

Wednesday, November 23, 2016

Public Session

11:20 a.m. – 12:20 p.m.

North Campus, ERC 3023

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

Members: Karyn Brearley (Chair), Dan Borowec, Andrew Elrick, Adele Imrie, Jay Lefton, Tim McTiernan, Mike Snow

Staff: Miles Bowman, Becky Dinwoodie, Craig Elliott, Cheryl Foy, Susan McGovern, Michael Owen, Deborah Saucier

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 September 29, 2016* (M)	Chair	2	11:25 a.m.
5	Chair's Remarks	Chair	5	11:30 a.m.
6	President's Remarks	T. McTiernan	5	11:35 a.m.
7	Governance			
7.1	Policy		30	12:05 p.m.
	(a) Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence (material to follow) (M)	D. Saucier/ M. Bowman		
	(b) Policy Against Violence, Harassment and Discrimination in the Workplace (material to follow) (M)	C. Foy		
	(c) Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace (material to follow) (M)	C. Foy		
8	Nominations			
8.1	Governors Election Process 2017-2018* (P)(M)	B. Dinwoodie	5	12:10 p.m.
9	Human Resources			
9.1	DCPP Statement of Investment Policies and Procedures* (M)	D. Saucier	5	12:15 p.m.
10	Other Business	Chair	3	

11	Termination (M)	Chair	2	12:20 p.m.
	* - Documents attached			
	D - Discussion			
	M - Motion			
	P - Presentation			
	U - Update			

Becky Dinwoodie, Secretary

Public Session Minutes for the Meeting of September 29, 2016
12:05 p.m. to 1:00 p.m., ERC 3023

Attendees: Karyn Brearley (Chair), Andrew Elrick (*via teleconference*), Tim McTiernan (*via teleconference*)

Staff: Robert Bailey, Becky Dinwoodie, Cheryl Foy, Susan McGovern, Michael Owen, Deborah Saucier

Regrets: Dan Borowec, Jay Lefton, Mike Snow

Guests: Miles Bowman, Christine McLaughlin (Faculty Association)

1. Call to Order

The Chair called the meeting to order at 12:06 p.m.

2. Agenda

Upon a motion duly made by T. McTiernan and seconded by A. Elrick, the Agenda was approved as presented.

3. Conflict of Interest Declaration

None.

4. Chair's Remarks

The Chair kept her remarks brief and noted the full agenda.

5. President's Remarks

The President remarked that in addition to the matters the Committee pays attention to internally as a matter of good governance, the agenda of this Committee will largely be driven by external policy and regulatory directives from the government. The issues to be addressed will include executive compensation and funding formula. The President reported on the recent meeting of the COU Executive Heads with the new Minister of Advanced Education and Skills Development.

The Chair noted that the Committee will have a lot of work ahead of it this year.

6. Governance

6.1 Policy Against Violence, Sexual Violence, Harassment & Discrimination

C. Foy acknowledged M. Bowman as being instrumental in the development of the policy. She reviewed the background of the policy and how it has evolved. There have been multiple discussions and redrafts. Given the ambitiousness of the policy, C. Foy anticipates that it will be reviewed after the first year of implementation to evaluate its effectiveness. The goal is to have all of the underlying pieces in place by January 1, 2017.

C. Foy noted that consultation for the policy has taken place over the past year, both formally and informally. Written submissions were received from the Faculty Association. She reviewed the consultation pathway and confirmed Academic Council approved the policy in principle. The updated version incorporates many of the suggested comments.

One last compliance review will take place before it comes forward to the Board. Compliance checklists have been developed for both pieces of legislation and the policy will be presented to the Board with an opinion.

The focus of the policy is on locations on campus, but it has left room for scope beyond the University (example of residences across the street). If it occurs off campus, the incident must have a “real and substantial” connection to the University for the policy to apply. The University has discretion to deal with situations that should be dealt with under the policy and that the community would expect the University to deal with.

There is an emphasis on providing support to individuals who have experienced violence, sexual violence, harassment, and discrimination. C. Foy described the challenges of providing support to individuals when it impacts another student on campus (example of an individual asking for the alleged perpetrator to not be in any of her/his classes). M. Bowman noted that it is not a punitive policy, but an engagement and educational policy. There was a discussion regarding what is included in “programming”. C. Foy confirmed that it includes a variety of approaches.

T. McTiernan emphasized the points made by C. Foy and M. Bowman, as well as the importance of being active instead of reactive. The policy will help foster a culture of care, safety, and respect on campus.

A. Elrick noted that trying to foresee and encompass many situations is possible; however, it is impossible to anticipate everything. The policy might require additional refinements during its implementation.

K. Brearley stated that she is satisfied that the community’s input has been heard.

Upon a motion duly made by T. McTiernan and seconded by A. Elrick, the Committee recommended the Policy Against Violence, Sexual Violence, Harassment and Discrimination for approval by the Board, subject to minor amendments.

7. Nominations

7.1 Board Recruitment Strategy

T. McTiernan introduced the topic by encouraging the Committee to pay attention to recruiting an inclusive and diverse Board. It is important for diversity to be addressed in our Board membership so it reflects the diversity of our University community. He also referred to the work of the Truth and Reconciliation Report. Additional indigenous participation in our governance structures will reflect our history.

C. Foy delivered a presentation on Board Recruitment Strategy. She reviewed the direction given in 2014-2015. She discussed the Board's direction to stagger terms, which has not yet been implemented and will be kept in mind for 2018. She asked the Committee to consider whether there are obvious skills gaps on the Board. Further, given the Board's strategy and focus over the next few years, are there skills and expertise the Committee thinks we need on the Board?

The Board confirmed that the additional occupation categories (e.g. "not for profit") should be added to the matrix.

With respect to competencies, S. McGovern discussed the success of our alumni and suggested reaching out to alumni to canvass potential candidates for the Board. The category of "alumni" should also be added to community connections. It was recommended to recirculate an updated version of the skills matrix to the Board members by the end of the year. K. Brearley will address this in her Chair's remarks at the next Board meeting and encourage referrals from Board members, keeping diversity and gender balance in mind.

K. Brearley discussed staggering terms. She also stated that the Committee should consider recruiting 3 members per year for 1, 2, and 3 year terms. T. McTiernan clarified that staggering was not done in the beginning, which has led to bulk departures. K. Brearley noted that it is probably best to stagger terms for upcoming renewals.

She asked the Committee if they want to change direction for the upcoming years. A. Elrick noted the challenges of trying to get a variety of areas reflected on the Board, turnover, and trying to recruit qualified people. K. Brearley noted that nothing jumped out at her as being a deficit under occupation. She also asked whether there are any areas in which T. McTiernan, C. Foy, and D. Saucier see a need. The Committee must focus on recruitment and should expect the process to take 6-10 months. K. Brearley stated that senior Board members (Chair and Vice-Chairs) should be leading the process and T. McTiernan's role is to support it. T. McTiernan noted that an area of specialty needed is tech services/apps. Work will be done on updating the language for the Board recruitment page to promote diversity.

Consideration will be given to advertising to community groups and in local newspapers. S. McGovern also suggested the Chamber of Commerce. We will return with a specific set of recommendations for targeted recruiting options.

8. Other Business

None.

9. Termination

There being no other business, upon a motion duly made by T. McTiernan and seconded by A. Elrick, the meeting terminated at 12:56 p.m.

Becky Dinwoodie

DRAFT

COMMITTEE REPORT

Action Required:

Public:
Non-Public:

Discussion
Decision

TO: Governance, Nominations & Human Resources Committee

DATE: November 23, 2016

FROM: Deborah Saucier, Provost and VP Academic

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

A. Purpose

We are consulting with the Governance, Nominations & Human Resources Committee to seek advice on the Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence and for the Committee's recommendation that the policy be approved by the Board of Governors.

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"), introduced a number of amendments that require universities to review and address their policies and processes for preventing and responding to sexual violence and harassment on their campuses.

The University initially presented a single policy to the University community reinforcing the University's commitment to all community members to establish an environment free from all forms of violence, sexual violence, harassment and discrimination. Feedback revealed that the best policy approach would be to develop separate and distinct policies to address issues of sexual violence for students. This new approach nevertheless supports the original anti-violence perspective.

Discussion and Rationale

The Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence is enacted through proactive measures and ensure that the

University is able to effectively address and respond to reports of sexual violence involving students when they occur.

The Policy will:

- Educate and inform students, as well as other members of the University community, regarding issues of sexual violence involving students;
- 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;
- Implement oversight to the policy that results in yearly review of its efficacy; and
- Meet the commitments to procedural fairness established under the new Fair Processes Policy.
- Be structured from a user-based perspective being question driven, and organized relative to the most likely problems of students needing policy outcomes.

Consultation and Approval

The draft Policy was posted online on October 24th for broad consultation with the University community, including students, faculty and staff. Online feedback was received and incorporated into the revised draft (v2.0) posted Nov 8th-15th. The v2.0 draft was also circulated for consultation and feedback to Academic Council (for November 15th), the Policy Advisory Committee (for November 17), and the Health and Safety Committee (for November 18th).

The advice from all consultations was incorporated into a final draft (v3.0) of the policy circulated to Governance, Nominating and Human Resources Committee of the Board on November 23rd. The GNHR Committee comments and recommendations will be reflected in an amended draft (v3.1) sent to the Board of Governors for approval on December 7th, 2016. Should amendments be required v3.2 will be approved at Board Executive December 15th, 2016.

The Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence (v3) will be effective upon approval by the Board or Board Executive. In addition, the Board has committed to review this policy at its spring, 2017 meeting (March 1st, 2017), thereby allowing the community a three-month period within which to provide comments. Should the Board conclude that further amendments are required, 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.

C. Request

We are seeking a resolution from GNHR to recommend the policy for approval by the board. This recommendation will account for advice and/or recommended changes on the draft Policy on Sexual Violence for Students and Procedures for Responding to Incidents of Sexual Violence.

**POLICY ON SEXUAL VIOLENCE FOR STUDENTS
AND PROCEDURES FOR RESPONDING TO
INCIDENTS OF SEXUAL VIOLENCE**

In an emergency, call for help

In North Campus buildings:

Help EMS easily locate you,
call x2400 or 905-721-3111

Downtown Campus:

Call 9-1-1

Anywhere off campus:

Call 9-1-1

- If you have experienced an incident involving Sexual Violence, UOIT can help you. The best way to receive help is to contact a [Support Worker](#) in the Mental Health Office (905.721.3392 or email studentlifeline@uoit.ca) who can provide you with support and aid in a confidential environment [insert link].
- This policy details UOIT’s intent to prevent and address incidents of Sexual Violence and sets out the procedures that will be followed for reporting, investigating and addressing incidents of Sexual Violence for Students.
- This document uses key terms that are hyperlinked to their definitions found in [Appendix A](#).
- To request an alternative format of this document, [make an AODA request here](#).

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Parent Policy: Anti Violence Policy; Framework Category: Legal, Compliance and Governance;
 Approving Authority: Board of Governors; Policy Owner: Provost and VP Academic;
 Approval Date: Draft; Review Date: TBA

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WHAT ARE UOIT’S COMMITMENTS? – Guiding Principles

1. The University of Ontario Institute of Technology ([UOIT](#)) is committed to maintaining healthy and safe learning, living, social, recreational and working environments. Acts that perpetuate [Sexual Violence](#) including [Sexual Harassment](#) are against UOIT’s values [link] and will not be tolerated. Thus, UOIT will:
 - Condemn all acts that perpetuate or reinforce Sexual Violence and hold individuals who perpetrate such acts accountable;
 - Help those who have experienced Sexual Violence by providing resources and aid, regardless of whether or not an Informal or [Formal Report](#) is filed;
 - Help our community to oppose Sexual Violence through preventative educational programming;
 - Continually improve how the university addresses Sexual Violence by examining the efficacy of programming choices, how aid is administered, and how [Students](#) use our services.

2. There are many myths and misconceptions about Sexual Violence (*e.g.*, rape myths) that downplay the seriousness of Sexual Violence and confuse an individual’s understanding of [consent](#). These ways of thinking contribute to a social context in which individuals who experience Sexual Violence may blame themselves for what happened, worry that they will not be believed, and make reporting Sexual Violence less likely to happen. These misconceptions contribute to victim-blaming responses that excuse perpetrators for their actions. UOIT strongly opposes this kind of thinking and has developed this policy in support of those who have experienced Sexual Violence and will treat individuals with dignity and respect during [disclosure](#), investigation and institutional response.

3. The University, recognizes that each individual is free to label their experiences using whatever terminology they choose. The label “survivor” may work for some individuals, and may not for others. To that end, this policy refers to individuals based on their interaction with the policy. When dealing with individuals, the university will respect each individual’s preferred term.

4. UOIT is aware of and acknowledges the diverse backgrounds and cultures of Students and will consider and take reasonable measures to accommodate needs emerging from this diversity when dealing with individual cases.

5. An Advisory Committee, comprised of Students, [Faculty](#) and [Staff](#), will be established to oversee and review the programming and training choices in consultation with community partners that stand against Sexual Violence by:
 - Advising on training programs for development and delivery to Staff, Faculty, and Students;
 - Consulting on up-to-date information on supports and services, including online content;

- Reviewing instances of Sexual Violence committed against, or perpetrated by, members of UOIT and the help-seeking behaviours related to such incidents;
- Evaluating the efficacy of programming, activities, and help processes related to tracked behaviours and advising on changes, where necessary;
- Overseeing the implementation of a survey of [UOIT Members](#), as required, relating to the effectiveness of Sexual Violence aspects of this policy;
- Drafting an annual report informed by available data related to measures listed above in this section and make recommendations to the Provost or delegate; and
- Preparing a written review to the Office of the Provost detailing recommended changes to this policy and related procedures.

HOW DOES UOIT HELP? – Purpose of this Policy

6. For any [UOIT Student](#) who has experienced [Sexual Violence](#) and for any Student who has perpetrated Sexual Violence, this policy and related procedures detail how UOIT will:
 - Empower Students to make separate choices on whether to disclose within a safe space at the university in order to receive support and whether to officially report that experience to the university in order to pursue a path to justice;
 - Accommodate the needs of Students affected by Sexual Violence,
 - Offer fair paths to justice as alternatives to, and not replacements for, external judicial proceedings;
 - Implement [interim measures](#) to protect Students affected by Sexual Violence, where appropriate.
 - Investigate incidents of Sexual Violence, where requested or where required as listed in section 27 below; and
 - Detail how incidents of Sexual Violence will be addressed.
7. UOIT stands against Sexual Violence through a preventative approach. This approach involves educational programming and training to empower our community and to minimize behaviours that contribute to the perpetuation of Sexual Violence. Key topics to be addressed include, but are not limited to:
 - Abuses of power dynamics and victim blaming;
 - Alcohol and substance consumption;
 - Cultural competency and sources of [discrimination](#);
 - [Consent](#) culture;
 - How sexism, ableism, ageism, and racism intersect with Sexual Violence;
 - Rape culture;
 - Understanding aggression and standing up to aggression; and
 - Understanding online harassment through social media.

WHO DOES THIS COVER? WHEN? and WHERE? – The Scope of this Policy

If you are a Student and you have experienced Sexual Violence, UOIT can help you.

8. **WHO?** - This policy applies to *all* incidents of alleged [Sexual Violence](#) involving [Students](#).
9. **WHAT BEHAVIOUR? & WHERE?** This policy applies:

- To Students experiencing Sexual Violence or who have previously experienced Sexual Violence anywhere within the university community ;
- To Students accused of perpetrating an act of Sexual Violence against a member of the [UOIT](#) community, both on and off campus (e.g., parking garages, residences, gatherings of UOIT Students) including;
 - a) Through any conduct in the course of work, co-op, practicum, research, or study arising out of or related to UOIT's interests, and;
 - b) Through any media (e.g. in-person, written, recorded, online).

- 10. WHAT IF A NON-UOIT MEMBER IS INVOLVED?** Reports of Sexual Violence involving a UOIT Student can be filed by any individual, even if they are not affiliated with UOIT. For example, students at other institutions can file a Report to UOIT about a [UOIT Member](#) by contacting [General Counsel](#). Incidents involving a Student, [Faculty](#) or [Staff](#) member from Durham College or Trent in Oshawa, resulting from the shared campus environment, will be investigated in collaboration with those institutions.
- 11. WHAT LEGISLATION APPLIES?** The [Ministry of Training, Colleges and Universities Act](#) requires universities to have sexual violence policies to prevent and respond to incidents involving students. The [Criminal Code of Canada](#) prohibits [Sexual Assault](#), [Voyeurism](#) and [Criminal Harassment](#) (including [Stalking](#) and [Cyberbullying](#)). The [Ontario Human Rights Code](#) prohibits harassment on the basis of sex, sexual orientation, gender identity and gender expression in educational and employment matters and environments.
- 12. WHAT IF A UOIT EMPLOYEE IS INVOLVED?** Collective Agreements and/or employee policies prohibit Sexual Violence for UOIT employees. In incidents where a UOIT employee is involved, this policy will work in conjunction with the requirements of those agreements and policies. In these circumstances, Human Resources may be consulted to ensure the requirements set out under the *Policy to Prevent and Address Violence, Harassment and Discrimination in the Workplace*, and related procedures, are also applied and upheld.
- 13. WHO ENFORCES THIS POLICY?** The Vice President Academic and Provost, or successor thereof, is the policy owner, which means they are responsible for overseeing the implementation, administration, interpretation, and application of the policy.

HOW DOES THIS POLICY WORK? WHAT CAN I EXPECT? – Procedures

- 14.** The procedures set out in this document are intended to address incidents and allegations of [Sexual Violence](#) involving [Students](#).
- 15.** Students who may have experienced Sexual Violence have the right to:
- Choose whether to initiate, continue or discontinue telling their story, including the right to tell whomever they trust, the right to participate or not participate in any aspect of processes that result from filing a [Formal Report](#) or [Informal Report](#);
 - Be protected from irrelevant questions such as those related to past sexual history or sexual expression;
 - Choose whether to access support and accommodations, regardless of whether there is an official Report; and

- Choose whether to pursue recourse through external processes, such as an application to the Human Rights Tribunal of Ontario, and processes of criminal or civil justice.
16. Individuals have the right to be accompanied by legal counsel, union representative or other person at any point during this procedure and related processes.
 17. In order to ensure procedural fairness, the following principles will apply:
 - Participation in an Informal Resolution Process will not prejudice those involved in a subsequent Report or investigation;
 - Disclosers will be provided with an opportunity to submit all of their allegations along with relevant information;
 - [Respondents](#) will be provided with the information that is required to fully understand the allegations and provide a complete response;
 - Where an investigation and/or a hearing is conducted, witnesses will be given a reasonable opportunity to understand the allegations and provide relevant information; and
 - Individuals have the right to be accompanied by legal counsel, union representative, or other person at any point during this procedure and related processes.
 18. Any Reprisal, or expressed or implied threat of Reprisal, for reporting an incident or making a complaint about Sexual Violence under this procedure may itself be the subject of a Report and may be subject to [interim measures](#) (such as a conduct contract, restrictions from certain buildings on campus, or other appropriate measure).

HOW DO I TELL SOMEONE ABOUT WHAT HAS HAPPENED? – Disclosure and Reporting

19. This policy distinguishes between telling someone about what has happened ([Disclosure](#)) and telling a designated [Support Worker](#) who can provide help from a confidential space ([Reporting](#)).
20. Disclosing and Reporting [Sexual Violence](#) are personal acts. [Students](#) who share their experience have the right to be treated respectfully, and for the information provided to be kept in confidence, shared only on a need-to-know basis, where legally required. All information will be handled in accordance with the *Freedom of Information and Protection of Privacy Act*.

WHAT IS A DISCLOSURE? – Talking to a trusted person

21. [UOIT](#) recognizes that individuals who have experienced Sexual Violence may initially disclose to a friend, peer leader, or trusted [Faculty](#) or [Staff](#). The individual receiving a Disclosure should act in a caring and supportive way and should maintain confidentiality, except where the [Disclosing](#) individual consents to further information sharing in order to access help. Any person who receives a Disclosure should inform the discloser about this policy and, where needed, help them to access a Support Worker. Help for those who have received a Disclosure and guidance on how to receive a Disclosure are posted online [link].
22. In any event, those who receive a Disclosure must promptly share that information to the Office of Campus Safety in the following circumstances:

- The information received suggests there is a perceived threat or risk of harm, including self-harm, to a Student or other individual;
 - The information received suggests that the actions constitute harassment and/or result in an individual feeling as though their personal safety is at risk, whether in person or online; or
 - The information received suggests an incident occurred involving Workplace Violence or Workplace Harassment under the *Occupational Health and Safety Act*;
- 23.** Those who receive a Disclosure are encouraged to consult with the Director, Campus Safety for advice about whether, and to what extent, that information must be shared. The Office of Campus Safety will use and share the information provided to the extent that is required by law.

WHO SHOULD I TALK TO? – Reporting to a Support Worker

- 24.** In an emergency call for help. When on North campus, call Security at 905.721.3111 (x2400) to help EMS more easily locate you, when downtown or off campus call 911. Individuals may also visit the Office of Campus Safety in person (1202 Simcoe Building) or the Security Offices in Downtown locations [insert link].
- 25.** For [Students](#) who need help, [Support Workers](#) in Student Mental Health Services are authorized to receive, on behalf of [UOIT](#), reports about incidents of [Sexual Violence](#) involving [Students](#). To make an appointment with a Support Worker, call 905.721.3392 or email studentlifeline@uoit.ca. Appointments may be held by phone or in person at a different campus location at the request of the Student. Support Workers can offer support and accommodation independent of any action related to [Reporting](#). Students may also access community supports and services listed online [link].
- 26.** There are two ways to report Sexual Violence to UOIT, an “[Informal Report](#)” and a “[Formal Report](#)” – each type of report allows the individual to tell their story, on their own terms. The decision to disclose the details that may indicate Sexual Violence through an Informal Report and the decision to file a Formal Report are separate decisions:
- An “[Informal Report](#)” occurs when a Student discloses to a Support Worker about an incident in which Sexual Violence may have occurred. The Informal Report can be provided by any individual who has information about the incident, and does not automatically initiate a Formal Report. An Informal Report may relate to a [Respondent](#) who is, or is not, a Student.
 - A “[Formal Report](#)” is a formal written request by a [UOIT Member](#) for UOIT to investigate and address a detailed incident of Sexual Violence.
- 27.** Informal Reports and Formal Reports to a Support Worker are made in a protected space and will be kept confidential, except under the following circumstances, and as required by law:
- The discloser seeks accommodations and consents to sharing information with other university officials on a need-to-know basis in order to make the appropriate arrangements (*e.g.*, accommodations, safety planning);
 - The discloser chooses to proceed with a Formal Report, in which case a confidential investigation will be conducted and information will be shared only to the extent necessary to achieve procedural fairness, and as otherwise required by law;

- Information is received suggesting there is a clear risk of harm, including self-harm, to a Student or other individual;
- Information suggests an incident occurred involving Workplace Violence or Workplace Harassment under the Occupational Health & Safety Act, in which case a confidential investigation will be conducted and information will be disclosed only to the extent necessary to achieve procedural fairness;
- Informing law enforcement is required by law (*e.g.*, in the case of a minor); or
- Information required for a police investigation, or for litigation purposes.

28. Access to support and accommodation through a Support Worker is available by phone, email, or through Campus Security on a 24/7 basis. Our [online support guide] details supports and services available in the community that can be contacted for help.

HOW WILL ALLEGATIONS OF SEXUAL VIOLENCE BE ADDRESSED? – Support Services

29. [Support Workers](#) support disclosers and [Complainants](#) by providing assistance and accommodation through the resolution process of their choosing. Assistance provided by a Support Worker may include:
- A detailed explanation of available processes under this policy;
 - Communicating with the discloser’s consent with counsellors or other university officials at [UOIT](#) involved in providing support and academic accommodations, [interim measures](#), interpreting university policies and guidelines, and providing information to the Office of Campus Safety;
 - Accompanying the discloser or Complainant to an appointment that they may need support to attend;
 - Referral to contacts for support, services and resources through external community partners. Available community partner services are listed online [link]; or
 - Follow up after a resolution is achieved to ensure it has been enacted and to ensure ongoing access to services where needed.
30. Disclosers or Complainants who require accommodations in their courses or other areas can work with their Support Worker to find solutions that will help minimize disruption. Accommodations may include: separation of the parties, exam or assignment deferral, class and/or schedule changes, emergency bursaries, and/or residence modification. The Support Worker will make the accommodation arrangements on the discloser’s behalf and with their consent taking care to share only enough information with other university officials as is necessary to make the accommodation.
31. If the details of the report reveal a significant risk to others, the Support Worker may contact the Office of Campus Safety and/or other law enforcement agencies. If the details of the Report involve a [Respondent](#) who is not otherwise covered by the scope of this Policy, the Office of Campus Safety will enact appropriate security measures to protect the [Student](#).

WHAT OTHER RESOLUTIONS ARE AVAILABLE? – Informal Resolution Processes

32. A discloser and/or [Complainant](#) may choose to pursue an Informal Resolution Process at any point following a Report. The [Support Worker](#) will work with the discloser or Complainant to

select options that will help them to meaningfully address the incident of [Sexual Violence](#) and where participation does not place the [Student](#) at risk. Examples of informal processes include: seeking apology; delivering an impact statement; meeting with a university official identified by the Support Worker to discuss the ways in which future occurrences of the disclosed incident can be prevented; facilitated discussion; and processes based on restorative justice principles.

33. The Support Worker will work with the [Case Manager](#) to undertake the informal resolution option selected by the discloser and/or Complainant. Participation in an Informal Resolution Process is voluntary and requires consent of all parties. The Case Manager will normally be the Director, Office of Campus Safety.
34. Where the Informal Resolution Process involves the [Respondent](#), the Support Worker will take steps to ensure that the circumstances of any meeting will appropriately protect the dignity of the Complainant through accommodations that continue to allow their participation. Accommodations that may be considered include: providing separate rooms before the meeting; alternate means of participation such as telephone, video, pre-recorded answers and statements; prepared written responses; the opportunity to have support and representation at the hearing; and other appropriate accommodations.
35. All Informal Resolution Processes between the discloser, Complainant and/or the Respondent are held in confidence and on a “without prejudice” basis. This means that the discussions that take place during the Informal Resolution Process may not be later disclosed or used in a subsequent Report or investigation. Parties involved in Informal Resolution Processes will be asked to sign a confidentiality agreement before the process proceeds.
36. If a written agreement is reached by all parties through Informal Resolution Processes, and the Case Manager approves the written agreement, the Report will be deemed resolved and this procedure will cease.
37. If the selected Informal Resolution Process is unsuccessful, new options will be made available, which may include another Informal Resolution Process or the filing of a [Formal Report](#).

IF I FILE A FORMAL REPORT, WHAT WILL HAPPEN? – The Formal Report Process

38. If an individual chooses to file and then pursue a [Formal Report](#), the [Support Worker](#) will refer the matter to a [Case Manager](#) who will oversee the process to ensure all parties are treated fairly and that the file proceeds as expeditiously as possible. The Case Manager will also provide updates to the discloser or [Complainant](#) on the progress of the file. This does not remove the Support Worker from the process; they continue to provide support throughout the process.
39. The Support Worker will provide the discloser with a [Report Form](#), or a link to an electronic Report Form, and assist them when needed to complete the form. The discloser may submit all of the allegations along with relevant information as part of their Report. The Report will be forwarded to a Case Manager by the Support Worker.
40. The Formal Reporting process begins with the Case Manager considering whether [interim measures](#) are necessary to protect the safety of the Complainant or any other [Student](#). Reasonable interim measures will be imposed on the basis of the assumption that allegations of

[Sexual Violence](#) are true, having regard to the safety of all Students, the severity of the allegations, and the Complainant's desire to restrict access to disclosed information.

41. If, during any stage following the receipt of a Report, there is evident behaviour or actions of retaliation, or expressed or implied threat of reprisal against a discloser or [Complainant](#), the [Case Manager](#) may impose temporary measures (such as a conduct contract, restrictions from certain buildings on campus, or other appropriate measure) and the reprisal may itself be the subject of a Report.
42. The Case Manager will review the [Formal Report](#) to determine whether the described incident would be covered under this policy assuming the allegations are true. During this review, the Case Manager may meet with any individual deemed necessary to assess whether the report warrants investigation.
43. If the allegations set out in the Report do not amount to Sexual Violence or the [Respondent](#) is not a [UOIT Member](#), the Case Manager will advise the parties, in writing, of the determination to not proceed with an investigation. In all other cases, the Report will be investigated. The Case Manager will advise the parties in writing that the Report will be investigated, that an investigator will be appointed, and that the parties will be contacted by the investigator in due course.

HOW DO INVESTIGATIONS WORK? – Investigations & Corrective Actions

44. The purpose of an investigation is to: gather evidence and witness statements; weigh the evidence; make findings of fact based on the evidence; and produce an investigative report. In an investigation under this procedure, the investigator must conclude, weighing the evidence on a balance of probabilities, either: (1) that [Sexual Violence](#) did occur; or (2) that Sexual Violence did not occur.
45. The [Case Manager](#) will appoint an investigator with the required training and experience to conduct a fair and objective investigation. The investigator must not be directly involved in the incidents at issue, and should not have a reporting relationship with the individuals involved in the incidents being investigated. Where accommodations are required, the discloser has the right to request and that an external investigator be appointed. To this end, the investigation may be conducted by an [UOIT](#) investigator or by an external investigator.
46. The Case Manager will provide the investigator with all relevant documents and information, except that which is privileged (*e.g.*, records of discussions that took place during Informal Resolution Processes).
47. The Case Manager will send written notice to the [Respondent](#) that an investigation of a Report of Sexual Violence is being initiated. This notice will, at minimum, be delivered in writing to a UOIT.net or UOIT.ca email account, as applicable.
48. The notice to the Respondent will contain all information that is required to fully understand the allegations and provide a complete response, including:
 - The name of the investigator;
 - A complete summary of the allegations and supporting documents;

- A summary of any further information gathered by the Case Manager; and
- An invitation for the Respondent to meet with the investigator to discuss the Report.

The notice will also provide contact information for UOIT [Support Services](#), and will indicate that the Respondent has the right to be supported and accompanied by legal counsel and/or other support.

49. The Respondent will be given a reasonable opportunity to respond to the allegations and may choose to respond in person or in writing. If no response is provided within a reasonable timeframe, set by the investigator, or the Respondent chooses not to participate, the investigator may proceed without input from the Respondent.
50. At any point during the investigation, the investigator may set meetings with any party to obtain further information. At a minimum, the investigator will make reasonable attempts to meet with the [Complainant](#) and the Respondent. The investigator may also choose to seek information from other witnesses taking care to ensure that they are given a reasonable opportunity to understand the allegations and provide relevant information. Individuals have the right to be accompanied by legal counsel, union representative, or other person at any point during this procedure or related processes.
51. Based on all available evidence, the investigator will determine whether there has been a violation of the policy, weighing the evidence on a balance of probabilities. The investigator's determination will be reported to the Case Manager in an investigative report, containing a summary of the information gathered during the investigation and the investigator's conclusions.

HOW IS A DECISION REACHED? – Associate Provost's Decision

52. The [Case Manager](#) will forward the investigative report, along with their confirmation that fair processes were followed and reference to corrective measures consistent with comparable offenses to the Associate Provost or delegate who has appropriate training and experience to make decisions involving [Sexual Violence](#).
53. The Associate Provost or delegate will consider the investigative report and determine the appropriate corrective actions including: a written warning, conduct contract, community service, alternative forms of restitution, suspension or eviction from one or more facilities at the university, or expulsion. The Associate Provost or delegate's determination will be forwarded to the Case Manager.
54. The Case Manager will provide the [Respondent](#) with a written summary of the investigation, attaching a copy of the determination.
55. The Respondent will have ten working days to provide a response, which may include a request for a meeting to hear the response. If the [Student](#) fails, without reasonable excuse, to provide a response, the Associate Provost or delegate may proceed to decide on the case in the Student's absence. This decision will be conveyed to the Respondent in writing.

56. The Case Manager will share the decision, in writing, with the [Complainant](#) and the Respondent as appropriate to maintain obligations under privacy laws, uphold procedural fairness, and ensure the health and safety of involved parties are protected.

HOW CAN A DECISION BE CHALLENGED? – Appeal

57. The decisions of the Provost under this Policy may be appealed to the Non-Academic Appeals Committee, in accordance with [Student Conduct Policy](#) and related procedures. In such cases, the case will be heard by a panel comprised of individuals with appropriate skills, training and experience to work with [Sexual Violence](#) cases.
58. If an appeal occurs, the dignity of the discloser will be protected through accommodations that allow their participation. Accommodation examples include: providing separate rooms before the meeting; alternate means of participation such as telephone, video, pre-recorded answers and statements; prepared written responses; the opportunity to bring a [Support Worker](#) to the hearing; and other accommodations suggested by the Support Worker and the discloser.

HOW OFTEN WILL THIS POLICY BE REVIEWED? – Monitoring and Review

59. This policy and procedures will be reviewed every three years at minimum as required by the MCTU Act.

WHAT OTHER POLICIES WORK WITH THIS POLICY? Related Policies

60. Several Policies interact with this policy and include:
- Fair Processes Policy
 - Student Code of Conduct
 - Policy Against Violence, Harassment and Discrimination in the Workplace

[In drafting this document, policies and protocols of other Ontario institutions, including the University of Windsor, University of Toronto, Queen’s University were reviewed. Passages from these policies, have been adapted for use in this document with their permission.]

APPENDIX A DEFINITIONS	<u>What do these terms mean?</u>
Term	Definition
“Case Manager”	A representative assigned the responsibility to manage the Report process. The Case Manager manages Report intake, oversees investigations, and issues a Case Manager's Report.
“Consent”	<p>Consent is an active, direct, voluntary, unimpaired and conscious choice and agreement to engage or continue in a sexual activity. Consent to one act does not mean consent to another. Consent:</p> <ul style="list-style-type: none"> • Is never assumed or implied; • Is not silence or the absence of “no”; • Cannot be given if the person is impaired by alcohol or drugs, or is unconscious; • Is required regardless of the parties’ relationship status or sexual history together; • Can be taken back, either through words (e.g., saying no) or body language (e.g., pushing someone away); • Can never be obtained through threats or coercion; and • Cannot be given if the other person abuses a position of trust, power or authority.
“Complainant”	The individual who is alleged to have experienced Sexual Violence in a Formal Report .
“Criminal Harassment”	<p>Criminal Harassment is repeated behaviours that result in an individual feeling as though their personal safety is at risk. Criminal Harassment includes, but is not limited to what is conventionally referred to as stalking and cyberbullying. Criminal Harassment includes:</p> <ul style="list-style-type: none"> • Unsolicited communications either verbal or digital; • Following a person; • Watching a person’s home, or other places where they may travel or work; and • Threatening the person or their family.
“Cyberbullying”	<p>Cyberbullying involves using digital communication technologies to engage in harassing behaviour against others. Cyberbullying includes:</p> <ul style="list-style-type: none"> • Sending mean or threatening emails or text/instant messages. • Posting embarrassing photos of someone online; • Posting degrading or harassing content online; • Creating websites to make fun of others; • Pretending to be someone by using their name; or • Tricking someone into revealing personal or embarrassing information and sending it to others
“Disclosing” and “Disclosure”	The act of providing information to another UOIT Member about an incident which may have involved Sexual Violence .

"Discrimination"	Any form of differential treatment that results in disadvantage, including imposing extra burdens, denying benefits, and/or limiting access to opportunities, based on one or more characteristics that an individual cannot change about themselves known as prohibited grounds under the Ontario Human Rights Code, namely: age; ancestry, colour, race; citizenship, ethnic origin; place of origin; creed; disability; family status; marital status (including single status); gender identity, gender expression; receipt of public assistance (in housing only); record of offences (in employment only); sex (including pregnancy and breastfeeding); sexual orientation.
"Faculty"	A Faculty Member at UOIT .
"Formal Report"	A formal written request, to investigate and address an incident that may have involved Sexual Violence .
"Indecent Exposure"	Indecent Exposure is when an individual exposes their genitals to other people (typically strangers caught off guard) in order to gain sexual satisfaction. Indecent Exposure is also known as flashing or exhibitionism and is a criminal offense under the Criminal Code of Canada.
"Informal Report"	A verbal account of an incident that may have involved Sexual Violence . This account remains confidential except when confidentiality must be broken, as described in section 22, or unless sharing is otherwise legally required.
"Interim Measures"	Any measures that are taken during the process of addressing a Disclosure or Report, including, for example, limiting contact between involved parties.
"Intimate Partner Violence"	Controlling, abusive, and aggressive behavior in an interpersonal romantic relationship. It can happen to anyone. Intimate partner violence can also be referred to as dating violence and domestic violence. All are considered forms of Sexual Violence .
"Reporting"	The act of disclosing to a Support Worker .
"Report Form"	A form provided by a Support Worker or Case Manager which is completed by a Complainant to initiate a Report.
"Respondent"	An individual who is alleged to have engaged in Sexual Violence in a Formal Report .
"Sexual Assault"	Is sexual touching of another person with any object or body part that is without Consent or by force. Any sexual activity without consent is sexual assault. (Criminal Code of Canada, section 271, 272, 273) Sexual Assault includes rape.

<p>"Sexual Harassment"</p>	<p>A course of vexatious comment, conduct and/or communication based on sex, sexual orientation, gender, gender identity or gender expression, or orientation that is known or should have been known to be unwelcome. Sexual Harassment is a form of Sexual Violence and may include, but is not limited to:</p> <ul style="list-style-type: none"> • Sexual solicitation, advances, or remarks, including any situation where there is an implied or express promise of reward or benefit in return for sexual favours, and/or implied or express threat or act of reprisal if sexual favours are denied (e.g., coercion); • Gender-based harassment that enforces traditional heterosexual gender norms, roles, or behaviours and is often used as a bullying tactic. • Physical contact of a sexual nature (including Sexual Assault in the Criminal Code); Suggestive or inappropriate comments or gestures (including songs and chants); • Non-consensual posting of pictures, aggressive comments, and slurs on social media; • Inappropriate display of sexually suggestive pictures, posters, objects, graffiti; and <p>Sexual conduct that interferes with an individual's dignity or privacy such as voyeurism.</p>
<p>"Sexual Violence"</p>	<p>Any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes sexual abuse, Sexual Assault (including rape), Sexual Harassment, Stalking, trafficking, Criminal Harassment, circulating degrading sexual imagery, Indecent Exposure, Intimate Partner Violence, Voyeurism and sexual exploitation.</p>
<p>"Staff"</p>	<p>An employee at UOIT not represented by a collective agreement.</p>
<p>"Stalking"</p>	<p>A form of Criminal Harassment involving repeated conduct that is carried out over a period of time and that causes an individual to reasonably fear for their safety or the safety of someone known to them. Stalking does not require physical injury; it is enough if the conduct makes a person fearful.</p>
<p>"Student"</p>	<p>A Student currently registered or previously enrolled at UOIT.</p>
<p>"Support Services"</p>	<p>The services referenced in sections 29 through 31.</p>
<p>"Support Worker"</p>	<p>Staff Members designated in this Policy to receive Disclosures and/or Reports and to make getting help easier by providing aid to disclosers on behalf of UOIT.</p>
<p>"UOIT"</p>	<p>University of Ontario Institute of Technology.</p>
<p>"UOIT Member"</p>	<p>A Student, Faculty or Staff, individuals engaging in work, research or study arising out of or related to UOIT's interests, and any individual on or visiting UOIT.</p>
<p>"Voyeurism"</p>	<p>The act of deriving sexual gratification from the covert observation of others as they undress or engage in sexual activities. This may include recording such activity and distributing it. When the behaviour of the individual watching another is unwelcome, repeated and makes the observed person feel unsafe, it may also constitute Criminal Harassment.</p>

COMMITTEE REPORT

Action Required:

Public:
Non-Public:

Discussion
Decision

TO: Governance, Nominations and Human Resources Committee

DATE: November 23, 2016

FROM: Cheryl Foy, University Secretary and General Counsel

**SUBJECT: Policy and Procedures Against Violence, Harassment and
Discrimination in the Workplace**

A. Purpose

We are seeking the Committee's recommendation of the Policy Against Violence, Harassment and Discrimination in the Workplace and Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace for approval by the Board of Governors.

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"), introduced a number of amendments that require universities to review and address their policies and processes for preventing and responding to sexual violence and harassment on their campuses.

The University initially presented a single parent policy to the University community that was intended to reinforce the University's values and commitment to creating an environment that is free from all forms of violence, sexual violence, harassment and discrimination for all of its community members. While this perspective remains and is reflected in an umbrella policy against violent behavior, as consultation and work progressed over the past several weeks it was determined that the best policy approach would be to develop separate and distinct policy instruments that would address issues of Violence, Harassment and Discrimination in the Workplace.

Discussion and Rationale

The Policy Against Violence, Harassment and Discrimination in the Workplace has been 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 Policy serves as a framework for the associated Procedures and these policy instruments taken together will:

- Educate and inform Employees, as well as other members of the University community, regarding issues of violence, harassment, and discrimination in the Workplace;
- Support Employees who experience acts of violence, sexual violence, harassment, and discrimination in the Workplace to seek help and advice relating to the processes and outcomes available to them;
- Address how the University will meet its obligations under the *Human Rights Code*, R.S.O. 1990, c. H.19, and the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1; and
- Meet the commitments to procedural fairness established under the new Fair Processes Policy.

Consultation and Approval

The draft Policy and the associated Procedures have been circulated to SLT and were posted online on November 2nd for broad consultation with the University community. Online feedback has been received and incorporated into the revised draft (see marked up documents attached). The drafts circulated to Academic Council are also being circulated to the Policy Advisory Committee (November 17) and the Health and Safety Committee (November 18) for further consultation and feedback.

The advice from the community, Academic Council, the Policy Advisory Committee, and the Joint Health and Safety Committee have been incorporated into the attached drafts. If the Committee has any comments and/or recommendations, they will be reflected in the drafts presented to the Board of Governors for approval on December 7, 2016.

The Policy Against Violence, Harassment and Discrimination in the Workplace and the associated Procedures will be effective upon approval by the Board. They will be reviewed again in the Spring, thereby allowing the community a three-month period within which to provide comments. Should the Board conclude that further amendments are required, such amendments will be presented at the Board meeting on May 3, 2017. The Policy and Procedures will then be the subject of an annual review.

C. Request

We are requesting the Committee's approval of a motion to recommend the Policy Against Violence, Harassment and Discrimination in the Workplace and Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace to the Board of Governors for approval.



Classification	
Parent Policy	
Framework Category	
Approving Authority	
Policy Owner	
Approval Date	DRAFT
Review Date	
Supersedes	

POLICY AGAINST VIOLENCE, HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

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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 in underlying procedures:

2. "**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.
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 (defined below).
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, Employees who are not, and faculty. 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.
6. "**Faculty**" includes a Faculty Member at UOIT.
7. "**FIPPA**" means the *Freedom of Information and Protection of Privacy Act*, RSO 1990, c. F.31.
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 Member.
12. "**Personal Information**" means information about an identifiable individual, as defined in s. 2 of the FIPPA, as amended from time to time.

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 this *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.
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 and/or Discrimination in the workplace that is reported under the procedures for Reporting Violence, Harassment and Discrimination in the Workplace.
18. "**Reporting Process**" refers to the process for reporting information about Harassment and/or Discrimination in the workplace under the procedures for Reporting Violence, Harassment and Discrimination in the Workplace.
19. "**Respondent**" refers to anyone who is alleged to have engaged in behaviours of Violence, Harassment and/or Discrimination in a Report or investigation.
20. "**Staff**" means a Staff Member at UOIT.
21. "**Student**" includes any student enrolled or previously enrolled at UOIT.
22. "**University**" or "**UOIT**" means the University of Ontario Institute of Technology.
23. "**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.
24. "**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.

25. "**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.

26. "**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.

27. "**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.

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 OF THIS POLICY

28. 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 students, colleagues, coworkers, supervisors, managers, administrators, other members of the University community, and the public.
29. This Policy applies to all aspects of the employment relationship, including recruitment, training, evaluation, development and promotion of Employees.
30. 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.
31. 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.
32. 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

33. 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 [\[INSERT LINK:\]](#) *Procedures to Prevent and Respond to Violence, Harassment and Discrimination in the Workplace*.
 - 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* and the *Occupational Health & Safety Act*. 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 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.
34. 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.
35. 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

36. Employees

- a. Employees must not engage in Workplace Violence, Harassment and Discrimination.
- b. Employees are 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 Human Resources [\[LINK TO ASSIGNED PERSON IN THE HUMAN RESOURCES DEPARTMENT\]](#).
- 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.

37. Persons of Authority

- a. Persons of Authority shall lead by example, acting respectfully in dealings with all Employees.
- b. Persons of Authority are responsible for familiarizing themselves with this Policy and related procedures, and for directing Employees who have information about Workplace Violence, Harassment and/or Discrimination to follow the appropriate procedures.
- c. Persons of Authority will ensure Employees are aware of this Policy and its associated procedures, and must otherwise assist in the prevention of Discrimination and Harassment in the workplace.
- d. Persons of Authority have a responsibility 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 Human Resources [\[LINK TO ASSIGNED PERSON IN THE HUMAN RESOURCES DEPARTMENT.\]](#).

- e. 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.

38. 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, and in consultation with all appropriate departments and the JHSC(s).
- 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. All such measures and procedures will be incorporated into this Policy and related procedures.
- d. Human Resources shall share the results of risk assessments with the JHSC(s).
- e. 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 to Prevent and Respond to Violence, Harassment and Discrimination* 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.
- f. 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; and
 - v. ensuring that copies of this *Policy to Prevent and Respond to Violence, Harassment and Discrimination* and related procedures are posted on a University website.

RELATED POLICIES, PROCEDURES AND DOCUMENTS

- *Procedures for Reporting Violence, Harassment and Discrimination in the Workplace*



Classification	
Parent Policy	
Framework Category	
Approving Authority	
Policy Owner	
Approval Date	DRAFT
Review Date	
Supersedes	

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

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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. "**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.
2. "**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.
3. "**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.
4. "**Employee**" means any individual employed by UOIT, including but not limited to Employees who are members of a bargaining unit, Employees who are not, and faculty.
5. "**Faculty**" includes a Faculty Member at UOIT.
6. "**FIPPA**" means the *Freedom of Information and Protection of Privacy Act*, RSO 1990, c. F.31, as amended from time to time.
7. "**Harassment**" includes Discriminatory Harassment, Workplace Harassment, and Workplace Sexual Harassment.
8. "**Human Resources**" means the department of Human Resources at UOIT, or its delegate.
9. "**JHSC**" means the Joint Health & Safety Committee(s) at UOIT.
10. "**Member**" includes a Student, Faculty or Staff.
11. "**Personal Information**" means information about an identifiable individual, as defined in s. 2 of FIPPA.
12. "**Person(s) of Authority**" includes any person who has charge of a workplace or authority over another Employee.
13. "**Policy**" refers to the *Policy to Prevent and Address Violence, Harassment and Discrimination in the Workplace* .

14. "**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.
15. "**Staff**" means a Staff Member at UOIT.
16. "**Student**" includes any student enrolled or previously enrolled at UOIT.
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, Discrimination and/or Reprisal in the workplace that is reported to Human Resources under the procedures for Reporting 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".
19. "**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.
20. "**Reprisal**" refers to a retaliation against any individual for submitting a Report, or participating in a related investigation, under this procedure.
21. "**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.
22. "**University**" or "**UOIT**" means the University of Ontario Institute of Technology.
23. "**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.
24. "**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.

25. "**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.

26. "**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.

27. "**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.

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

28. 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*.
29. 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

30. 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*.
31. Confidentiality. Information collected under this procedure will be used only for the purposes of administering the *Policy to Prevent and Address 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.

32. Right to an Advisor. Individuals who attend an interview in an investigation under this procedure may be accompanied by one advisor. Individuals who choose to attend an interview with an advisor will choose their own advisor and will notify the investigator of their advisor's name 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. The role of an advisor is to support the individual by providing procedural information and/or moral support. 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. Individuals who choose to do so may request that an advisor be appointed to assist them under the attached Appendix.
33. 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.
34. 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 the Report will be processed under this procedure.

35. 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.
36. 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

37. 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.
38. This procedure necessarily overlaps with other University procedures that are concerned with preventing and addressing incident 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, Discrimination and/or Reprisal 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.
39. 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 conduct a formal investigation in such cases.

PREVENTATIVE MEASURES

40. 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/>).
41. 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.
42. 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

43. 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.
44. 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.
45. 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.
46. 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

47. 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.
48. 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 **ALTERNATIVE DEPARTMENT**. When Human Resources is approached by an individual seeking to submit a Report, Human Resources will advise that information about a Report will be kept confidential except to the extent that Human Resources is legally required to investigate and/or disclose information, in which case information may be shared only on a need-to-know basis.
49. 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

50. Upon receiving a Report, Human Resources 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.

51. Further interim measures will be implemented where reasonable and appropriate in the circumstances. As necessary, Human Resources 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

52. 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 determination is not supported, Human Resources 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 to Prevent and Address 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.

53. 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.

54. When an investigation is to be conducted, Human Resources 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. Human Resources 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.

55. Human Resources 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

56. The investigator will be charged with determining whether Workplace Violence, Discrimination, Harassment and/or Reprisal has occurred. Human Resources 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.
57. 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 will ensure such reasonable steps are taken to prevent a recurrence.
58. Employees that are members of a bargaining unit shall have any corrective measure(s) imposed in accordance with applicable collective agreement requirements.
59. At the conclusion of an investigation, Human Resources 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.

Board of Governors Elections 2017-2018

Process and Timeline

Presented to: GNHR

Presented by: Becky Dinwoodie

Date: November 2016



Board of Governors

Vacant Elected Positions 2017-2018

Governor Position	Vacancy
Graduate Student	1 position
Undergraduate Student	1 position

Board of Governors

Election Timeline 2017-2018

Process	Proposed Dates
Nomination & Election Process Announcements	Monday, January 30
Nominations Open	Monday, February 6 at 9:00 a.m.
Nominations Close	Monday, February 13 at 4:00 p.m.
Review of Candidate Eligibility	Tuesday, February 14 to Friday, February 17
Candidate Information Meetings (mandatory)	Thursday, March 2 from 2:00 – 4:00 p.m. Friday, March 3 from 10:00 a.m. – noon
Campaign Period (if required)	Wednesday, March 8 at 9:00 a.m. until Wednesday, March 15 at 9:00 a.m.
Voting Period (if required)	Wednesday, March 15 at 9:00 a.m. until Friday, March 17 at 9:00 a.m.
Voting Results Presented to GNHR for Recommendation	Wednesday, March 29 (pending any outstanding investigations per Election Procedures)
GNHR's Recommendation Reported to Candidates	Thursday, March 30
GNHR's Recommendations presented to Board for Approval	Wednesday, May 3



COMMITTEE REPORT

Action Required:

Non-Public:
Public :

Discussion
Decision

TO: Governance, Nominations & Human Resources Committee

DATE: November 23, 2016

FROM: Deborah Saucier, Provost and Vice-President Academic

SUBJECT: DCPD Statement of Investment Policies and Procedures

A. Purpose

We are seeking the Committee's recommendation of the amended Statement of Investment Policies and Procedures for the University of Ontario Institute of Technology — Registered Pension Plan for approval by the Board of Governors (UOIT SIPP).

B. Background/Context

Due to a change in the regulations governing Ontario registered pension plans effective January 1, 2016, administrators of Ontario registered pension plans must file their Statement of Investment Policies and Procedures (SIPP) and SIPP amendments with the Financial Services Commission of Ontario (FSCO).

The UOIT SIPP has recently been amended to introduce a CC&L fund and remove the Black Rock S&P/TSX Composite Index Fund due to poor performance. The amendment has been vetted by Mercer, our pension investment consultant, and must be filed with FSCO. A copy of the amended SIPP is attached for your review.

Since last year was the first year the University was required to file this document, it was approved by the Board in November 2015 after proceeding through the pension governance framework path.

C. Discussion

We are seeking the Committee's recommendation of the amended Statement of Investment Policies and Procedures for the University of Ontario Institute of Technology — Registered Pension Plan, as presented, for approval by the Board of Governors.

Statement of Investment Policies and Procedures

University of Ontario Institute of Technology—Registered Pension Plan

September 19, 2016

APPROVED on this ____ day of _____, 2016

University of Ontario Institute of Technology

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Section 1- Definitions

The following capitalized words and phrases shall have the following meanings in this Statement of Policies and Procedures unless the context clearly indicates otherwise:

1.01 Board of Governors

“Board of Governors” means the board of governors of the University of Ontario Institute of Technology appointed in accordance with the *University of Ontario Institute of Technology Act, 2002* (Ontario).

1.02 Custodian

“Custodian” means the trust company or insurance company, or any successor trust company or insurance company, appointed by the University to have custody of the Pension Fund pursuant to the provisions of the Custodian Agreement.

1.03 Custodian Agreement

“Custodian Agreement” means the agreement between the University and the Custodian governing the custody, investment and administration of the Pension Fund.

1.04 Earnings

“Earnings” means the base salary, stipends, and any variable pay paid to a Member by the University. However, Earnings do not include any vacation pay paid as a lump sum upon termination of employment or severance pay payable under either statute or common law, but includes statutory pay in lieu of notice.

1.05 Employee

“Employee” means an individual employed by the University on a permanent basis who works in one of the following categories:

- (a) academic: employed by the University in teaching or in the conduct of research; and
- (b) non- academic: employed by the University in either a managerial/professional or in an administrative/technical position in the administration of the University.

1.06 Income Tax Act

“Income Tax Act” means the *Income Tax Act* (Canada), as amended, the regulations thereunder and the Information Circulars, Interpretation Bulletins and published administrative policies of the Canada Revenue Agency.

1.07 Member

“Member” means an Employee who has fulfilled the eligibility requirements as set out under Section 2.02 Description of the Plan below and the Former Employees who continue to have rights or contingent rights to benefits from the Plan.

1.08 Pension Benefits Act

“Pension Benefits Act” means the *Pension Benefits Act* (Ontario), as amended, and its regulations.

1.09 Pension Fund

“Pension Fund” means the assets held, administered and invested by the Custodian pursuant to the provisions of the Custodian Agreement and from which the pension benefits of the Plan are paid.

1.10 Plan

“Plan” means the University of Ontario Institute of Technology Pension Plan as set out in the plan text and is amended from time to time.

1.11 University

“University” means the University of Ontario Institute of Technology except that any reference in the Statement of Investments Policies and Procedures to the University taking any action, giving any consent, approval or opinion or making any decision shall refer to the University of Ontario Institute of Technology acting through the Board of Governors for the purposes of the Plan.

Section 2—Overview

2.01 Purpose

This Statement of Investment Policies and Procedures (the “Policy”) provides the framework for the investment of the assets and selection of investment options of the Registered Pension Plan (the “Plan”) sponsored by the University of Ontario Institute of Technology (the “University”).

This Policy is based on the “prudent person portfolio approach” to ensure the prudent investment and administration of the assets of the Plan within the parameters set out in the Ontario pension legislation and the regulations hereunder, where applicable.

2.02 Description of the Plan

The University of Ontario Institute of Technology Pension Plan (“Plan”) was established effective January 1, 2003 as a contributory defined contribution pension plan for eligible employees of the University. The Plan is registered as a pension plan with the Canada Revenue Agency and the Financial Services Commission of Ontario effective January 1, 2003.

Each full-time continuing employee shall be required to join the Plan, as a condition of employment, immediately upon the date he or she was hired by the University.

Each part-time continuous employee shall be allowed to join the Plan after twenty-four (24) months of continuous employment if, in each of the two calendar years immediately prior to joining the Plan, he or she had either:

- (a) Earnings of not less than 35% of the Year’s Maximum Pensionable Earnings; or
- (b) At least 700 hours of employment with the University.

Plan members are responsible for selecting from an array of investment options offered under the Plan, bearing all of the investment risk and receiving the investment returns attributable to those funds in which they are invested. The University engages a third party pension investment consultant to provide the University with expert investment advice in the selection of various investment options made available to Plan members.

2.03 Plan Profile

(a) Contributions

Member Contributions

(2) Required Contributions

A member shall contribute 3% of his or her earnings to the Plan.

(3) Additional Voluntary Contributions

A member may contribute to the Plan additional voluntary contributions up to an additional 3% of his or her earnings in increments of 1%.

University Contributions

(1) Basic Contributions

The University shall contribute an amount equal to 6% of each member’s earnings.

(2) *Supplemental Contributions*

The University shall contribute an additional amount up to 2% of a member's earnings, in increments of ½%, in accordance with the member's election.

Maximum Contributions

(1) *Total Contributions*

The total, in a calendar year, of the member's contributions made pursuant to Member Contributions outlined above and the University's contributions made pursuant to University Contributions outlined above shall not exceed the maximum allowed under the Income Tax Act for the calendar year. Such maximum shall not exceed the lesser of:

- (i) the money purchase limit for the calendar year; and
- (ii) 18% of the member's compensation for the calendar year.

(2) *University Contributions*

If the maximum contribution limit, set out in Total Contributions outlined above, is or will be reached in the calendar year, the University contributions to the Plan, in respect of a member, shall equal:

- (i) the maximum allowed under the Income Tax Act as determined in Total Contributions outlined above, less the member's contributions made in accordance with Member Contributions outlined above.

For the purpose of this Section, the definitions of "money purchase limit" and "compensation" shall be as set out in the Income Tax Act.

(b) Withdrawals

A member is not permitted to make any withdrawals from his or her pension account while employed by the University other than those set out under the Income Tax Act and the Pension Benefits Act.

(c) Benefits

Each member who retires or terminates from the Plan, other than because of death, shall be entitled to transfer the balance in the member's pension account out of the Plan, as of the date of the retirement or termination.

The member shall elect to transfer the balance in his or her pension account in one or in a combination of more than one of the following manners:

- (i) As a single premium purchase of a life annuity from a licensed insurance company and in a form acceptable under the Income Tax Act and the Pension Benefits Act; or
- (ii) As a lump-sum transfer to a locked-in registered retirement savings vehicle pursuant to the Income Tax Act and the Pension Benefits Act.

In addition, the Member shall elect to transfer the balance of his or her account attributable to additional voluntary contributions, if any, to either (i) and (ii) above, or have it paid directly to the Member as a single lump-sum payment, less applicable withholdings, if any.

(d) Liabilities

The University does not bear the risk of market fluctuations. However, it does have the liability of making the contributions as referred to in paragraph (a) above.

2.04 Purpose of the Plan

The purpose of the Plan is to provide a vehicle for the tax-effective retirement savings for eligible employees of the University through a combination of University and member contributions.

2.05 Administration

The University is the legal administrator and plan sponsor of the Plan and is therefore responsible for all matters relating to the administration, interpretation and application of the Plan, including developing, monitoring and amending this Policy. Any reference in this document to taking any action, giving consent, approval or opinion or making any decision shall refer to the University acting through the Board of Governors for the purposes of the Policy. The University may delegate its powers and duties to a committee, to the Custodian or to one or more service providers.

Section 3—Governance Framework

3.01 Delegation of Responsibilities

The University has overall responsibility for the Plan but is entitled to delegate its administrative duties and responsibilities to a committee, third-party advisors and/or third-party agents.

Specifically, the University's responsibilities in the context of this Policy will include:

- (a) Maintenance of this investment policy;
- (b) Selection and removal of investment options;
- (c) Monitoring the compliance of the investment managers, including the investment results with the mandates provided; and
- (d) Selection and utilization of independent external resources, such as the record keeper, performance measurement services, investment consultants and other third parties as required.

The responsibility for administering the Plan members' assets invested in the Plan has been delegated to the record keeper. All investment options are offered through the record keeper. Without limiting the generality of the foregoing, the record keeper's responsibilities include the maintenance of individual Plan member accounts, investment of Plan member contributions, rendering of member statements, and the provision of communication and educational material as developed in conjunction with the University. In addition, the University looks to the record keeper to monitor the performance of the investment managers, and to ensure that the management of the various funds is in compliance with the investment managers' own investment policies and the applicable legislation.

3.02 The Board of Governors

The Board of Governors has general oversight responsibility for the administration of the Plan and the administration and investment of the Fund. The Board receives and consider reports from the Governance, Nominations & Human Resources Committee (GNHR) and the Audit and Finance Committee (A&F) to which the SLT reports and approves Plan design changes recommended by the GNHR.

In fulfilling its fiduciary responsibilities, the Board may delegate certain duties and responsibilities to the Senior Leadership Team ("SLT") of the University and the Senior Administration Sub-Committee ("SASC").

3.03 Committees of the Board

The GNHR committee, a sub-committee of the Board, receives and considers reports from the SLT and the SASC with respect to the administration of the Plan and investment of the Fund. The A&F Committee is assigned certain risk management functions and oversees the Plan audit. The SLT is responsible for high level oversight of the sponsor, administration and investment functions for the Plan. The SLT carries out its functions through a sub-committee, the Senior Administration Sub-Committee.

3.04 Senior Administration Sub-Committee (SASC)

The Senior Administration Sub-Committee is a sub-committee of the Senior Leadership Team. The SASC exercises overall responsibility for the proper administration of the Plan and administration and investment of the Fund. The SASC is responsible for reporting to the GNHR and Audit & Finance Committees of the Board.

3.05 Pension and Benefits (P&B) Committee

The Pension & Benefits Committee serves in an advisory capacity with respect to the Plan. The mandate of the P&B Committee includes oversight with respect to the administration, communication and investment management of the Plan. This includes the ability to make recommendations to SASC to amend and interpret the provisions of the Plan.

Section 4—Investment Options and Diversification Policy

4.01 Investment and Risk Philosophy

The University recognizes that members of the Plan have different tolerances for risk and different expectations for long-term returns. Some members will view capital preservation as the most important objective, while others will strive to maximize investment returns. Therefore, each member will determine their own investment mix by selecting from a range of investment options provided by the University. Such investment options shall offer varying risk/return profiles and varying time horizons.

4.02 Expected Volatility

The design features of the Plan result in members having direct exposure to risk in the investment returns of the Plan's assets. The University has no exposure to investment risk.

In general, there is no specific volatility expected for the Plan's assets. However, it is expected that each fund will experience volatility of returns comparable to its respective market index's standard deviations. The market index (benchmark) for each asset class and/or type of fund is:

Asset Class	Benchmark
GIC	n/a
Money Market	100% FTSE TMX Canada 91-Day T-Bill Index
Fixed-Income	100% FTSE TMX Canada Universe Bond Index
Target Date	As per the benchmark established by the investment manager
Canadian Equity	100% S&P/TSX Composite Index
U.S. Equity	100% S&P 500 Index (C\$)
International Equity	100% MSCI EAFE Index (C\$)
Global Equity	100% MSCI World Index (C\$)

4.03 Selection of Investment Funds

In the event that a new investment fund must be selected or an additional investment fund is added to the Plan, investment fund changes will be undertaken with the assistance of a third-party investment consultant.

The criteria used for investment fund(s) shall include the attributes of the investment fund such as the investment objectives, investment strategies, investment risks, the investment management team, the historical performance and fees. Any new investment fund shall be considered in the context of the existing investment funds to ensure each participant in the Plan is able to determine his or her own investment mix by selecting from a range of diversified styles and objectives.

4.04 Number and Diversity of Investment Options

The investment options offered to members of the Plan provide members with the flexibility to invest in various asset classes and Target Date Funds.

4.05 Responsible Investing

The University believes that the consideration of environmental, social and governance (ESG) factors with respect to responsible investing are an important factor in offering an array of investment options to Plan members. The consideration of ESGs factors supports the Plan member's ability to determine his or her own investment mix from a range of diversified styles and objectives.

The University obtains ESG fund ratings for each investment option available in the Plan from a third party pension investment consultant and may offer ESG fund options to its Plan members from time to time.

Section 5—Permitted and Prohibited Investments

5.01 General Guidelines

The investment options offered in the Plan must comply with the requirements and restrictions imposed by the applicable legislation, including but not limited to the requirements of the *Pension Benefits Act, Ontario*, under which the Plan is registered and the Regulations thereunder, which refers to the federal *Pension Benefits Standards Act, 1985* on investment related issues, the *Income Tax Act* and Regulations (Canada), and all subsequent amendments.

5.02 Permitted and Prohibited Investments

In general, and subject to the restrictions in this section (Section 4), the investment manager may invest only in any of the asset classes and in any of the investment instruments prescribed in applicable legislation and as set out in each investment fund's investment policy

5.03 Prior Notice Required

In the event of a revision to any of the Plan's investment managers' mandate, the University requires prior notice from the record keeper.

5.04 Securities Lending

The Plan itself may not enter into securities loan agreements, although the investment funds may do so if their policies so permit.

The Plan itself may not lend cash, although the investment funds may do so if their policies so permit.

5.05 Borrowing

The Plan should not require the ability to borrow funds due to the nature of the Plan and, as such, the Plan shall not borrow money for any purpose.

Section 6—Monitoring and Control

6.01 Monitoring of Investment Options

(a) Generally

The University shall monitor and review, at least annually, the performance of the investment options offered to Plan participants relative to the benchmarks set out in paragraph (b) below. In addition, the University will review the performance of each investment option on a risk-adjusted basis and relative to a universe of similar investment funds. Finally, a review of each investment manager's stability, staff turnover, consistency of style and record of service will be undertaken from time to time. The University requires quarterly reporting from the record keeper on fund performance, fund allocation, web-site usage and other service-level statistics.

(b) Performance Monitoring

Quantitative performance of an active fund will be considered satisfactory if the annualized rates of return of the funds exceed, by the amount of the objectives shown below, the returns that could have been earned by passively investing in the applicable benchmark index. Quantitative performance of a passive fund shall be considered satisfactory if the rates of return of the funds are within the ranges shown below in the objective:

Fund Option	Benchmark	4-Year Annualized Benchmark Objective
BlackRock LifePath Index Target Date Funds	Varies by fund and adjusts quarterly.	+/- 0.50%
Beutel Goodman Canadian Equity Fund	S&P/TSX Composite Index	+ 1.50%
Fidelity True North Fund	S&P/TSX Capped Composite Index	+ 2.00%
CC&L Group Canadian Equity Fund	S&P/TSX Capped Composite Index	+ 1.00%
Beutel Goodman Small Cap Fund	BMO Small Cap Weighted (Blended) Index	+ 3.00%
BlackRock U.S. Equity Index Fund (Registered)	S&P 500 Index (C\$)	+/- 0.25%
MFS International Equity Fund	MSCI EAFE Net of Dividend Withholding Taxes Index (C\$)	+ 1.25%
BlackRock EAFE Equity Index Fund	MSCI EAFE Net of Dividend Withholding Taxes Index (C\$)	+/- 0.50%
MFS Global Equity Fund	MSCI World ex. Canada Net of Dividend Withholding Taxes Index (C\$)	+ 1.00%

Fund Option	Benchmark	4-Year Annualized Benchmark Objective
MFS Responsible Global Research Fund	MSCI All Country World Net of Dividend Withholding Taxes Index (C\$)	+ 1.00%
BlackRock Universe Bond Index Fund	FTSE TMX Canada Universe Bond Index	+/- 0.20%
Sun Life Money Market Fund	FTSE TMX Canada 91-Day T-Bill Index	+ 0.00%

The University may increase the frequency of review (i.e., increase the due diligence performed) on a fund for a number of different qualitative factors, including but not limited to such factors as personnel turnover, compliance issues, and deviation from the fund's stated management style.

In the event that a fund does not meet or exceed its stated objectives noted above and is below median in its peer group over the same periods measured (and such failure cannot be explained by management style or process), the fund will be monitored more frequently and will specifically be reviewed at each subsequent meeting to determine if further action is warranted.

6.02 Replacement of Investment Funds

Reasons for considering the removal of an investment fund from the Plan include, but are not limited to, the following:

- (a) Performance results which do not achieve stated benchmarks;
- (b) Changes in the overall structure of the investment options offered to Plan participants such that the investment fund is no longer available;
- (c) Unresolved qualitative concerns including changes in personnel, firm structure or investment philosophy that may adversely affect the potential return and/or risk level of the fund being managed; and/or,
- (d) Failure to adhere to the investment policy of the fund being managed.

Section 7—Member Rights and Responsibilities

7.01 General

Members are responsible for using the information and decision-making tools made available by the University and the record-keeper to assist them in making those decisions.

7.02 Investment Decisions

Each member is responsible for all decisions related to the amount he or she contributes, how much he or she allocates to any given investment option, and whether or not to move funds from one investment option to another. As such, each member bears all of the investment risk and receives the investment returns attributable to those funds in which he or she is invested.

7.03 Failure to Make an Investment Decision

Should a member fail to make an investment decision with respect to his or her contributions or with respect to the University's contributions made on the member's behalf, the member's account shall be invested in the Default Investment Option. Where an investment option is removed, and a member fails to reallocate his or her funds invested in the option being removed, that portion of the member's account invested in the option being removed shall be invested in the investment option as chosen by the University at the time of removal and as communicated to members during the transition.

Section 8—General Provisions

8.01 Employee Communication

The University will oversee education and communication to Plan participants and may delegate some or all of the following information to the record keeper. Information relating to the Plan and investment options shall be made available to plan participants upon request. An investment education seminar shall be provided to plan participants, including the fundamentals of investment education, the trade-off between risk and return, and diversification as a means to reduce specific risk. Specifically, information will be provided as appropriate in the following context:

- (a) Introducing the Plan to members;
- (b) Information on the investment options;
- (c) Information on transacting investment instructions;
- (d) Information on applicable fees, expenses and penalties;
- (e) Member statements at least semi-annually;
- (f) Information on changes to the investment options offered;
- (g) Performance reports on investment options;
- (h) Information enabling a member to assess his/her individual investment risk tolerance; and/or
- (i) Information pertaining to various retirement income options.

8.02 Conflicts of Interest

(a) Responsibilities

This standard applies to the University, as well as to all agents employed by them, in the execution of their responsibilities under the Plan (the “Affected Persons”).

An “agent” is defined to mean a company, organization, association or individual, as well as its employees who are retained by the University to provide specific services with respect to the investment, administration and management of the assets of the Plan.

(b) Disclosure

In the execution of their duties, the Affected Persons shall disclose any material conflict of interest relating to them, or any material ownership of securities, which could impair their ability to render unbiased advice, or to make unbiased decisions, affecting the administration of the Plan assets.

8.03 Related Party Transactions

Related party transactions shall have the same meaning as set out in Section 17 of Schedule III of the Federal Pension Benefits Standards Act, 1985 with respect to the criteria as to whether a transaction is nominal or immaterial to the Plan under the related party rules.

A “related party” is defined to mean the administrator of the Plan, including any officer, director or employee of the administrator. It also includes the investment managers and their employees, a union representing employees of the employer, a member of the Plan, a spouse or child of the persons named previously, or a corporation that is directly or indirectly controlled by the persons named previously, among others. Related party does not include government or a government agency, or a bank, trust company or other financial institution that holds the assets of the Plan, where that person is not the administrator of the Plan.

8.04 Standard of Care

The University and their agents shall exercise the care, diligence and skill in the administration and investment of the Plan that a person of ordinary prudence would exercise in dealing with the property of another person. Such persons must further use all knowledge and skill that they possess or ought to possess.

8.05 Voting Rights

The University has delegated voting rights acquired through the investments held by the Plan to the custodian of the securities to be exercised in accordance with the investment manager’s instructions. The investment managers are expected to exercise all voting rights related to investments held by the Plan in the interests of the Plan members.

8.06 Co-Ordination with Registered Plan Documents

If any term or condition of this Policy conflicts with the registered plan documents including insurance policies and custodial agreements, the terms and conditions of the respective plan documents, insurance policies and trust agreements shall govern.

8.07 Policy Review

The University shall review the Policy once per annum and, if required, will amend the Policy. Any, amendments to the Policy shall be filed with the Financial Services Commission of Ontario

8.08 Plan Expenses and Investment Fees

The University shall pay all normal and reasonable fees, taxes, and expenses related to the general administration of the Pension Fund and the Plan but not including investment, record-keeping and other transaction fees relating to the investment and administration of the Member’s Pension Account, which are the responsibility of the Members.