practices of the Board.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In my view, the Board’s most significant achievement in the past year was:	Click here to enter text.					
In my view, the most important thing the Board could do to improve its effectiveness is:	Click here to enter text.					
Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide:	Click here to enter text.					

Structure of the Board

5. Please indicate your level of agreement with each of the following statements regarding the structure of the Board and its Committees. Please choose No Response (NR) if you cannot comment on a statement.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	NR
The Board has an effective committee structure for its needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board makes good use of its committees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The level of delegation of authority to the Board Committees is appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Board committees act appropriately within the delegation of authority (i.e. routine matters are resolved and significant matters are properly recommended to the Board)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work done at the committee level can be relied on when considering items brought forward to the Board for review and approval.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has an effective orientation program for newly elected Board members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has a diversity of representation (gender, ethnicity, profession).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The Board has effective recruitment strategies to assess needs for, identify and attract new Board members.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide:	Click here to enter text.					

Board meetings

6. Please indicate your level of agreement with each of the following statements regarding the function of the Board meetings. Please answer the following questions for each committee you sat on in 2013-2014. Please choose No Response (NR) if you cannot comment on a statement.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	NR
Board meetings are strategic and focus on priority issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussions are informative and productive.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discussions occur in a respectful manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The meeting documentation provides adequate information for preparation prior to a meeting.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The agenda is well-planned so that the Board is able to get through all necessary business.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Board members are well apprised of issues prior to making a decision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide:	Click here to enter text.					

Meeting Scheduling

7. Did you find the scheduling of Board Meetings and Committee Meetings on the same day as an effective way of managing your time commitment to the Board?

- Yes**
- Somewhat**
- No**
- I did not have Committee meetings on the same day as Board meetings**
- I did not participate on any Committees**

8. Please provide any feedback about how the scheduling of Board and Committee meetings could be improved:

[Click here to enter text.](#)

Individual Board Involvement

9. Please indicate your level of agreement with each of the following statements regarding your individual involvement in the Board. Please choose No Response (NR) if you cannot comment on a statement.

	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	NR
My abilities and areas of expertise fit well with the strategic demands facing the University.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
My abilities and areas of expertise are being used effectively in:						
a) my role(s) on the Board and its Committees	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) to support the University's government relations strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) to support the University's advancement strategy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
My time is well-utilized at Board and committee meetings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I read the minutes, reports and other materials in advance of Board and Committee meetings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I am familiar with what is in University of Ontario Institute of Technology's Act, By-Laws and governing policies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When I have a different opinion than the majority, I raise it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I support Board decisions once they are made even if I do not agree with them.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I have taken advantage of opportunities made available to Governors to interact with faculty and students during my term.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I believe that I am able to contribute effectively to the Board's work and to University of Ontario Institute of Technology University.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall my experience as a Board member has been positive.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Please provide any feedback regarding the statements above or any additional comments and suggestions you would like to provide:	Click here to enter text.					



COMMITTEE REPORT

Action Required:

Public:
Non-Public:

Discussion
Decision

TO: Governance, Nominations and Human Resources Committee

DATE: March 29, 2017

FROM: Deborah Saucier, Provost and VP Academic

SUBJECT: Policy to Prevent and Respond to Sexual Violence for Students

A. Purpose

We are advising the Governance, Nominations and Human Resources Committee on the consultation processes initiated for the Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence (aka Student Sexual Violence Policy) in advance of the first annual report on the policy being brought forward, May 3, 2017.

B. Background/Context

The passing of the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2015* (the “SVHAP Act”), required universities to update their policies and processes for preventing and responding to sexual violence and harassment on their campuses.

The University approved its Student Sexual Violence Policy Dec 7, 2016. Upon approval, and following implementation, a sustained consultation period was promised for three months. Collected feedback was to be incorporated into a report presented to the board May 3, 2017 detailing proposed amendments and upgrades to the policy.

Discussion and Rationale

The consultation process began when students and staff returned to the university in Jan 2017. As a reminder, consultation was structured to review policy commitments to:

- Be structured from a user-based, question-driven perspective, and organized relative to the most likely problems of students needing policy outcomes;
- Support students who experience acts of sexual violence to seek help and advice relating to the processes and outcomes available to them;
- Hold those who commit acts of sexual violence accountable;
- Educate and inform students, as well as other members of the University community, regarding issues of sexual violence involving students; and
- Implement oversight to the policy that results in yearly review;

Consultation and Suggested Revisions

The policy was posted online in late Dec 2016 and came into effect Jan 1st 2017. To continue consultation with the community, and to fulfill oversight requirements detailed in the policy, a committee was formed including students, faculty and staff. This committee is now known as the Healthy Sexuality Committee. Staff and faculty (~25 members) were first recruited in early January to plan student recruitment initiatives. Recruitment resulted in 78 students volunteering for the committee.

As part of students' volunteering for the committee they were asked to fill out an online survey used to gather information related to student concerns and were also asked to review the policy and to submit feedback before Feb 28th, 2017.

To broaden the consultation process and include the entire UOIT community, two 2-hour town hall sessions were held March 22nd, and March 23rd, 2017 to collect community feedback related to the policy. In addition, the online consultation page used in previous community consultation was again posted to be available from Mar 20th-Apr 19th.

Collected feedback will be compiled and suggested changes will be presented to the board for approval on May 3rd. As yet, no substantive changes have been proposed through the consultation process. Should substantive changes be proposed, we would take those changes through the appropriate vetting process (e.g., GNHR, Policy Approval Committee) and return to the Board for final approval at the next available meeting. The current policy can remain active until these amendments are made.

Should the Board require amendments based on the current policy, they will be made at the Board meeting to be held May 3rd, 2017. The policy will be the subject of an annual review each May.

Update on: Student Sexual Violence Policy

Presentation to GNHR

Public Session

Mar 29th, 2017

Since last board meeting...

Engagement Efforts

- Website
 - www.uoit.ca/sexualviolence)
- Trained Staff/Faculty
 - All faculties, Grad studies, Registrar, Research Services
- Healthy Sexuality Committee (HSC)
 - Staff recruitment ~30 members
 - Student recruitment ~80 members
- Student Initiatives
 - Healthy Me
- Classroom visits
 - Legal studies
 - Health studies
- Student Survey
 - online; >650 polled)
- Community Talks
 - In our own Backyard, DVPCC, Domestic Abuse Monitoring Committee
- Guest speaker
 - Samantha Nutt

Since last board meeting...

Challenges

- Deliver Training (non-attendance)
- Developing Training
 - Online
- Selecting Training
 - Trauma-informed
 - What standard?
- Healthy Sexuality Summit (cancelled)
- Discrepancy between intention and action
 - Training sign-up
 - Non-participation

Consultation History

Student Consultations

- Recruitment
 - Student Reviews
 - Google Docs Survey
- 2 Town Halls
 - Mar 22nd, Mar 23rd
- Online consultation
 - Mar 20th – Apr 19th
- ~~HSC Summit cancelled~~

Other Consultations

- Compliance review
- HSC review
- Proofing updates

What the community is telling us

Overwhelmingly positive!

Areas of concern:

- Training
 - Staff/Student – what protocol?
 - How to act - reporting, intervention, oversight
 - In person, online?
- Inclusivity/Accessibility
 - Visibility of key demographics: LGBT, Indigenous folks
 - Format changes for increased readability
- Desire for Protection
 - Clearly indicate rights, fair processes
 - Programming focus

What is underway

Areas of initiated improvement:

- Policy
 - Cosmetic changes, not substantive
- Awareness
 - Social media strategy with C&M
 - Advertising SV website
- Implementation and Training
 - Training staff and students at two levels*
 - Staff – trauma-informed counsellors to handle sexual violence
- Accessibility
 - Posted online and examining SEO
- Desire for Protection
 - Disclosures & Reporting (Informal, Formal)
 - Continuing education to *all* members
 - Strengthening community partnerships

What comes next

- Continuing Consultation
- Report for May 3, 2017 Board Meeting
 - Healthy Sexuality Committee Projects – Summer 2017
 - Training staff through online training module
 - Reorganizing for Sept 2017 roll out



BOARD REPORT

Action Required:

Public:
Non-Public:

Discussion
Decision

TO: Governance, Nominations and Human Resources Committee (GNHR)
DATE: March 29, 2017
FROM: Cheryl Foy, University Secretary and General Counsel
SUBJECT: Policy and Procedures Against Violence, Harassment and Discrimination in the Workplace

A. Purpose

We are providing an update on community comments received regarding the Policy Against Violence, Harassment and Discrimination in the Workplace and the related Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace and our plans to address them. We are seeking Committee approval to make minor changes in response to these comments.

B. Background/Context

The Policy Against Violence, Harassment and Discrimination in the Workplace was developed to prevent Workplace Violence, Harassment (including Sexual Harassment) and Discrimination through proactive measures and ensure that the University is able to effectively address and respond to reports of Violence, Harassment and Discrimination when they occur in the Workplace.

The draft Policy and the associated Procedures underwent consultation with SLT, Academic Council, Policy Advisory Committee and the Health and Safety Committee. In addition, online feedback was solicited. Advice received during these consultations was incorporated into the draft Policy and Procedures prior to approval.

The Policy and Procedures were approved by the Board of Governors on December 7, 2016, effective on approval. At the time of approval, the Board of Governors provided direction to allow the community an additional three-month period with which to provide comment.

C. Discussion and Rationale

Community comments were accepted over the past three months using an online form. Two responses were received in the period ending noon, March 24. Comments received are included with this report. The comments received addressed the following:

- The application of the Policy to Volunteers. **Response:** It is our intention to create a separate policy for volunteers and this has been included on our list of policy gaps.
- Comments and suggestions for content to include in the training program. **Response:** These will be taken into account when designing the training program.
- Specifying that the purpose of the Policy and Procedures is to protect employees against violence, harassment and discrimination. **Response:** It is our view that this is adequately addressed in the existing version.
- The non-inclusion of the collective agreements in the Related Policies, Procedures and Documents section. **Response:** This was intentional, as the collective agreements are not policy instruments.
- A concern that out-of-date, superseded or withdrawn policies and procedures are still available on the University website. **Response:** An effort is ongoing to identify and remove any such policies and procedures from the website and the specific concern will be addressed and corrected.
- Suggestions to clarify and expand certain terms and sections of the policy and procedures to include more examples and to address specific concerns. **Response:** All of these suggestions were considered and the recommended changes below address some of these suggestions.

In order to address the comments received we propose the following amendments to the Policy and Procedures:

- Amendment to Section 35 of the Policy to address the concern about the terminology used.
- Amendment to Section 43 of the Policy to reflect that this Policy does not supersede the Harassment and Discrimination Policy.
- Correction to Section 39 b. of the Procedures to indicate that allegations that students have engaged in Violence, Harassment or Discrimination will be addressed under the *Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence* or Student Conduct Policy as appropriate.
- Amendment to Section 55 of the Procedures to clarify the language in the section.

- Amendment to Section 63 of the Procedures to clarify that these Procedures supersede the Harassment and Discrimination Procedures only for Harassment and Discrimination of Employees, and are intended to address Violence, Harassment and Discrimination against Employees from all sources, including colleagues, coworkers, supervisors, managers, administrators, students and other members of the University community, and the public.

D. Request

We are requesting the Committee's approval of the following motion:

That the Governance, Nominations and Human Resources Committee hereby recommends the proposed amendments to the Policy Against Violence, Harassment and Discrimination in the Workplace and Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace, as presented, for approval by the Board of Governors.

Niall O'Halloran

From: donotreply@uoit.ca on behalf of MachForm <donotreply@uoit.ca>
Sent: Monday, March 20, 2017 9:36 AM
To: policy@uoit.ca; Miles Bowman
Subject: Online policy consultation [#46]

UOIT Member Constituency

Staff

Feedback and recommendations

I noticed that this policy references the Academic Policies and I am wondering about the non-reference to the Collective Agreements. Was this intentional? I note that in the complaint procedures for academic staff it references that the CAs may supercede the complaints procedures.

Thank you

Niall O'Halloran

From: donotreply@uoit.ca on behalf of MachForm <donotreply@uoit.ca>
Sent: Thursday, March 23, 2017 3:50 PM
To: policy@uoit.ca; Miles Bowman
Subject: Online policy consultation [#47]

UOIT Member Constituency

Staff

Feedback and recommendations

Hi there,

I have attached two files with the Policy and Procedures, and highlighted and added notes/comments via Adobe Acrobat Reader DC.

Thank you.

Upload a file

[Notes Added - policy-against-violence-harassment-and-discrimination-in-the-workplace.pdf](#)

[Notes Added - procedures-violence-discrimination-and-harassment-in-the-workplace.pdf](#)



Classification	LCG 1137
Framework Category	Legal, Compliance, and Governance
Approving Authority	Board of Governors
Policy Owner	Vice President responsible for Human Resources
Approval Date	December 7, 2016
Review Date	May, 2017
Supersedes	See end notes

POLICY AGAINST VIOLENCE, HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

TABLE OF CONTENTS

POLICY PURPOSE..... 1

DEFINITIONS..... 2

SCOPE AND AUTHORITY..... 5

POLICY..... 5

ROLES AND RESPONSIBILITIES 7

RELEVANT LEGISLATION..... 10

RELATED POLICIES, PROCEDURES AND DOCUMENTS 10

END NOTES..... 11

POLICY PURPOSE

1. **The purpose of this Policy is to prevent Workplace Violence, Harassment and Discrimination through proactive measures**, and to ensure that the University effectively addresses and responds to Reports of Violence, Discrimination and Harassment in accordance with the *Occupational Health and Safety Act* and the *Human Rights Code*.

Any person who finds themselves or others to be at risk of imminent danger should summon immediate assistance by contacting:

On Campus: Office of Campus Safety
Extension: 2400
Direct line: 905.721.3211
Code Blue Stations

Off Campus: Durham Regional Police Service
911 (emergency)
905.579.1520 (non-emergency)

DEFINITIONS

The following definitions apply throughout this Policy, and underlying procedures:

2. "**Bullying**" is a form of Harassment that involves repeated incidents, or a pattern of behaviour, that is intended to intimidate, offend, denigrate, degrade or humiliate a particular individual or group of individuals.
3. "**Complainant**" refers to an Employee who is alleged to have experienced Workplace Violence, Harassment and/or Discrimination. A Complainant may experience discrimination directly or indirectly.
4. "**Discrimination**" is a distinction, without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an Employee in the course of their employment on the basis of a Protected Ground (defined below).
5. "**Discriminatory Harassment**" means engaging in a course of vexatious comment or conduct, against an Employee in the course of their employment, based on a Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, racist jokes, sexual harassment or gender-based harassment.
6. "**Employee**" means any individual employed by UOIT, including but not limited to Employees who are members of a bargaining unit, and Employees who are not. Students who are employed at UOIT during the course of their studies, are "Employees" for the purposes of this Policy when they are engaged in employment activities, but not otherwise.
7. "**Faculty**" includes a Faculty Member, or previous Faculty Member, at UOIT, and includes those with both limited term and indefinite term appointments, as well as those with paid, unpaid and honorific appointments. For greater certainty, "Faculty" also includes visiting scholars and emeritus professors.
8. "**FIPPA**" means the *Freedom of Information and Protection of Privacy Act*, RSO 1990, c. F.31.
9. "**Harassment**" includes Discriminatory Harassment, Workplace Harassment, and Workplace Sexual Harassment.
10. "**Human Resources**" means the department of Human Resources at UOIT, or its delegate.
11. "**JHSC**" means the Joint Health & Safety Committee(s) at UOIT.

12. "**Member**" includes a Student, Faculty or Staff Member.
13. "**Personal Information**" means information about an identifiable individual, as defined in s. 2 of FIPPA, as amended from time to time.
14. "**Person(s) of Authority**" includes any person who has charge of a workplace or authority over another Employee. Anyone who supervises an Employee at UOIT is a Person of Authority.
15. "**Policy**" refers to this *Policy Against Violence, Harassment and Discrimination in the Workplace*.
16. "**Protected Ground**" includes 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, and any additional protected grounds that are added to the Ontario *Human Rights Code* by way of statutory amendment.
17. "**Record of Offences**" means a conviction for,
 - a. an offence in respect of which a pardon has been granted under the *Criminal Records Act* and has not been revoked, or
 - b. an offence in respect of any provincial enactment.
18. "**Report**" refers to information about Workplace Violence, Harassment and/or Discrimination in the workplace that is reported under the *Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace*.
19. "**Reporting Process**" refers to the process for reporting information about Harassment and/or Discrimination in the workplace under the *Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace*.
20. "**Respondent**" refers to anyone who is alleged to have engaged in behaviours of Violence, Harassment and/or Discrimination in a Report or investigation.
21. "**Staff**" means a Staff Member, or former Staff Member, at UOIT.
22. "**Student**" includes any student who is registered, or was previously registered, at UOIT.
23. "**University**" or "**UOIT**" means the University of Ontario Institute of Technology.
24. "**workplace**" means any place where UOIT Employees engage in employment activity, including employment activities online, outside the normal place of work, and employment activities that occur outside of normal working hours.

25. **"Workplace Harassment"** means,

- a. engaging in a course of vexatious comment or conduct against an Employee in a workplace that is known or ought reasonably to be known to be unwelcome, including bullying,
- b. Workplace Sexual Harassment (defined below), and/or
- c. Workplace Sexual Violence (defined below).

A reasonable action taken by UOIT or a Person of Authority relating to the management and direction of an Employee or a workplace is not Workplace Harassment. Workplace Harassment includes, but is not limited to, Bullying.

26. **"Workplace Sexual Harassment"** means,

- a. engaging in a course of vexatious comment or conduct against an Employee 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 Employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace Sexual Harassment includes but is not limited to, rough or vulgar humour or language related to sexuality, or showing or sending pornography.

27. **"Workplace Sexual Violence"** means, 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, in the workplace, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

28. **"Workplace Violence"** means,

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

- d. Workplace Sexual Violence (defined above).

Workplace Violence includes, for example, verbally threatening to attack an Employee, shaking a fist in an Employee's face, wielding a weapon at work, hitting or trying to hit an Employee, or throwing an object at an Employee.

SCOPE AND AUTHORITY

- 29. The Vice President with responsibility for Human Resources is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation and application of this Policy.
- 30. This Policy applies to all Employees in the course of their employment, and is intended to address Violence, Harassment and Discrimination against Employees from all sources, including colleagues, coworkers, supervisors, managers, administrators, students and other members of the University community, and the public.
- 31. This Policy applies to all aspects of the employment relationship, including recruitment, training, evaluation, development and promotion of Employees.
- 32. This Policy is not geographically limited, and applies to any employment activity, including employment activities that occur outside the normal place of work, and employment activities that occur outside of normal working hours.
- 33. This Policy does not override or diminish the rights provided to Employees under applicable collective agreements, and will be applied with appropriate regard to the rights established under those agreements.
- 34. This Policy does not preclude Employees from pursuing resolution through external resources and processes, including those offered by the Human Rights Legal Support Centre, the police, the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario.

POLICY

- 35. The University is committed to providing a work environment in which all Employees are treated with dignity, and to fostering a climate of understanding and mutual respect for the value of each Employee. To this end:
 - a. The University will not tolerate Workplace Violence, Harassment and/or Discrimination in the workplace.

- b. The University will ensure that procedures are in place for the prevention of, and response to, Workplace Violence, Harassment and/or Discrimination.
- c. The University will provide information, instruction and assistance to Employees with respect to Workplace Violence, Harassment and/or Discrimination.
- d. The University will ensure Persons of Authority are provided with information and instruction that will enable them to recognize, assess and address Violence, Harassment and/or Discrimination in the workplace, and to understand how to respond appropriately when such incidents are alleged.
- e. The University will not penalize an Employee for submitting a Report in good faith, or for participating in a related investigation. This protection does not apply to an Employee who submits a Report that is determined to be frivolous or vexatious, or who exhibits bad faith in the course of an investigation. An Employee who believes they have been penalized for submitting a Report in good faith, or for participating in a related investigation, may pursue the allegation of reprisal by submitting a Report under the [Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace](#), and/or may pursue a reprisal complaint through external processes.
- f. The University will respect the privacy of individuals involved in Reports and investigations, ensuring information about a Report is not disclosed, except to the extent necessary to investigate, take corrective action, implement measures to protect the health and safety of Employees, or as otherwise required by law.
- g. Personal Information collected under this Policy will be used only for the purposes of administering this Policy, and will be disclosed only on a need-to-know basis, to the extent disclosure is required to fulfill the University's legal obligations under the *Human Rights Code*, the *Occupational Health & Safety Act*, and any other applicable law and/or legal obligations, including any applicable collective agreement. Subject to applicable law, Personal Information collected, used and disclosed under this Policy will otherwise be kept confidential, and will be stored and disposed of in accordance with FIPPA and UOIT's *Records Management Policy*.
- h. The University will administer the processes set out in the *Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace*, responding to Reports fairly and promptly, with adequate

regard to the unique circumstances of each particular case, and in a manner that strikes a balance between the privacy of individuals and the severity of the matters at issue.

- i. The University will inform and update individuals who are involved in investigations about the status of those investigations as they progress.
36. Employees who engage in Workplace Violence, Harassment and/or Discrimination will be held accountable and may be subject to disciplinary measures, up to and including termination of employment. In any event, the University will act in accordance with the rights and obligations established by applicable collective agreements.
37. Employees may refuse to work, or do particular work, where they have reason to believe that Workplace Violence is likely to endanger the Employee.

ROLES AND RESPONSIBILITIES

38. Employees

- a. Employees must not engage in Workplace Violence, Harassment or Discrimination.
- b. Employees are, along with UOIT, responsible for creating and maintaining an environment that is free from Workplace Violence, Harassment and Discrimination.
- c. Employees are encouraged to report incidents of Workplace Violence, Harassment and Discrimination by communicating such incidents to their supervisor. If the Employee's supervisor is involved in the incidents at issue, the information should be reported directly to the administrator who the Employee's supervisor reports to, or directly to the Director, Human Resources [\[Link to Human Resources Department\]](#). If the Employee's supervisor is involved in the incidents at issue, and that supervisor is a member of Human Resources, then the information should be reported to UOIT General Counsel.
- d. Where it is requested and reasonably required, Employees shall participate in the Reporting Process, and/or any related investigation.
- e. Employees who are found to have engaged in Workplace Violence, Harassment and/or Discrimination under this Policy will comply with the corrective measures imposed by the University, subject to relevant collective agreements, including grievance and arbitration processes.

39. Persons of Authority

- a. Persons of Authority are responsible for supporting UOIT in its duty to create and maintain an environment that is free from Workplace Violence, Harassment and Discrimination.
- b. Persons of Authority shall lead by example, acting respectfully in dealings with all Employees, and in particular, those Employees under their supervision.
- c. Persons of Authority are responsible for familiarizing themselves with this Policy and related procedures, and for directing Employees under their supervision who have information about Workplace Violence, Harassment and/or Discrimination to follow the appropriate procedures.
- d. Persons of Authority will ensure Employees under their supervision are aware of this Policy and its associated procedures, and must otherwise assist in the prevention of Discrimination and Harassment in the workplace.
- e. Persons of Authority are responsible for supporting UOIT in its duty to recognize, assess and address Workplace Violence, Harassment and/or Discrimination. For example, Persons of Authority should intervene promptly when they become aware of Workplace Violence, Harassment and/or Discrimination, and should seek assistance from the Director, Human Resources [\[Link to Human Resources Department\]](#), unless a member of Human Resources is directly involved in the incidents at issue, in which case assistance should be sought from UOIT General Counsel.
- f. When a Person of Authority becomes aware of information about Workplace Violence, Harassment and/or Discrimination in the workplace, that Person of Authority must ensure the information is reported in the form of a Report.

40. Human Resources

- a. Human Resources will take primary responsibility for updating this Policy and related procedures, ensuring that this Policy, and all related procedures, are reviewed as often as is necessary, and in any event, at least annually, in consultation with all appropriate departments and the JHSC(s), and in accordance with the University's Policy Framework and relevant collective agreements.
- b. Human Resources will, as often as is necessary:

- i. assign a Human Resources Employee to implement and oversee the activities outlined below, and in related procedures,
 - ii. assign a Human Resources Employee to act as a contact for those who wish to make Reports;
 - iii. assess the risk of Workplace Violence that may arise from the nature of the workplace, type of work or conditions of work, taking into account the circumstances of the workplace and circumstances common to similar workplaces, as well as any other elements prescribed in regulation; and
 - iv. develop measures and procedures to control identified risks that are likely to expose an Employee to Workplace Violence.
- c. Human Resources shall share the results of risk assessments conducted under b iii above with the JHSC(s).
- d. Human Resources is primarily responsible for overseeing compliance with the *Occupational Health & Safety Act*, including:
 - i. providing Employees with appropriate information and instruction with respect to Workplace Violence and Workplace Harassment, including notifying them of this Policy and its related procedures;
 - ii. ensuring all Persons of Authority are provided with information and instruction that will enable them to recognize, assess and address Workplace Violence and Workplace Harassment in their respective workplaces, and will ensure Persons of Authority are aware of this Policy and related procedures;
 - iii. ensuring that copies of this *Policy Against Violence, Harassment and Discrimination in the Workplace* and related procedures are posted on the established health and safety bulletin boards where it is likely to come to the attention of Employees; and
 - iv. notifying the Ministry of Labour and JHSC, when required, under the OHS Act.
- e. Human Resources is also responsible for:
 - i. receiving and responding to Reports;
 - ii. ensuring Reports are investigated, internally or externally, and responded to in a timely and equitable manner, as outlined in this Policy and in related procedures;

- iii. ensuring the appropriate departments and/or individuals are advised of a Report, where appropriate;
- iv. ensuring the outcome of an investigation under this Policy, and the corrective actions taken (if any), are communicated in writing to Complainant(s) and Respondent(s) who are Employees;
- v. ensuring that copies of this *Policy Against Violence, Harassment and Discrimination in the Workplace* and related procedures are posted on a University website; and
- vi. Where a member of Human Resources is directly involved in the incidents at issue, the above responsibilities will be assumed by UOIT General Counsel.

RELEVANT LEGISLATION

41. Occupational Health and Safety Act, R.S.O. 1990, c O.1, as amended

Human Rights Code, R.S.O. 1990, c. H.19

Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c F. 31

RELATED POLICIES, PROCEDURES AND DOCUMENTS

42. Academic Staff Employment Policies

Access to Information and Protection of Privacy Policy

Emergency Management Plan and Procedures

Fair Processes Policy

Non-Academic Staff Policies

Policy to Prevent and Respond to Sexual Violence for Students

Procedures for Responding to Incidents of Sexual Violence

Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace

Records Management Policy

UOIT Joint Health and Safety Committee Terms of Reference

UOIT Occupational Health and Safety Management System

UOIT Student Conduct Policy

UOIT-Durham College Threat Assessment Procedures

Work Refusal Procedures

Workplace Violence Incident Report

END NOTES

43. This Policy supersedes the Harassment and Discrimination Policy (LCG 1105), November 2004 and the Workplace Violence Policy (LCG 1112), January 2014

Classification	LCG 1137.01
Parent Policy	Policy Against Violence, Harassment and Discrimination in the Workplace
Framework Category	Legal, Compliance and Governance
Approving Authority	Board / Governance, Nominations and Human Resources Committee
Policy Owner	Vice-President responsible for Human Resources
Approval Date	December 7, 2016
Review Date	May 2017
Supersedes	See end notes

**PROCEDURES TO PREVENT AND ADDRESS
VIOLENCE, HARASSMENT AND DISCRIMINATION IN THE WORKPLACE**

TABLE OF CONTENTS

DEFINITIONS.....	2
PURPOSE OF THIS PROCEDURE.....	5
GUIDING PRINCIPLES.....	5
INVOLVEMENT OF MEMBERS OTHER THAN EMPLOYEES.....	7
PREVENTATIVE MEASURES.....	8
REPORTING.....	8
THE REPORTING PROCESS.....	9
STEP 1 - SUBMITTING A REPORT.....	9
STEP 2 - INTERIM MEASURES.....	10
STEP 3 - ESTABLISHING THE PROCESS & INVESTIGATION.....	10
STEP 4 - DETERMINATION & CORRECTIVE ACTION.....	11
RELEVANT LEGISLATION.....	12
RELATED POLICIES, PROCEDURES AND DOCUMENTS.....	12
END NOTES.....	13

Any person who finds themselves or others to be at risk of imminent danger should summon immediate assistance by contacting:

On Campus: Office of Campus Safety
Extension: 2400
Direct line: 905.721.3211
Code Blue Stations_

Off Campus: Durham Regional Police Service
911 (emergency)
905.579.1520 (non-emergency)

DEFINITIONS

1. "**Bullying**" is a form of Harassment that involves repeated incidents, or a pattern of behaviour, that is intended to intimidate, offend, denigrate, degrade or humiliate a particular individual or group of individuals.
2. "**Complainant**" refers to an Employee who is alleged to have experienced Workplace Violence, Harassment, Discrimination and/or Reprisal. A Complainant may experience discrimination directly or indirectly. Singular references to "Complainant" are deemed to include references to multiple Complainants where there are multiple Complainants.
3. "**Discrimination**" is a distinction, without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an Employee in the course of their employment on the basis of a Protected Ground.
4. "**Discriminatory Harassment**" means engaging in a course of vexatious comment or conduct, directed at an Employee in the course of their employment, based on a Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, racist jokes, sexual harassment or gender-based harassment.
5. "**Employee**" means any individual employed by UOIT, including but not limited to Employees who are members of a bargaining unit, and Employees who are not.
6. "**Faculty**" includes a Faculty Member, or previous Faculty Member, at UOIT, and includes those with both limited term and indefinite term appointments, as well as those with paid, unpaid and honorific appointments. For greater certainty, "Faculty" also includes visiting scholars and emeritus professors.
7. "**FIPPA**" means the *Freedom of Information and Protection of Privacy Act*, RSO 1990, c. F.31, as amended from time to time.
8. "**Harassment**" includes Discriminatory Harassment, Workplace Harassment, and Workplace Sexual Harassment.
9. "**Human Resources**" means the department of Human Resources at UOIT, or its delegate.
10. "**JHSC**" means the Joint Health & Safety Committee(s) at UOIT.
11. "**Member**" includes a Student, Faculty or Staff.
12. "**Personal Information**" means information about an identifiable individual, as defined in s. 2 of FIPPA.

13. "**Person(s) of Authority**" includes any person who has charge of a workplace or authority over another Employee. Anyone who supervises an Employee at UOIT is a Person of Authority.
14. "**Policy**" refers to the *Policy Against Violence, Harassment and Discrimination in the Workplace*.
15. "**Protected Ground**" includes 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, and any additional protected grounds that are added to the Ontario *Human Rights Code* by way of statutory amendment or interpretation.
16. "**Record of Offences**" means a conviction for,
 - a. an offence in respect of which a pardon has been granted under the *Criminal Records Act* and has not been revoked, or
 - b. an offence in respect of any provincial enactment.
17. "**Report**" refers to information about Workplace Violence, Harassment, Discrimination and/or Reprisal in the workplace that is reported to Human Resources under the *Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace*. Under the Policy and this procedure, an incident report submitted to the Office of Campus Security does not qualify as a "Report".
18. "**Reporting Process**" refers to the process set out under this procedure for submitting a Report to Human Resources and its processing. Submitting an incident report to the Office of Campus Security does not automatically initiate the Reporting Process.
19. "**Reprisal**" refers to a retaliation against any individual for submitting a Report, or participating in a related investigation, under this procedure.
20. "**Respondent**" refers to anyone who is alleged to have engaged in behaviours of Violence, Harassment and/or Discrimination in a Report or investigation. Singular references to "Respondent" are deemed to include references to multiple Respondents where there are multiple Respondents.
21. "**Staff**" means a Staff Member, or former Staff Member, at UOIT.
22. "**Student**" includes any student who is registered, or was previously registered, at UOIT.
23. "**University**" or "**UOIT**" means the University of Ontario Institute of Technology.

24. "**workplace**" means any place where UOIT Employees engage in employment activity, including employment activities online, outside the normal place of work, and employment activities that occur outside of normal working hours.

25. "**Workplace Harassment**" means,

- a. engaging in a course of vexatious comment or conduct against an Employee in a workplace that is known or ought reasonably to be known to be unwelcome,
- b. Workplace Sexual Harassment (defined below), and/or
- c. Workplace Sexual Violence (defined below).

A reasonable action taken by UOIT or a Person of Authority relating to the management and direction of an Employee or a workplace is not Workplace Harassment. Workplace Harassment includes, but is not limited to, Bullying.

26. "**Workplace Sexual Harassment**" means,

- a. engaging in a course of vexatious comment or conduct against an Employee 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 Employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace Sexual Harassment includes, for example, rough or vulgar humour or language related to sexuality, or showing or sending pornography.

27. "**Workplace Sexual Violence**" means, 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, in the workplace, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

28. "**Workplace Violence**" means,

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

- c. a statement or behaviour that is reasonable for an Employee to interpret as a threat to exercise physical force against the Employee, in a workplace, that could cause physical injury to the Employee, or
- d. Workplace Sexual Violence (defined above).

Workplace Violence includes, for example, verbally threatening to attack an Employee, shaking a fist in an Employee's face, wielding a weapon at work, hitting or trying to hit an Employee, or throwing an object at an Employee.

PURPOSE OF THIS PROCEDURE

- 29. The purpose of this procedure is to establish processes to prevent Workplace Violence, Harassment, Discrimination and/or Reprisal through proactive measures, and to ensure that the University effectively addresses and responds to Reports of Violence, Harassment, Discrimination and Reprisal in accordance with the Occupational Health and Safety Act and the Human Rights Code.
- 30. Under this procedure, a "Report" may be submitted by an individual who has experienced Workplace Violence, Harassment, Discrimination and/or Reprisal, or any other individual who has witnessed such incidents.

GUIDING PRINCIPLES

- 31. Records. Human Resources will maintain a confidential file for each Report, including all related communications, memoranda, reports, statements and evidence. These records will be retained, and disposed of, in accordance with FIPPA and UOIT's *Records Management Policy*.
- 32. Confidentiality. Information collected under this procedure will be used only for the purposes of administering the *Policy Against Violence, Harassment and Discrimination in the Workplace*, and related processes, and may be disclosed only on a need-to-know basis to the extent required to fulfill the University's legal obligations. Personal Information collected, used and disclosed under this procedure will otherwise be kept confidential. To this end:
 - a. Physical documents collected and created under this procedure will be kept in a confidential file at Human Resources.
 - b. Reasonable steps will be taken to protect against unauthorized access to such documents. In each particular case, only the individual(s) authorized by Human Resources under paragraph 34 of the Policy, the Provost or delegate, an assigned investigator, and the Non-Academic Appeals Committee, will have general access to documents collected and created under this procedure, including electronic documents. Such documents

will be disclosed to witnesses, including but not limited to Complainants and Respondents, on a need-to-know basis.

- c. All individuals involved in this procedure will be advised of their duty to maintain the confidentiality of all information disclosed to them in this procedure, including any Personal Information disclosed to them.
- d. Personal Information obtained during the Reporting Process will not be disclosed except to the extent that disclosure is necessary for the purposes of investigating Reports, taking corrective action, protecting the health and safety of members of the University community, or as otherwise required by law. For example, information may be shared with the Office of Campus Safety if this is necessary to protect an individual who has allegedly experienced Workplace Violence, Discrimination, Harassment and/or Reprisal.
- e. Except as required under the Policy and its underlying procedures, or as otherwise required by law, investigation reports created under this procedure will not normally be disclosed or produced to a Complainant, Respondent or witness. Complainants, and Respondents who are Employees, will, however, be advised of the outcome of the investigation and the corrective actions taken, if any.

33. Right to an Advisor and Support Person(s). Individuals who attend an interview in an investigation under this procedure may be accompanied by one advisor and up to two support persons. The role of an advisor is to assist the individual by providing procedural information, and to ask questions regarding the investigation process. The role of a support person is to provide moral support. Individuals who choose to attend an interview with an advisor and/or support persons(s) will choose their own advisor and/or support person(s) and will notify the investigator of their advisor's name, and their support person(s)' name(s), at least 24 hours prior to the interview. In the case of an Employee who is a member of a bargaining unit, the advisor may be a union representative. During the interview, an advisor will be permitted to speak and ask questions regarding the investigation process, but will not be permitted to make legal submissions or arguments on behalf of the individual, or to disrupt the interview. In any event, individuals who are being interviewed must answer the interview questions themselves.

34. Informal Resolution Process. At any stage during this procedure an Informal Resolution Process, such as mediation, can be pursued if the Complainant, Respondent and Human Resources consent to Informal Resolution Processes being pursued and to its format. Where those involved in the Informal Resolution Processes reach an agreed resolution, that resolution will become binding and effective upon written approval of the Vice President overseeing Human Resources, or delegate. Once an Informal Resolution Process has commenced, the investigation

may be delayed for a maximum period of 30 calendar days, after which, unless a resolution has been reached and approved, the investigation will be re-commenced.

Even if a resolution is reached and approved, Human Resources retains the discretion to continue/complete its investigation where it is appropriate to do so, having regard to relevant collective agreement requirements and applicable law, and, to protect the interests of the University and its Members.

35. Reprisal. Any Reprisal, or expressed or implied threat of Reprisal, for making and pursuing a Report under this procedure is itself considered a breach of the Policy. Any individual experiencing Reprisal may file a Report, and that Report will be processed under this procedure.
36. Non-Exclusive Procedure - This procedure does not preclude Employees from pursuing resolution through external resources and processes, including those offered by the Human Rights Legal Support Centre, the police, the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario.
37. Safety is Paramount: UOIT has an overriding obligation to protect the safety of all UOIT Members. When the safety of community members is at risk, UOIT reserves the right to investigate and respond appropriately, independent of a Complainant's and/or Respondent's course of action under this procedure.

INVOLVEMENT OF MEMBERS OTHER THAN EMPLOYEES

38. This procedure applies to incidents of Violence, Harassment and Discrimination against Employees from all sources, including students, colleagues, coworkers, supervisors, managers, administrators, other members of the University community, and the public.
39. This procedure necessarily overlaps with other University procedures that are concerned with preventing and addressing incidents of Violence, Harassment and Discrimination involving Students. UOIT will administer the overlap according to the following principles:
 - a. This procedure will be applied to all incidents in which an Employee has allegedly experienced Violence, Harassment, Discrimination and/or Reprisal to ensure the University satisfies its commitment to, and its obligations under, legislation and collective agreements.
 - b. Where it is alleged that a student has, in their capacity as a student, engaged in Violence, Harassment, or Discrimination against an Employee, then the matter will be addressed under the *Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence*. However, in such cases, Human Resources will nevertheless be consulted

in the process to ensure any investigation and/or corrective action satisfy the standards set out this Policy and all applicable collective agreements.

40. Where an individual, other than a Member, is alleged to have engaged in Workplace Violence, Discrimination, Harassment and/or Reprisal against an Employee, Human Resources will consult with Members at risk, and other Members if necessary, to determine and implement reasonable measures to protect the health and safety of its Employees. However, because Human Resources does not have the jurisdiction to compel statements from members of the general public, or to impose sanctions upon them, it will not normally conduct a formal investigation in such cases.

PREVENTATIVE MEASURES

41. Human Resources will provide information and instruction to Employees regarding Workplace Violence, Harassment, Discrimination and/or Reprisal. Information about workplace violence prevention and response, including training programs, is available on the UOIT Health and Safety Website (<http://healthandsafety.uoit.ca/>).
42. Human Resources will, as often as is necessary, assess the risk of Workplace Violence that may arise from the nature of the workplace, type of work or conditions of work, taking into account the circumstances of the workplace and circumstances common to similar workplaces, as well as any other elements prescribed in regulation. Upon the conclusion of this assessment, Human Resources will develop measures and procedures to control identified risks that are likely to expose an Employee to Workplace Violence.
43. When incidents of Workplace Violence, Harassment, Discrimination and/or Reprisal occur, Human Resources will ensure that reasonable steps are taken to prevent such incidents in the future.

REPORTING

44. Incidents, or perceived threats, of Workplace Violence, Workplace Harassment, Discrimination and/or Reprisal should be promptly reported to a Person of Authority and Human Resources. If a member of Human Resources is involved in the incident at issue, then the incident should be reported to UOIT General Counsel.
45. Anyone who witnesses an incident of Workplace Violence should also promptly report it to the Office of Campus Safety. Employees who witness an incident of Workplace Violence must complete a Workplace Violence incident report form as soon as possible. If several Employees are involved in or witness the incident, each Employee must file a separate report with the Office of Campus Safety. The Office of Campus Safety will immediately forward a copy of all Workplace Violence incident

reports to the Director of Human Resources, when there is a situation that presents a threat of further Workplace Violence to Employees, volunteers or visitors.

46. If UOIT becomes aware that circumstances of domestic violence may expose an Employee to physical injury in the workplace, UOIT will take every precaution reasonable in the circumstances to protect that Employee. To this end, Employees who become aware of such risks must report those risks to a Person of Authority, who must in turn advise Human Resources. Human Resources will consult with the Employee at risk, and other Members if necessary, to determine and implement reasonable measures to protect the Employee.

47. The University will provide appropriate support services to Employees who are victims of Workplace Violence, Harassment, Discrimination and/or Reprisal. This may include the creation of a personal safety plan through the Office of Campus Safety, the provision of Employee counselling through the Employee Assistance Program and/or referral to the Victim Service Unit of Durham Regional Police Services.

THE REPORTING PROCESS

Step 1 - Submitting a Report

48. Submitting an incident report to the Office of Campus Security does not automatically initiate a formal "Report". A "Report", and the corresponding "Reporting Process", is initiated only when an individual completes the Report form (website here; Appendix X) that is available from Human Resources. Human Resources will, on its own initiative, initiate a Report when it receives information regarding an incident of Workplace Violence, Harassment, Discrimination and/or Reprisal, unless such a Report has already been submitted by an individual. If a member of Human Resources is involved in the incidents at issue, then the Report should be submitted to UOIT General Counsel.

49. After filing an incident report, an Employee with ongoing concerns regarding Workplace Violence, Discrimination, Harassment and/or Reprisal should consult with a supervisor or manager ("Persons of Authority"). All such Persons of Authority must seek guidance from Human Resources in attempting to address and resolve concerns relating to Workplace Violence, Discrimination, Harassment and/or Reprisal in the workplace. If an Employee's supervisor or manager is allegedly involved in Workplace Violence, Discrimination, Harassment and/or Reprisal, then the Employee's concerns should be raised directly with Human Resources. However, if the allegation of Workplace Violence, Discrimination, Harassment and/or Reprisal involves a member of the Human Resources team, then the Employee's concerns should be raised directly with UOIT General Counsel. When Human Resources or UOIT General Counsel is approached by an individual seeking to submit a Report, Human Resources or UOIT General Counsel will advise that information about a Report will be kept

confidential except to the extent that UOIT is legally required to investigate and/or disclose information, in which case information may be shared only on a need-to-know basis.

50. All Reports will be submitted in the format prescribed by Human Resources (website here; Appendix X), with the ability to attach additional pages if needed.

Step 2 - Interim Measures

51. Upon receiving a Report, Human Resources or UOIT General Counsel will immediately determine whether interim measures are necessary, considering the severity of the allegations, and the potential risks to UOIT Members. For example, an Employee may be placed on paid, administrative leave pending the outcome of an investigation, or may be required to refrain from interacting with the Complainant or other witnesses. Normally, a Complainant will not be required to interact with a Respondent during the Reporting Process or a related investigation.
52. Further interim measures will be implemented where reasonable and appropriate in the circumstances. As necessary, Human Resources or UOIT General Counsel will consult with others, such as the manager(s) of the Complainant and Respondent, and the Office of Campus Safety, on a confidential basis, to determine additional interim measures.

Step 3 - Establishing the Process & Investigation

53. Human Resources will review the Report and determine if the conduct alleged in the Report would amount to Workplace Violence, Discrimination, Harassment and/or Reprisal. This determination will be based on an assumption that all of the alleged facts were true. If the allegations set out in the Report would not, if true, amount to Workplace Violence, Discrimination, Harassment and/or Reprisal, Human Resources or UOIT General Counsel will respond to the individual submitting the Report in writing, usually within 60 days, advising that the Report has been reviewed, and that the information provided does not support an allegation of Workplace Violence, Discrimination, Harassment and/or Reprisal under the *Policy Against Violence, Harassment and Discrimination in the Workplace*. The Employee submitting the Report will also be advised that Human Resources may reconsider the Report if additional and significant information is provided. If there is another process or resource at the University that would be more appropriate for the subject matter of the Report, the individual will be advised of this alternative process.
54. If, on the other hand, the information provided would, assuming the alleged facts were true, support a finding that Workplace Violence, Discrimination, Harassment and/or Reprisal had occurred, an investigation will be conducted. An investigation may include written submissions or witness interviews, depending upon the severity of the allegations.

55. When an investigation is to be conducted, Human Resources or UOIT General Counsel will establish an investigation process that is appropriate in the circumstances. This process will be summarized in written form and distributed to the Complainant and Respondent. This document will also define the scope of the investigation. At this stage, consideration will be given to whether the investigation will be conducted internally or externally. **An investigation will not be conducted by an individual who was directly involved in the events in issue, or by an individual who has an individual interest in the outcome of the investigation. Under no circumstances will an individual be involved in an investigation (other than as a witness) if that individual's involvement would give rise to a conflict of interest or a perception of a conflict of interest.** Human Resources or UOIT General Counsel will review the collective agreement(s) of any individuals involved in the Report, and will ensure the procedural rights granted to those individuals under their respective collective agreements are maintained.
56. Human Resources or UOIT General Counsel will ensure the Employees involved in an investigation, and their respective bargaining agent(s), where applicable, are informed of the investigation process that will be adopted in each particular case. At a minimum, any investigation will provide a reasonable opportunity for the parties to understand the allegations, and to submit relevant information.

Step 4 - Determination & Corrective Action

57. The investigator will be charged with determining whether Workplace Violence, Discrimination, Harassment and/or Reprisal has occurred. Human Resources or UOIT General Counsel will ensure that the results of the investigation are brought to the attention of, and reviewed by, the appropriate Person(s) of Authority. Human Resources will advise the Person(s) of Authority with respect to appropriate corrective measures, if any, to be taken, including measures aimed at preventing Reprisal, where appropriate.
58. Where an Employee is found to have engaged in acts of Workplace Violence, Harassment, Discrimination and/or Reprisal, corrective measures may include non-disciplinary actions (*e.g.* education) or disciplinary measures (*e.g.* a written reprimand, a suspension or termination). Human Resources or UOIT General Counsel will ensure such reasonable steps are taken to prevent a recurrence.
59. Employees that are members of a bargaining unit shall have any corrective measure(s) imposed in accordance with applicable collective agreement requirements.
60. **At the conclusion of an investigation, Human Resources or UOIT General Counsel will ensure that any Employee who was alleged to have experienced Workplace Violence, Discrimination, Harassment and/or Reprisal, and any Respondent Employee(s), are informed, in writing, of the outcome of the investigation, and the corrective actions**

taken. Human Resources will ensure that such information is provided in accordance with the procedural requirements of any relevant collective agreement **and any applicable laws.**

RELEVANT LEGISLATION

61. Occupational Health and Safety Act, R.S.O. 1990, c O.1, as amended

Human Rights Code, R.S.O. 1990, c. H.19

Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c F. 31

RELATED POLICIES, PROCEDURES AND DOCUMENTS

62. Academic Staff Employment Policies

Access to Information and Protection of Privacy Policy

Emergency Management Plan and Procedures

Fair Processes Policy

Non-Academic Staff Policies

Policy Against Violence, Harassment and Discrimination in the Workplace

Policy to Prevent and Respond to Sexual Violence for Students

Procedures for Responding to Incidents of Sexual Violence

Records Management Policy

UOIT Joint Health and Safety Committee Terms of Reference

UOIT Occupational Health and Safety Management System

UOIT Student Conduct Policy

UOIT-Durham College Threat Assessment Procedures

Work Refusal Procedures

Workplace Violence Incident Report

END NOTES

63. This Procedure supersedes the Harassment and Discrimination Procedures (LCG 1105.01), November 2004 and the Workplace Violence Procedures (LCG 1112.01), January 2014