

POLICY CONSULTATION REPORT

TO: The University Community

DATE: September 23, 2025

PRESENTED BY: Andrew Sunstrum, Director Human Rights

SUBJECT: Policy Instrument Consultation Opportunity

BACKGROUND/CONTEXT & RATIONALE:

The purpose of the Respectful Campus Policy is to communicate the University's commitment to preventing and addressing incidents of Harassment and discrimination within the University. In accordance with legislative requirements the University undertakes an annual review of the Policy and Procedures to ensure that they continue to meet the needs of the University Community and comply with the University's legal obligations. Arising from this year's review, certain revisions to the Policy instruments are being proposed that primarily relate to the following two areas:

1. ensuring alignment with the Anti-Hate / Anti-Racism Guidelines that were reviewed by Academic Council last year, i.e., adopting language from the Guidelines; and,
2. enhancing clarity related to the dispute resolution process.

ALIGNMENT WITH MISSION, VISION, VALUES & STRATEGIC PLAN:

- These policy instruments support the university's values of integrity and respect by demonstrating the university's commitment to establishing a safe, inclusive, and equitable culture at the institution.
- By promoting a respectful, inclusive, and equitable culture at the university, these policy documents also support the strategic pillar of creating a "sticky campus". If we want the university community to spend time on campus, they must feel protected and be familiar with their various rights, roles, responsibilities and obligations as they relate to preventing and responding to all forms of harassment and discrimination.

OPPORTUNITY FOR COMMENT:

- University members can comment on the policy instruments in writing by sending an email to policy@ontariotechu.ca before October 3, 2025 at 3:00pm.
 - All comments received will be reviewed by the Policy Owner and considered by the approval authority for the policy instrument.
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SUPPORTING MATERIALS:

- Respectful Campus Policy
- Procedures to Prevent and Address Discrimination and Harassment by or Against Employees
- Procedures to Prevent and Address Discrimination and Harassment by or Against Students

Respectful Campus Policy

Classification number LCG 1107

Framework category Legal, Compliance and Governance

Approving authority Board of Governors

Policy owner General Counsel

Approval date ~~April 22, 2021~~ DRAFT FOR CONSULTATION

Review date April 2024

Last updated February 13, 2023

Purpose

The Respectful Campus Policy (“the “Policy”) outlines Ontario Tech University’s (“the University”) commitment to promote and sustain a respectful and inclusive campus in accordance with the Ontario Human Rights Code (“the “Code”), the Accessibility for Ontarians with Disabilities Act, ~~and~~ the Occupational Health and Safety Act (“OHSA”), and the Ministry of Training, Colleges and Universities Act. The purpose of the Policy is to ensure the campus community is familiar with their various rights, roles, responsibilities and obligations as they relate to preventing and responding to all forms of ~~Harassment and~~ Discrimination and Harassment.

Definitions

For the purposes of this Policy ~~and and~~ associated procedures and guidelines, the following definitions apply:

“Barriers” include attitudes (stereotypes or prejudices), policies, practices, rules and designs that prevent full participation of individuals or groups on the basis of a Protected Ground (defined below).

"Complainant" refers to an individual who ~~has filed a Report regarding an~~ alleged to have experienced breach of this policy a breach of the Policy.

"Discrimination" is a distinction, without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an individual on the basis of a Protected Ground (~~defined below~~). Discrimination may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging one or more groups of people.

"Discriminatory Harassment" means engaging in a course of vexatious comment or conduct based on any Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, taunting or

mocking someone's race; [making, distributing, or posting Hate](#); ridiculing an individual's disability; or, targeting others with sexual, gender-based or homophobic slurs. While [Discriminatory hHarassment](#) usually consists of repeated acts, a single serious incident that has a lasting harmful effect may also constitute [Discriminatory hHarassment](#).

"Disrespect" is behavior that falls short of Harassment, but nevertheless has harmful impacts on the campus environment, e.g., rude, inconsiderate and passive aggressive behavior. Disrespect, if left unaddressed, can escalate to ~~Harassment or~~ [Discrimination or Harassment](#).

"Duty to Accommodate" refers to the obligation to eliminate the disadvantage, to the point of undue hardship, caused by barriers that exclude individuals or groups protected under the Code from participating in all aspects of their employment, academic endeavors, or use of facilities and housing on campus. Failure to meet the Duty to Accommodate is a form of [De](#)iscrimination. For more on the Duty to Accommodate see the University's Accommodation Policy.

"Employee" means job applicants and individuals performing services directly on the University's behalf, including administrative staff members, Faculty, volunteers and contract employees. Students who are employed during the course of their studies, are "Employees" for the purposes of this Policy when they are engaged in employment activities, but not otherwise.

"Faculty" includes a Faculty Member [s](#) at [the Ontario Tech](#) University, and includes those with both limited term and indefinite term appointments, as well as those with paid, unpaid and honorific appointments. For greater certainty, "Faculty" also includes visiting scholars and emeritus professors.

"Harassment" is the term used in this [Policy instrument](#) to represent all forms of [Harassment: Discriminatory Harassment, Reprisal, Sexual Harassment, Sexual Misconduct and Workplace Harassment and Sexual Harassment](#).

For greater [context certainty](#), Harassment is objectionable and unwanted behaviour that is verbally abusive, vexatious or hostile, that is without reasonable justification, and that creates a hostile or intimidating environment for working, learning or living. Harassment may be intentional or unintentional. ~~While harassment usually consists of repeated acts, a single serious incident that has a lasting harmful effect may also constitute harassment.~~

Harassing behaviour includes, but is not limited to cumulative demeaning or intimidating comments, gestures or conduct; verbal aggression or yelling; bullying; threats to a person's employment or educational status, person or property; persistent comments or conduct, including ostracism or exclusion of a person, that undermines an individual's self-esteem so as to compromise their ability to achieve work or study goals; abuse of power, authority or position; sabotage of a person's work; humiliating initiation practices;

hazing; calling someone derogatory names; spreading of malicious rumours or lies; or making malicious or vexatious complaints about a person.

Harassment does not include the exercise of appropriate managerial or supervisory direction, including performance management and the imposition of discipline; constructive criticism; respectful expression of differences of opinions; reasonable changes to assignments or duties; correction of inappropriate behaviour; interpersonal conflict; instructional techniques such as irony, conjecture, and refutation, or assigning readings or other instructional materials that advocate controversial positions; and single incidents of thoughtless, petty or foolish words or acts that cause fleeting harm.

"Hate" for the purposes of this Policy and related procedures and guidelines means:

- a criminal offense committed against a person or property that is motivated in any part by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor;-
- any communication used by a person or group that advocates or promotes hatred based on colour, nationality or ethnic origin, race, religion and/or sexual orientation, including public communication that wilfully promotes Antisemitism by denying, condoning, or downplaying the Holocaust; and hatred against any identifiable group, or the incitement of hatred against any identifiable group where such incitement is likely to lead to a breach of the peace and includes advocating genocide; and/or,
- publishing or displaying or causing the publication or display before the public of any notice, sign, symbol, emblem or other similar representation that indicates the intention of the person to Discriminate or that is intended to incite others to Discriminate.

"JHSC" means the Joint Health & Safety Committee(s) at the Ontario Tech University.

"Mediation" is a structured process during which parties in dispute are assisted by a third-party to discuss a dispute and attempt to arrive at a mutually agreeable resolution. Mediation is a voluntary process and can only proceed if all parties involved agree to participate. Depending on the circumstances, Mediation may result in a signed agreement summarizing the agreed upon terms of settlement.
~~is a structured process in which parties in dispute are assisted by a third party to engage in dialogue and attempt to arrive at a mutually agreeable resolution. Mediation is a voluntary process and can only proceed if all parties involved agree to participate.~~

"Microaggression" means a comment or action that negatively targets a group based on a Protected Ground (e.g. a racist, sexist or homophobic comment). Microaggressions may be intentional or accidental, but accidental but are nonetheless harmful and stigmatizing to a certain group of people. If allowed to go unchallenged, Microaggressions may escalate to ~~Harassment and/or~~ Discrimination and/or Harassment.

"Person(s) of Authority" includes ~~for the purposes of this policy and related procedures, any~~ person who has charge of a workplace, authority over another Employee or authority in the administration of education, including supervisors, managers, senior management and Faculty leadership (e.g. Deans, Associates Deans, etc.).

"Poisoned Environment" is a form of indirect Discriminatory Harassment. It occurs when comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of a Person of Authority), ridicule or demean a person or group based upon a Protected Ground. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status.

"Protected Ground(s)" are the grounds contained in the ~~Ontario Human Rights~~ Code under which individuals are protected against ~~De~~iscrimination and ~~H~~arassment. All University Members are protected under the following Grounds: "race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status and disability." Employees are additionally protected under the ~~G~~round "record of offences."

"Racism" means an abuse of power and privilege based on an ideology of superiority/inferiority between a dominant race over a non-dominant or marginalized population. It marks one set of people as 'other' and 'different' and another set of people as 'normal' or 'better'. means:

"Report" refers to a reported violation of the Policy.

~~refers to information about Harassment and/or Discrimination that is reported under the applicable procedures.~~

"Reprisal" is a form of Harassment that includes retaliation, coercion, dismissal, threats or intimidation of anyone who in good faith: raises complaints or concerns, exercises their rights, or participates in a remedial process under this Policy.

"Respect" refers to a standard of interpersonal communication and behaviour characterized by self-restraint and consideration for others.

"Respondent" refers to anyone who is alleged to have breached of the Policy.~~refers to any party who is alleged to have engaged in a breach of this policy.~~

"Sexual Harassment" means,

- ~~1.~~ engaging in a course of vexatious comment or conduct 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;
- ~~2.~~ 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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; or
- ~~3.~~ a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Sexual Harassment includes but is not limited to, sexually suggestive or obscene remarks or gestures ~~and~~, negative stereotypical comments based on gender, sex, ~~or~~ sexual orientation, gender identity and gender expression.

“Sexual Misconduct” refers to physical sexual relations with a ~~S~~student, touching of a sexual nature of a ~~s~~Student or behaviour or remarks of a sexual nature toward a ~~S~~student by an ~~e~~Employee where, the act constitutes an offence under the Criminal Code of Canada, the act amounts to Sexual Harassment as defined in ~~this~~ Policy, or the act contravenes any other policy, rule or other requirement respecting sexual relations between ~~E~~employees and ~~S~~students, including the Student Sexual Violence Policy and the Ethical Conduct Policy.

“University Member” means any individual who at the time of the alleged Policy violation:

- ~~•~~ is employed by the University or holds an appointment with the University, including paid, unpaid and/or honorific appointments (**“Employee”**);
- ~~•~~ is registered as a student, in accordance with the academic regulations of the University (**“Student”**); and/or
- ~~•~~ Is otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract and includes visitors and guest speakers.

“Workplace” means any place where Employees engage in any facet of employment activity (e.g. recruitment, training, evaluation and development), including employment activities online, outside the normal place of work, and employment activities that occur outside of normal working hours.

“Workplace Harassment” means,

- 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 (arbitrators have interpreted this form of Workplace Harassment to encompass “serious actions with significant consequences” as opposed to “the normal abrasiveness of daily life in the workplace,” examples of which have been found to include interpersonal conflict, personal animosity and employee feuds),- and/or,
- 1.2 Workplace Sexual Harassment - defined as Sexual Harassment against an Employee in the Workplace.

Scope and authority

The University's General Counsel is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation and application of this Policy.

~~The Policy Owner will ensure the Policy is reviewed as often as is necessary, and in any event, at least annually, in accordance with the University's Policy Framework and relevant Collective Agreements. The JHSC will be consulted on substantive revisions to this Policy.~~

This Policy applies to all University Members in all aspects of their engagement with the University.

Ontario Tech University has a Student Sexual Violence Policy, which sets out a framework for ensuring that students who experience sexual violence are directed to appropriate supports and services and that includes a set of procedures that are completely student-driven; meaning Students decide if they want to file a Referral report or to participate in dispute resolution options. Sexual Harassment, as defined under this policy is also defined as Student Sexual Violence when perpetrated by or against a Student. ~~In the event that~~ If a Student alleges sexual violence against an Employee or an Employee alleges Sexual Harassment by a Student, all of the rights, roles, responsibilities and obligations established under the Student Sexual Violence Policy will apply to the Student and this Policy and its related procedures will be applied to Employees.

This Policy and its corresponding Procedures do not override or diminish the rights provided to Employees under applicable Collective Agreements, including the right to academic freedom afforded to Faculty. Collective Agreements will supersede this Policy to the extent there is a conflict.

This Policy does not ~~preclude~~prevent University Members from pursuing ~~resolution~~resolutions or to seek external review of university decisions through external resources and processes, ~~-~~ including those offered by the Human Rights Legal Support

Centre, the Human Rights Tribunal of Ontario, ~~and~~ the Ontario Labour Relations Board and the Ontario Ombudsman's Office.

Policy

The University promotes a campus environment that is equitable, inclusive and accessible, and does not tolerate, ignore or condone Discrimination or Harassment by or against anyone.

The University is committed to providing a campus environment in which all University Members are treated with dignity, and to fostering a climate of understanding and mutual respect. Excellence in the university community is fostered by promoting the freest possible exchange of information, ideas, beliefs and opinions in diverse forms, and it necessarily includes dissemination and discussion of controversial topics and unpopular points of view. However, [Freedom of expression](#) and freedom of inquiry must be exercised responsibly, in ways that demonstrate active concern and respect for others, including their ability to participate meaningfully in the exchange of information, ideas, beliefs and opinions (refer to the University's [Freedom of Expression Policy](#)).

The University will maintain a respectful campus environment in which the human dignity of ~~each individual~~ [everyone](#) is valued, and the diverse perspectives, ideas and experiences of all members of the community are able to flourish. While misunderstandings and conflicts will occur in a complex, demanding and diverse campus environment where collaboration is essential to success, early and informal approaches to resolution should be sought whenever possible and appropriate.

To promote a respectful campus environment:

1. The University will ensure that procedures are in place for the prevention of, and response to ~~Harassment~~, Discrimination, [Harassment](#) and other breaches of this [Policy](#).
2. The University will provide information, instruction and assistance to University Members with respect to ~~Harassment and~~ Discrimination [and Harassment](#).
3. The University will provide Persons of Authority with information and instruction that will enable them to recognize, assess and address ~~Harassment and~~ Discrimination [and Harassment](#), and to understand how to respond appropriately when such incidents are alleged. The University will also provide Persons of Authority with information and instruction that will enable them to effectively and quickly address disrespectful behavior, Microaggressions and any other behaviours that negatively impact group cohesion.
4. Any University Member who believes they have been ~~harassed or d~~ [Discriminated against or Harassed](#), or have witnessed ~~Harassment or~~ Discrimination [or Harassment](#), is expected to make good faith efforts to resolve

their concerns depending on the circumstances, and/or Report the situation in a timely manner.

5. The University will administer the processes set out in applicable procedures responding to Reports fairly and promptly, with adequate regard to the unique circumstances of each [particular case](#), and in a manner that prioritizes the dignity and privacy of individuals involved.
6. Where applicable and appropriate, the University will make available informal dispute resolution processes such as Mediation ~~in an attempt to~~ resolve disputes and underlying conflict at the heart of a Report.
7. The University will inform and update Complainants, Respondents and relevant Persons of Authority (as appropriate) about the status of dispute resolution processes as they progress.
8. University Members are protected against Reprisal for submitting a Report in good faith, or for participating in a related dispute resolution process. A University Member 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, ~~and/or may pursue a Reprisal complaint through external processes.~~
9. Reprisal protection does not apply to a University Member who submits a Report that is determined to be frivolous or vexatious, or who exhibits bad faith and/or refuses to cooperate in the course of an investigation; each of which are considered breaches of this policy.
10. 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 University Members and/or restore the learning/work environment, or as otherwise required by law.
11. Personal Information collected under this Policy will be used only for the purposes of administering this ~~Policy, and~~ [Policy and](#) will be disclosed only on a need-to-know basis, to the extent disclosure is required to fulfill the University's legal obligations under the ~~Human Rights~~ Code, the Occupational Health & Safety Act, and any other applicable law and/or legal obligations, including any applicable collective agreement. Subject to applicable law, Personal Information collected, used and disclosed under this Policy will otherwise be kept confidential, and will be stored and disposed of in accordance with Freedom of Information and Protection of Privacy Act and Ontario Tech University's [Records Management Policy](#).
12. University Members who engage in ~~Harassment and/or~~ [Discrimination and/or Harassment, Reprisal](#) or other breaches of this policy will be held accountable and may be subject to disciplinary measures, up to and including termination of employment or [permanent dismissal of a Student](#) ~~academic expulsion~~.

ROLES AND RESPONSIBILITIES

All University Members

1. Have a shared responsibility for maintaining a respectful environment that is free from ~~Harassment and~~ Discrimination and Harassment.
2. Are responsible for familiarizing themselves with this Policy and related procedures and guidelines;
3. Will refrain from engaging in ~~Harassment, Discrimination~~ and Harassment, Sexual Misconduct, acts of Reprisal or other breaches of this ~~P~~policy.
4. Will build and maintain positive and productive relationships and demonstrate Respect in their interactions.
5. Will work cooperatively and constructively to resolve conflicts they encounter and seek assistance from a Person of Authority, as appropriate, regarding any escalating conflict they are unable to resolve themselves.
6. Will complete all required Discrimination and Harassment instruction and training within established timelines.
7. Will exercise rights under this Policy in good faith using prescribed channels. For more information on reporting ~~Harassment and~~ Discrimination and Harassment, refer to the procedures for Employees and Students.
8. Will participate in and cooperate with the ~~r~~Reporting ~~p~~Process and/or any related investigation, including respecting confidentiality obligations.
9. Will comply with the corrective measures imposed by the University under this Policy, subject to relevant collective agreements and other appeal rights.

Persons of Authority

Persons of Authority are responsible for supporting ~~the Ontario Tech~~ University in its duty to create and maintain a respectful environment that is free from ~~Harassment and~~ Discrimination and Harassment. Therefore, Persons of Authority have additional obligations in addition to the expectations for all University Members (above). Persons of Authority:

1. Will cultivate a respectful and inclusive environment where people feel safe to raise concerns;
2. Will ensure expected standards under this Policy are adhered to, including addressing and resolving Microaggressions and other disrespectful behavior should they occur;
3. Will lead by example, acting with Respect and modelling positive relationship building and constructive conflict resolution skills in dealings with all University Members, ~~and in particular,~~ and particularly those under their authority;
4. Are responsible for ensuring University Members under their authority are aware of this Policy and its associated procedures and guidelines;
5. Will avoid the appearance of favoritism and unfairness by following and promoting adherence to evidence-based decision-making and the principles of non-Discrimination outlined in this Policy;
6. Will consider seriously each incident, concern or Report brought forward by taking immediate action to stop any Discrimination, Harassment or other inappropriate behavior, whether the subject of a formal complaint or not, by following policies and procedures to the extent necessary to ensure compliance

(note: A Person of Authority cannot agree “to do nothing,” even when that is requested by an [Employee-University Member](#));

7. Will inform the Human Rights [Office](#) about all activities related to Discrimination and Harassment or other concerns and Reports related to this Policy; and,
8. Will ~~cooperate with the Human Rights Office to~~ implement recommendations and restore areas under their authority that have been disrupted by alleged or actual Policy violations, or complaint resolution processes.

Human Rights Office

1. The Human Rights [Office](#) ~~is~~ responsible for the interpretation and administrative direction of this policy and its associated policies, ~~and~~ procedures [and guidelines](#) to ensure their compliance with regulatory requirements and will take primary responsibility for updating related procedures applicable to Employees and Students, ensuring that all related procedures are reviewed as often as is necessary in consultation with all appropriate departments.
2. The Human Rights [Office](#) will oversee dispute resolution processes, determine needs and engage specialist support, as necessary, for investigation, fact finding, Mediation or other interventions required to restore the campus to a positive and productive environment, including:
 1. receiving and responding to Reports from all University Members while ensuring Reports are responded to appropriately using [voluntary dispute resolution methods](#)~~informal~~ and/ [investigations](#)~~formal dispute resolution methods~~ ~~i~~ in a timely and equitable manner, as outlined in this Policy and in related procedures [and guidelines](#);
 2. ensuring the appropriate departments and/or individuals are advised of a Report, where appropriate; and,
 3. ensuring the outcome of an investigation under this Policy, is communicated in writing to Complainant(s), Respondent(s) and relevant Persons of Authority to support corrective and restorative measures.
3. The Human Rights Office is also responsible for:
 1. ~~ensuring~~ that copies of this Policy and related procedures are posted on ~~the~~ [University](#) website;
 1. ~~providing~~ Employees with appropriate information and instruction with respect to [Discrimination and Harassment](#)~~Workplace Harassment~~, including notifying them of this Policy and its related procedures [and guidelines](#);
 2. ~~and~~,
 3. Submitting an Annual Report to the Board of Governors ~~including about~~ statistics and trends in human rights [Report](#)~~complaint activities~~ and other program initiatives.

Human Resources

1. Human Resources is responsible for the following compliance obligations under the *Occupational Health & Safety Act*
 - ~~1. providing Employees with appropriate information and instruction with respect to Workplace Harassment, including notifying them of this Policy and its related procedures;~~
 - 2.1. ensuring all Employees Persons of Authority are provided with information and instruction that will enable them to recognize, assess and address Workplace Harassment in their respective workplaces, and will ensure Persons of Authority are aware of this Policy and related procedures;
 - 3.2. ensuring that copies of this Policy and employment-related procedures and guidelines are posted on the established health and safety bulletin boards where it is likely to come to the attention of Employees; and,
 - 4.3. ensuring the corrective actions taken as a result of an investigation (if any), are communicated in writing to Complainant(s) and Respondent(s) who are Employees.;
2. Human Resources is also responsible for:
 - ~~1. Providing Persons of Authority with information and instruction that will enable them to effectively and quickly address disrespectful behavior, Microaggressions and any other behaviours that negatively impact group cohesion, providing Employees and Persons of Authority with appropriate information and instruction with respect to Discrimination and Discriminatory Harassment, including notifying them of this Policy and its related procedures;~~
 - 3.
 - 2.1. Assisting Persons of Authority, in consultation with the Human Rights Office, to address Microaggressions and other disrespectful behaviors that occur in the employment context; and,
 - 3.2. Assisting Persons of Authority to implement corrective and restorative measures in areas under their authority that have been disrupted by alleged or actual Policy violations, or complaint resolution activities~~processes~~.

Student Life

1. Student Life is responsible for:
 1. Providing Students with appropriate information with respect to Discriminatory Harassment and Discrimination and Discriminatory Harassment, including notifying them of this Policy and its related procedures; and,
 2. Assisting Persons of Authority, in consultation with Human Resources and/or the Human Rights oOffice, to address Microaggressions and other disrespectful behaviors that occur in the academic or on-campus housing context.

Monitoring and review

~~This Policy will be reviewed as necessary and at least every year.~~ The University's General Counsel, or successor thereof, is responsible to monitor and review this Policy. This Policy will be reviewed as necessary and at least every year. [The JHSC will be consulted on substantive revisions to this Policy.](#)

Relevant legislation

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

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005

Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M.19

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

[Ontario Human Rights Code, R.S.O. 1990, c. H.19](#)

~~Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M.19~~

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

Related policies, procedures & documents

~~+~~ Academic Accommodation for Students with Disabilities [[Procedures](#)]

~~Access to Information and Protection of Privacy Policy~~

Accessibility [[Policy](#)]

~~Accessible Customer Service [[Policy](#)]~~

Accommodation for Employees and Job Applicants with Disabilities [[Procedures](#)]

[Accommodation \[\[Policy\]\(#\)\]](#)

[Anti-Hate/Anti-Racism \[\[Guidelines\]\(#\)\]](#)

Change of Gender [[Policy](#)]

Exempt Academic Staff [[Policy](#)]

Exempt Academic Staff Employment (Deans, Associate Deans and Teaching Staff Governors [Procedures]

Freedom of Expression [Policy]

~~Limited Term Academic Associates [Procedures]~~

~~Emergency Management Plan and Procedures~~

Fair Processes [Policy]

Non-Academic Staff Policies

Student Sexual Violence [Policy and Procedures]

~~Procedures to Prevent and Address Discrimination and Harassment by or Against Employees~~ [Procedures]

~~Procedures to Prevent and Address Discrimination and Harassment by or Against Students~~ [Procedures]

~~Records Management Policy~~

~~Joint Health and Safety Committee Terms of Reference~~

~~Occupational Health and Safety Management System~~

Student Conduct [Policy]

Medical Cannabis Use by Students [Procedures]

Service Animals [Procedures]

Use of Memory Aids by Students with Disabilities [Directives]

Use of Audio Recording of Lectures by Students with Disabilities [Directives]

~~Procedures for Accommodating Employees and Job Applicants with Disabilities~~

~~Procedures for Academic Accommodation for Students with Disabilities~~

Procedures to Prevent and Address Discrimination and Harassment by or Against Employees

Classification number LCG 1129.02

Parent policy Respectful Campus Policy

Framework category [Legal, Compliance & Governance Board](#)

Approving authority Senior Leadership Team

Policy owner General Counsel

Approval date ~~April 22, 2021~~ [DRAFT FOR CONSULTATION](#)

Review date April 2024

Last updated Editorial Amendments: May 22, 2024; February 13, 2023

Purpose

The purpose of this procedure is to establish a dispute resolution framework for the prevention and handling of Employee-based alleged breaches of the Respectful Campus Policy (“the Policy”); ensuring [Ontario Tech University](#) (“the University”) effectively addresses and responds to these Reports consistent with legislative obligations.

Definitions

For the purposes of these Procedures the following definitions apply:

“**Administrative Fairness**” refers to the following set of principles used in ~~the University’s~~ [the University’s](#) investigation and decision-making processes:

- The Complainant, if any, is given a full and fair opportunity to raise allegations and provide relevant and material evidence in support of those allegations;
- The Respondent knows what the allegations are, receives enough information to provide a meaningful response, and is given a full and fair opportunity to provide relevant and material evidence responding to the allegations;
- The parties receive adequate notice of the nature of the proceedings and of the issue to be decided;
- The decision-maker is required to be impartial and free from bias;
- The decision maker is required to consider all ~~of the~~ relevant information and evidence before them, taking into consideration the circumstances of the particular matter, including its complexity and the requirements of fairness and due process;
- The decision-making processes run in a timely fashion;

- The complaint parties may have a support person ~~and/or representation~~ during dispute resolution meetings; and
- The parties are provided the reasons for the decision.

"Balance of Probabilities" means an investigative standard that must be met to determine whether a violation of the ~~P~~policy has occurred based on a finding that "it was more likely than not" that the offence at issue was committed by the Respondent. This is a lower standard than beyond a reasonable doubt, but more than mere suspicion.

"Complainant" refers to an individual who is alleged to have experienced a breach of the Policy ~~Discrimination, Harassment and/or Reprisal~~.

"Day(s)" means all weekdays, excluding statutory holidays and University closure dates as indicated on the University website.

"Discrimination" is a distinction, without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an individual on the basis of a Protected Ground (defined below). Discrimination may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging one or more groups of people.

"Discriminatory Harassment" means engaging in a course of vexatious comment or conduct, ~~against a University Member in the course of employment or receipt of service,~~ based on any Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, taunting or mocking someone's race, making, distributing, or posting Hate; ridiculing an individual's disability, or targeting others with sexual, gender-based or homophobic slurs. While Discriminatory Harassment usually consists of repeated acts, a single serious incident that has a lasting harmful effect may also constitute Discriminatory Harassment.

"Disrespect" is a behaviour that falls short of Harassment, but nevertheless has harmful impacts on the campus environment, e.g., rude, inconsiderate, and passive aggressive behaviour. Disrespect, if left unaddressed, can escalate to ~~Harassment or~~ Discrimination or Harassment.

"Employee" means job applicants and individuals performing services directly on the University's behalf, including administrative staff members, Faculty, volunteers and contract employees. Students who are employed ~~during the course of~~ during their studies, are "Employees" for the purposes of this procedure ~~Policy~~ when they are engaged in employment activities, but not otherwise.

"Extenuating Circumstances" means circumstances outside of an individual's ~~the investigator's~~ control that result in delays in the dispute resolution processes described in

this procedure. Extenuating circumstances include, but are not limited to, having multiple [Complainants, Respondents or](#) witnesses, difficulty in scheduling [meetings or](#) interviews, availability of resource persons or materials, time of year, involvement of law enforcement or existence of a judicial hearing, or other circumstances that may arise through the course of the [dispute resolution activities](#)~~investigation~~.

“Faculty” includes a Faculty Member, or previous Faculty Member, at [the University of Ontario Tech University](#), and includes those with both limited term and indefinite term appointments, as well as those with paid, unpaid and honorific appointments. For greater certainty, “Faculty” also includes visiting scholars and emeritus professors.

“Harassment” Is the term used in this policy instrument to represent all forms of [Harassment: Discriminatory Harassment, Sexual Harassment, Sexual Misconduct, Reprisal and](#) Workplace Harassment~~and Sexual Harassment~~.

“Hate” for the purposes of this procedure is a form of Discriminatory Harassment and refers to:

- [a criminal offense committed against a person or property that is motivated in any part by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor;](#)
- [any communication used by a person or group that advocates or promotes hatred based on colour, nationality or ethnic origin, race, religion and/or sexual orientation, including public communication that willfully promotes Antisemitism by denying, condoning, or downplaying the Holocaust; and hatred against any identifiable group, or the incitement of hatred against any identifiable group where such incitement is likely to lead to a breach of the peace and includes advocating genocide; and/or,](#)
- [publishing or displaying or causing the publication or display before the public of any notice, sign, symbol, emblem or other similar representation that indicates the intention of the person to Discriminate or that is intended to incite others to Discriminate.](#)

“Interim Measures” mean temporary measures designed to prevent additional [acts of Harassment or Discrimination](#)~~breaches of the Policy~~ and/or to protect the safety of the Complainant or others. Interim Measures are instituted at any point following a Report and prior to a determination being made ~~under this Policy~~. Interim Measures take into consideration the severity of the allegations and the varying risks associated with the potential for subsequent [Policy breaches](#)~~acts of Harassment or Discrimination~~. Examples of ~~I~~nterim ~~M~~asures include, but are ~~not~~ limited to, transfer to a different work location, administrative leave, ~~and~~ no contact orders [or other safety measures](#).

“Investigation” refers to a review by the University into alleged breaches of [the](#) Policy.

“Investigator” refers to an individual assigned under the [Policy](#) to complete an Investigation, and who has the required training and experience to conduct a fair and objective Investigation.

"JHSC" means the Joint Health & Safety Committee(s) at [the Ontario Tech](#) University.

“Mediation” is a structured process during which parties in dispute are assisted by a third-party to discuss a dispute and attempt to arrive at a mutually agreeable resolution. Mediation is a voluntary process and can only proceed if all parties involved agree to participate. Depending on the circumstances, [Mediation](#) may result in a signed agreement summarizing the agreed upon terms of settlement.

“Microaggression” means a comment or action that negatively targets a group based on a Protected Ground (e.g., a racist, sexist or homophobic comment). Microaggressions may be intentional or accidental but are nonetheless harmful and stigmatizing to a certain group of people. If allowed to go unchallenged, Microaggressions may escalate to [Harassment and/or Discrimination and/or Harassment](#).

"Person(s) of Authority" include, for the purposes of this [pProcedure](#), any person who has charge of a workplace, authority over another Employee or authority in the administration of education, including supervisors, managers, senior management and Faculty leadership (e.g., Deans, Associates Deans, etc.).

“Poisoned Environment” is a form of indirect Discriminatory Harassment. It occurs [when comments or conduct \(including comments or conduct that are condoned or allowed to continue when brought to the attention of a Person of Authority\), ridicule or demean a person or group based upon a Protected Ground. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status.](#)

"Protected Ground(s)" are the Grounds contained in the Ontario Human Rights Code under which individuals are protected against [De](#)iscrimination and [H](#)arassment. All University Members are protected under the following Grounds: “race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status and disability.” Employees are additionally protected under the [G](#)round “record of offences.”

"Report" refers to [a](#) reported [violation](#) [allegations](#) of [discrimination, harrasment, or reprisal](#) [the Policy](#), made by or against an [University](#) Employee.

“Reprisal” [is a form of Harassment that](#) includes retaliation, coercion, dismissal, threats or intimidation of anyone who in good faith: raises complaints or concerns, exercises their rights or participates in a remedial process under the [Respectful Campus](#) Policy.

“Respect” is a standard of interpersonal communication and behaviour characterized by self-restraint and consideration for others.

“Respondent” refers to any one-party who is alleged to have engaged in a breached of the Policy.

"Sexual Harassment" means,

1. engaging in a course of vexatious comment or conduct 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;
2. 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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome; or,
3. a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Sexual Harassment includes but is not limited to, sexually suggestive or obscene remarks or gestures, and negative stereotypical comments based on gender, sex or sexual orientation, gender identity and gender expression. For the purposes of this Procedure the term “Sexual Harassment” includes incidents of Student Sexual Violence involving an Employee.

“Sexual Misconduct” refers to physical sexual relations with a Sstudent, touching of a sexual nature of a Sstudent or behaviour or remarks of a sexual nature toward a Sstudent by an Employee where, the act constitutes an offence under the Criminal Code of Canada, the act amounts to Sexual Harassment as defined in the Policy, or the act contravenes any other policy, rule or other requirement respecting sexual relations between Employees and Students, including the Student Sexual Violence Policy and the Ethical Conduct Policy.

“University Member” means any individual who at the time of the alleged Policy violation:

- is employed by the University or holds an appointment with the University, including paid, unpaid and/or honorific appointments (**“Employee”**);
- is registered as a student, in accordance with the academic regulations of the University (**“Student”**); and/or
- Is otherwise subject to University policies by virtue of the requirements of a specific policy (e.g., Booking and Use of University Space) and/or the terms of an agreement or contract.

"Workplace" means any place where Employees engage in any facet of employment activity (e.g. recruitment, training, evaluation and development), including employment

activities online, outside the normal place of work, and employment activities that occur outside of normal working hours.

"Workplace Harassment" means,

1. 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 (arbitrators have interpreted this form of Workplace Harassment to encompass "serious actions with significant consequences" as opposed to "the normal abrasiveness of daily life in the workplace," examples of which have been found to include interpersonal conflict, personal animosity and employee feuds), and/or
2. Workplace Sexual Harassment – (defined as Sexual Harassment against an Employee in the Workplace).

Scope and authority

The University's General Counsel is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation and application of these Procedures.

~~The Policy Owner will ensure the Procedures are reviewed as often as is necessary, and in any event, at least annually, in accordance with the University's Policy Framework and relevant Collective Agreements. The JHSC will be consulted on substantive revisions to this Policy instrument.~~

This Procedure applies to Reports made by or against Employees in the Workplace. Reports with respect to incidents that have occurred on, or off campus will be handled as described below:

1. On-Campus – The scope includes incidents of Discrimination and Harassment where the Respondent is a University Member and the incident takes place on University space or using University-owned property or equipment, including, but not limited to, telephones, computers, and online media including websites, email, social media accounts, online learning tools and applications provided, managed or self-identified as belonging to the University. This includes the University's website, branded Twitter, and Facebook Live events, as well as online learning and collaboration tools such as Google Apps for education.
2. Off-Campus – The scope includes incidents of Discrimination and Harassment that occur off-campus where the Respondent is a University Member and:
 - The incident occurred during any organized University class, trip or other employment-related activity including Varsity Athletics and experiential learning opportunities such as co-op, practicum or during research endeavors;
 - The incident occurred during an official University event; or

- In exceptional circumstances, when an incident occurring off-campus or online are likely to have an impact on the working, living and/or learning environment at the University, or could reasonably be seen to endanger or adversely affect the health and safety of University Members.

This procedure necessarily overlaps with other University procedures that are concerned with preventing and addressing incidents of ~~Harassment~~, Discrimination and ~~Harassment/Reprisal~~. ~~The Ontario Tech~~ University will administer the overlap according to the following principles:

1. This procedure will be applied to all Reports made by or against an Employee to ensure the University satisfies its commitment to, and its obligations under, legislation and collective agreements.
2. Reports brought forward by a Student involving an Employee who is accused of a breach of the Policy will proceed under this ~~p~~Procedure in conjunction with the Student procedure or the Student Sexual Violence Policy and Procedures, depending on the nature of the allegations.
3. Where it is alleged that a Student has, in their capacity as a Student, engaged in Harassment against an Employee, ~~then~~ the matter will be addressed in conjunction with the relevant Student procedures.
4. Reports involving a Student who is also an Employee ~~of the University~~, and whose ~~actions occurred allegedly breached the Policy in~~ the course of their employment, will be handled under this ~~procedure~~Policy instrument.
5. Where an individual, other than a University Member, is alleged to have engaged in a breach of this Policy against an Employee, Human Resources and/or the Office of Campus Safety will consult with University Members at risk, and other University Members if necessary, to determine and implement reasonable measures to protect the health and safety of its Employees. Any Investigation under these circumstances may be limited by the Respondent's status B because the University does not have ~~the~~ jurisdiction to compel statements from members of the general public, or to impose sanctions upon them, ~~it will not normally conduct a formal Investigation in such cases.~~

This procedure is a mechanism for alternative dispute resolution. It does not ~~prevent~~include ~~complainants~~Employees from pursuing resolutions or to seek external review of University decisions through external resources and processes, including those offered through grievance arbitration, or by the Human Rights Legal Support Centre, the Human Rights Tribunal of Ontario and the Ontario Labour Relations Board. However, The Human Rights ~~o~~Office may not accept a complaint or may halt dispute resolution processes under this procedure if a Complainant decides to pursue external processes or grievance mechanisms on the same or similar matter unless an Investigation is legislatively required.

Proceedings under this procedure may be carried out prior to, simultaneously with, or following other off-campus proceedings, including civil or criminal proceedings, at the discretion of the Human Rights office. In cases where the Human Rights office

determines that processing an allegation under this procedure might prejudice another internal or external process, they may suspend these proceedings indefinitely or pause an Investigation pending the outcome of these other proceedings. If an Investigation is paused or suspended, Interim Measures may be used to ensure the safety of all University Members.

Procedure

Confidentiality: Information collected under this procedure will be used only for the purposes of administering the policy instrument 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:

1. 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 confidential information disclosed to them.
2. Confidential ~~i~~Information obtained during the ~~r~~Reporting ~~p~~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.
3. Complainants and Respondents who are Employees will be advised of the outcome of an Investigation and the corrective actions taken, if any.
4. All records will be maintained in a confidential file, including all related communications, memoranda, ~~R~~reports, statements and evidence. Reasonable steps will be taken to protect against unauthorized access to such documents. These records will be retained, and disposed of, in accordance with the Freedom of Information and Protection of Privacy Act and ~~the Ontario Tech~~ University's Records Management Policy.

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 corresponding Policy. Any individual experiencing Reprisal may file a Report, and that Report will be processed under this procedure.

Right to a Support Person(s). ~~Complainants and Respondents who~~Individuals who are parties to a complaint and attend an interview or meeting under this procedure may be accompanied by a support person. The role of a support person is to provide moral support. Parties who choose to attend an interview with a support person must choose a support person who is not otherwise connected to the matter under Investigation (such as a witness or fellow Complainant) and will notify the investigator of their support person's name at least two (2) days~~24 hours~~ prior to the meeting. In the case of an Employee who is a member of a bargaining unit, the support person may be a union representative. During an investigative interview, a support person 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.

Safety is Paramount: ~~Ontario: The Tech~~ University has an overriding obligation to protect the safety of all University Members. When a University Member is at risk of imminent harm, ~~the Human Rights office~~ we reserves the right to investigate and respond appropriately, independent of a Complainant's and/or Respondent's course of action under this procedure.

Support Services: ~~The Employee Assistance Program~~ The University's Wellness at Work initiative has appropriate support services for Employees who experience ~~Harassment~~, Discrimination and/or ~~Harassment/Reprisal~~ or to assist Employees who are involved in dispute resolution processes described in this ~~p~~Procedure.

Timeliness: All efforts will be made to ensure that proceedings are handled in an expeditious manner. Timeframes, where specified, may be subject to an extension because of Extenuating Circumstances.

PREVENTATIVE MEASURES

Training: ~~The University~~ Human Resources will ensure information and instruction is provided to Employees regarding ~~Harassment~~, Discrimination and ~~Harassment/Reprisal~~. Training programs are available on the Health and Safety Website.

Range of Dispute Resolution Options: Several options to resolve ~~Harassment and~~ Discrimination ~~and Harassment concerns~~ are available for Complainants ~~and Respondents~~. Voluntary and participatory ~~Informal~~ approaches can foster prompt resolution and prevent escalation; particularly when concerns are raised expeditiously. These are opportunities for parties to resolve a dispute, ensure the Workplace is free from ~~Harassment and~~ Discrimination ~~and Harassment~~ and address broader issues that caused or contributed to the dispute.

Talk to the person about their behaviour: Where appropriate, Complainants are expected to make good faith efforts to attempt to resolve matters themselves before filing a complaint. If a person feels they are experiencing ~~Harassment or~~ Discrimination ~~or Harassment~~, they should immediately make known to the person responsible that the conduct is unwelcome or offensive. It is important that this message be clear and unambiguous. When presented with a legitimate concern, University Members are expected to make reasonable adjustments to their behaviour to resolve the matter. If addressing the person responsible could lead to safety risks, or is not appropriate, Complainants may pursue other resolution options outlined in ~~these~~ procedures.

Addressing Disrespect and/or Microaggressions: Incidents of alleged disrespect, including microaggressions, may be raised to a Person of Authority if attempts to resolve

~~the behaviour directly with the individual are not successful. Individuals are encouraged to raise concerns related to disrespect and/or microaggressions to a Person of Authority.~~

Consultation: Employees may benefit from having expert information and ~~guidance~~ advice before deciding how to proceed with a concern related to this procedure. ~~Employees~~ Complainants can consult a Person of Authority or may make an appointment with the ~~Human Rights Office to learn more about human rights and dispute resolution options.~~ Consultations are confidential and can provide ~~information, advice, assistance,~~ coaching, and referrals to assist ~~any Employee~~ Complainants.

REPORTING

The Reporting Process

Incidents of ~~Harassment~~, Discrimination and ~~Harassment or Reprisal~~ should be promptly reported to a Person of Authority and/or the Human Rights ~~o~~Office, and no later than one (1) year after the last incident of alleged ~~harassment, d~~Discrimination or ~~Harassment reprisal~~. If the Report is related to an Employee in the Human Rights ~~o~~Office, the ~~R~~report should be directed to the University's General Counsel, in which case the General Counsel will have the responsibilities assigned to the Human Rights ~~o~~Office below.

Step 1 – Submitting a Report

1. A ~~“Report”~~, and the corresponding ~~r“Reporting p~~Process”, is initiated when an individual completes the ~~Report form. At a minimum, the Report should include the identification of the individual the Report is about, the issue type and grounds for the complaint, and details about each alleged incident, including dates/times, where the incident(s) occurred, who was involved or present, and what specifically happened.~~
2. Person(s) of Authority who witness or are made aware of incidents of ~~Harassment~~, Discrimination and/or ~~Harassment Reprisal~~ must initiate a Report to the Human Rights ~~o~~Office.
3. The Human Rights ~~o~~Office ~~may will~~, on its own initiative, initiate a Report when it receives information regarding an incident of ~~Harassment~~, Discrimination and/or ~~Harassment Reprisal~~ in the Workplace, unless such a Report has already been submitted by an individual.
3. ~~Employees may also report anonymously (alternatively), but in doing so, may limit their access to the full breadth of options outlined in the Policy and this procedure.~~

Step 2 – Interim Measures

4. ~~Upon receiving a Report, the University will immediately determine whether Interim Measures are necessary, considering the severity of the allegations, and the potential risks to University Members. Interim Measures will be implemented where reasonable and appropriate in the circumstances. Person(s) of Authority, the Complainant, Respondent, the Office of Campus Safety or any other relevant~~

~~stakeholder, may be consulted on a confidential basis, to determine appropriate Interim Measures.~~

Step 23 – Assessment

5. The Human Rights ~~o~~Office will review the Report and any ~~necessary~~ associated information/documentation to determine if the conduct alleged in the Report would amount to Discrimination and/or; Harassment ~~and/or Reprisal~~. This determination will be based on an assumption that ~~all of all~~ the alleged facts were true.
6. If the allegations set out in the Report would not, if true, amount to Discrimination or; Harassment ~~and/or Reprisal~~, the Human Rights ~~o~~Office will respond to the individual submitting the Report in writing, usually within 30 days, advising that the Report has been reviewed, and that the information provided does not support an allegation of Discrimination or; Harassment ~~and/or Reprisal~~ under the Respectful Campus Policy. ~~The individual submitting the Report will also be advised that the Human Rights Office 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.
- ~~6.7.~~ Complaints that do not meet the requirements for a Report under the Policy, but nevertheless describe behaviours that are contrary to the University's values, (e.g., rude, disrespectful, antagonizing behaviours) may be referred to an applicable Person of Authority for appropriate follow-up or may be eligible for the voluntary resolution options described in this procedure at the discretion of the Human Rights office.
8. If, ~~on the other hand~~, the information provided would, assuming the alleged facts were true, support a finding that Discrimination or; Harassment ~~and/or Reprisal~~ had occurred, the following dispute ~~r~~Resolution options will be considered.

Step 3 – Interim Measures

9. Upon accepting a Report, the University will immediately determine whether Interim Measures are necessary, considering the severity of the allegations, and the potential risks to University Members. Interim Measures will be implemented where reasonable and appropriate in the circumstances. Person(s) of Authority, the Complainant, Respondent, the Office of Campus Safety or any other relevant stakeholder, may be consulted on a confidential basis, to determine appropriate Interim Measures.

7.

Step 4 – Voluntary~~Informal~~ Resolution

10. Where appropriate, a voluntary~~n informal~~ resolution process, such as Mediation, can be pursued if the Complainant and Respondent consent to an informal resolutionsuch a process ~~es being pursued~~ and ~~to~~ its format (Note:

~~voluntary~~~~informal~~ resolution options are not available related to allegations of Workplace Harassment, which require an ~~I~~investigation).

~~11.~~ Examples of voluntary resolution processes may include: communicating to a Respondent that the behaviour is unwelcome and must stop; meeting with a Person of Authority to discuss the ways in which future occurrences of the reported incident can be prevented; training or education for individuals and groups; and Mediation or other alternative dispute resolution processes.

~~8-12.~~ If the Complainant is satisfied by the actions taken through the voluntary resolution process, the Human Rights office will prepare a written summary of the resolution, and the Complainant will confirm acceptance in writing. If accepted, the Report will be deemed resolved.

~~9-13.~~ Where those involved in the ~~voluntary~~~~informal~~ resolution process reach an agreed resolution, that resolution will become binding.

~~14.~~ Every effort will be made to complete voluntary resolution activities within thirty (30) days.

~~10.~~ Once an informal resolution process has commenced, the Investigation may be delayed, after which, unless a resolution has been reached, the Investigation will re-commence.

Step 5 – Investigation

~~15.~~ An Investigation will be conducted if voluntary resolution options are not appropriate in the circumstances or at the request of the Complainant if voluntary resolution options were not successful in resolving the dispute. Every effort will be made to conclude an Investigation within ninety (90) days following the receipt of a Report or following the conclusion of voluntary resolution activities.

~~11-16.~~ An Investigation will be conducted if informal resolution options are not appropriate in the circumstances or were not successful in resolving the dispute. The purpose of an Investigation is to: gather evidence and witness statements; weigh the evidence; make findings of fact based on the evidence; ~~and, and~~ produce an Investigation~~on~~~~ve~~ report. In an ~~I~~investigation under this ~~p~~Procedure, the Investigator must make a determination having weighed the evidence on a Balance of Probabilities that either: (1) a policy breach occurred; or (2) a policy breach did not occur.

~~17.~~ The Human Rights ~~o~~Office will ensure an Investigation process that is appropriate in the circumstances and that ~~complies with~~~~follows~~ Administrative Fairness ~~principles~~~~requirements~~. At this stage, consideration will be given to whether the ~~I~~investigation will be conducted internally or externally. The Human Rights ~~o~~Office will review the collective agreement(s) of any individuals involved in the ~~Report, and~~~~Report and~~ will ensure the procedural rights granted to those individuals under their respective collective agreements are maintained.

~~18.~~ The Investigator will commence the Investigation by advising the Respondent in writing that a Report has been received and that they are the subject of an Investigation. The notice will at minimum: (i) advise that an Investigation is being initiated, (ii) contain a brief summary of the allegations, and (iii) indicate they

- will be contacted by the Investigator for a meeting in due course. The notice will also provide contact information for Support Services and will indicate that the Respondent has the right to be supported and accompanied by a support person.
- ~~19.~~ At any point during the Investigation, the Investigator may set meetings with any individual to obtain further information. The Investigator also has access to any document or piece of evidence they deem necessary to complete a thorough Investigation. University Members, therefore, are required to cooperate with Investigations commenced under this procedure.
- ~~12.~~
- ~~13.~~ The assigned investigator has the authority to access evidence (documentary, electronic, audio, visual) and schedule meetings as necessary to complete a thorough review of the allegations and to draw findings of fact.
- ~~20.~~ The Human Rights Office will ensure the Complainant and Respondents involved in an Investigation, and their respective bargaining agent(s), where applicable, are informed and updated regarding the investigation process that will be adopted in each particular case.
- ~~21.~~ 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 in an Investigation report. The Complainant and Respondent will receive a copy of a report summarizing the Investigation findings.

Step 6 – Determination & Corrective Action

- ~~14.~~22.
- ~~23.~~ The Human Rights Office will ensure that the results of the Investigation are brought to the attention of, and reviewed by, the appropriate Person(s) of Authority.
- ~~24.~~ The Human Rights office will also review the results of the Investigation report for signs of systemic issues that may have contributed to the complaint and may make recommendations to the Person(s) of Authority to address signs of systemic issues regardless of whether a breach of Policy was found.
- ~~15.~~
- ~~25.~~ In the event that If the Investigation found a breach of the Policy, the investigator will make recommendations to adequately resolve the inappropriate behavior and restore the Workplace. 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 and/or recurrence.
- ~~16.~~
- ~~17.~~26. Where an Employee is found to have engaged in acts of Discrimination and/or Harassment or other breaches of the Policy, 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 dismissal/termination). Human Resources will ensure such reasonable steps are taken to prevent a recurrence.

~~18.27.~~ Employees that are members of a bargaining unit shall have any corrective measure(s) imposed in accordance with applicable collective agreement requirements.

~~19.28.~~ Information about ~~I~~investigation outcomes or corrective actions will be provided in accordance with the procedural requirements of any relevant collective agreement and any applicable laws. At the conclusion of an investigation, The Human Rights ~~o~~Office will ensure that any Complainant and any Respondent are informed, in writing, of the outcome of the ~~I~~investigation. Human Resources will ensure that any corrective ~~actions~~action taken or that will be taken are communicated to the Complainant (Employee) and Respondent (Employee) in writing.

~~20.29.~~ The Relevant Person(s) of Authority will be responsible for implementing recommendations (including corrective action) in consultation and with the support of Human Resources.

Monitoring and review

~~This Procedure will be reviewed as necessary and at least every year.~~ The University's General Counsel, or successor thereof, is responsible to monitor and review this ~~procedure~~Policy. This procedure will be reviewed as necessary and at least every year.
The JHSC will be consulted on substantive revisions to this procedure.

Relevant legislation

~~Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005~~

~~Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M.19~~

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

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

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

~~Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M.19~~

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

Related policies, procedures & documents

Respectful Campus [\[Policy\]](#)

Accommodation [\[Policy\]](#)

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Accommodation for Employees and Job Applicants with Disabilities [\[Procedures\]](#)

[Anti-Hate/Anti-Racism \[Guidelines\]](#)

[Academic Staff Employment Policies](#)

[Access to Information and Protection of Privacy Policy](#)

[Emergency Management Plan and Procedures](#)

Fair Processes [\[Policy\]](#)

[Freedom of Expression \[Policy\]](#)

[Ethical Conduct \[Policy\]](#)

[Non-Academic Staff Policies](#)

[Policy to Prevent and Respond to Sexual Violence for Students](#)

[Procedures for Responding to Incidents of Sexual Violence](#)

[Records Management Policy](#)

[Joint Health and Safety Committee Terms of Reference](#)

[Occupational Health and Safety Management System](#)

Student Conduct [\[Policy\]](#)

[Student Sexual Violence \[Policy and Procedures\]](#)

[Ontario Tech Durham College Threat Assessment Procedures](#)

[Work Refusal Procedures](#)

Procedures to Prevent and Address Discrimination and Harassment by or Against Students

Classification number LCG 1129.01

Parent policy Respectful Campus Policy

Framework category Legal, Compliance and Governance

Approving authority Governance, Nominations and Human Resources Committee

Policy owner General Counsel

Approval date [March 31, 2022 DRAFT FOR CONSULTATION](#)

Review date March 2025

Supersedes LCG 1105.01 Harassment and Discrimination Procedures

Purpose

The purpose of this procedure is to establish a dispute resolution framework for the prevention and handling of Student-based ~~Reports of~~ alleged breaches of the Respectful Campus Policy (“the Policy”); ensuring Ontario Tech University (“the University”) effectively addresses and responds to these Reports consistent with legislative obligations.

Definitions

For the purposes of these procedures the following definitions apply:

“Administrative Fairness” refers to the following set of principles used in the University’s investigation and decision-making processes~~means that the procedures used in the investigation and decision-making processes adhere to the following elements:~~

- The Complainant, if any, is given a full and fair opportunity to raise allegations and provide relevant and material evidence in support of those allegations;
- ~~The Respondent knows what the allegations are, and~~ receives enough information to provide a meaningful response, and is given;
- ~~The Respondent is given~~ a full and fair opportunity to ~~defend against the allegations and~~ provide relevant and material evidence responding to the~~butting those~~ allegations;
- The parties receive adequate notice of the nature of the proceedings and of the issue to be decided;
- The decision-maker is required to be~~parties have a right to an impartial decision maker~~ and freedom from bias;

- The decision maker is required to consider all ~~of the relevant evidence and~~ information and evidence before them, taking into consideration the circumstances of the particular matter, including its complexity and the requirements of fairness and due process; pertaining to a specific case.
- The decision-making processes run in a timely fashion;
- The complaint parties ~~may have~~ have a right to a support person ~~and/or representation~~ during dispute resolution meetings; and
- The parties are provided the reasons for the decision.

“Balance of Probabilities” means an investigative standard that must be met to determine whether a violation of the pPolicy has occurred based on a finding that “it is more likely than not” that the offence at issue was committed by the Respondent. This is a lower standard than beyond a reasonable doubt, but more than mere suspicion.

“Complainant” refers to an individual who is alleged to have experienced a breach of the Policy.

“Day(s)” means all weekdays, excluding statutory holidays and University closure dates as indicated on the University website.

"Discrimination" is a distinction, without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an individual on the basis of a Protected Ground (defined below). Discrimination may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging one or more groups of people.

"Discriminatory Harassment" means engaging in a course of vexatious comment or conduct, ~~against a University Member~~ based on any Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, taunting or mocking someone's race, making, distributing or positing Hate, ridiculing an individual's disability or targeting others with sexual, gender-based or homophobic slurs. While Discriminatory Harassment usually consists of repeated acts, a single serious incident that has a lasting harmful effect may also constitute Discriminatory Harassment.

“Disrespect” is behavior that falls short of Harassment, but nevertheless has harmful impacts on the campus environment, e.g., rude, inconsiderate and passive aggressive behavior. Disrespect, if left unaddressed, can escalate to ~~Harassment or~~ Discrimination or Harassment.

“Extenuating Circumstances” means circumstances outside ~~an individual's~~ an individual's control that result in delays in the dispute resolution processes described in this procedure. Extenuating circumstances include, but are not limited to, having multiple Complainants, Respondents, Reports or witnesses, difficulty in scheduling meetings or interviews, availability of resource persons or materials, time of year, involvement of law

enforcement or existence of a judicial hearing, or other circumstances that may arise through the course of the ~~dispute resolution activities~~investigation.

“Harassment” for the purposes of this procedure ~~i~~ncludes Discriminatory Harassment (with the exception of sexual harassment, which is addressed under the University’s Student Sexual Violence Policy and Procedure) and Reprisal (defined below).

~~Harassment normally includes a series of incidents but can be one severe incident which has a lasting harmful impact on the individual.~~

“Hate” for the purposes of this procedure, is a form of Discriminatory Harassment and refers to:

- a criminal offense committed against a person or property that is motivated in any part by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor;
- any communication used by a person or group that advocates or promotes hatred based on colour, nationality or ethnic origin, race, religion and/or sexual orientation, including public communication that willfully promotes Antisemitism by denying, condoning, or downplaying the Holocaust; and hatred against any identifiable group, or the incitement of hatred against any identifiable group where such incitement is likely to lead to a breach of the peace and includes advocating genocide; and/or,
- publishing or displaying or causing the publication or display before the public of any notice, sign, symbol, emblem or other similar representation that indicates the intention of the person to Discriminate or that is intended to incite others to Discriminate.

“Interim Measures” means temporary measures designed to prevent additional breaches of the Policy and/or to protect the safety of the Complainant or others. Interim Measures may be instituted at any point following a Report and prior to a determination being made. Interim Measures take into consideration the severity of the allegations and the varying risks associated with the potential for subsequent ~~P~~policy breaches. Examples of ~~I~~interim ~~M~~masures include, but are not limited to, a no-contact order, trespass or restricted access order, suspension, exclusion from athletic or other extra-curricular activities, limiting access to services or facilities, or other safety measures.

“Investigation” ~~refers to~~means a review by the University part of the Dispute Resolution Process in which the University conducts a systematic inquiry into alleged breaches of the Policy.

“Investigator” ~~refers to an individual assigned under the Policy to complete an Investigation, and who has the required training and experience to conduct a fair and objective Investigation.~~ means an individual who has the required training and experience to conduct a fair and objective Investigation.

“Mediation” is a structured process ~~during~~ in which parties in dispute are assisted by a third-party to discuss a dispute and attempt to arrive at a mutually agreeable resolution. Mediation is a voluntary process and can only proceed if all parties involved agree to participate. Depending on the circumstances, ~~M~~mediation may result in a signed agreement summarizing the agreed upon terms of settlement.

“Microaggression” means a comment or action that negatively targets a group based on a Protected Ground (e.g. a racist, sexist or homophobic comment). Microaggressions may be intentional or ~~accidental, but~~ accidental but are nonetheless harmful and stigmatizing to a certain group of people. If allowed to go unchallenged, Microaggressions may escalate to ~~Harassment and/or~~ Discrimination and/or Harassment.

“Person(s) of Authority” includes any person who has charge of a workplace, authority over another Employee or authority in the administration of education. Anyone who supervises an Employee at Ontario Tech University is a Person of Authority. For the purposes of this procedure, Faculty members, and Faculty ~~L~~eadership (e.g. Deans, Associates Deans, etc.) are also considered Persons of Authority vis-à-vis their relationship to ~~S~~tudents.

“Poisoned Environment” is a form of indirect Discriminatory Harassment. It occurs when comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of a Person of Authority), ridicule or demean a person or group based upon a Protected Ground. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status.

“Protected Ground(s)” are the Grounds contained in the Ontario Human Rights Code under which individuals are protected against ~~D~~iscrimination and ~~H~~arassment. Students are protected under the following Grounds: “race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status and disability.”

“Report” refers to a ~~r~~Reported violation of the ~~ce~~ Respectful Campus Policy by or against a Student.

“Reprisal” is a form of Harassment that includes retaliation, coercion, dismissal, threats or intimidation of anyone who in good faith: raises complaints or concerns, exercises their rights, or participates in a remedial process under the Policy.

“Respect” is a standard of interpersonal communication and behaviour characterized by self-restraint and consideration for others.

“Respondent” refers to anyone who is alleged to have ~~engaged in a~~ breached of the Policy.

~~“Student” means an individual who is currently registered in any course or program of study at Ontario Tech, or who was registered as a Student at the time of the alleged breach of the Policy.~~

“Support Services Worker” means services administered by a trained and registered mMental hHealth cCounsellor in Student Mental Health Services assigned responsibility for providing support for Students who have experienced, are accused of or have witnessed a breach of the Policy.

“University Member” means any individual who:

- is employed by the University or holds an appointment with the University, including paid, unpaid and/or honorific appointments (**“Employee”**);
- is registered as a student, in accordance with the academic regulations of the University (**“Student”**); and/or
- Is otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract and includes visitors and guest speakers.

~~“Working Days” means all weekdays, excluding statutory holidays and University closure dates as indicated on the University website.~~

Scope and authority

The ~~University Secretary and~~ General Counsel is the Policy ~~o~~Owner. The Policy ~~o~~Owner is responsible for overseeing the implementation, administration, interpretation and application of ~~thiese p~~Procedures.

This ~~p~~Procedure applies to Reports made by or against Students. Reports with respect to incidents that have occurred on, or off campus will be handled as described below:

1. On-Campus – The scope includes incidents of Discrimination and Harassment where the Respondent is a University Member and the incident takes place on University space or using University-owned property or equipment, including, but not limited to, telephones, computers, and online media including websites, email, social media accounts, online learning tools and applications provided, managed or self-identified as belonging to the University. This includes the University’s website, branded Twitter, and Facebook Live events, as well as online learning and collaboration tools such as Google Apps for education.
2. Off-Campus – The scope includes incidents of Discrimination and Harassment that occur off-campus where the Respondent is a University Member and:

- The incident occurred during any organized University class or extra-curricular activity including Varsity Athletics and experiential learning opportunities such as co-op, practicum or during research endeavors;
- The incident occurred during an official University event; or
- In exceptional circumstances, when an incident occurring off-campus or online are likely to have an impact on the working, living and/or learning environment at the University, or could reasonably be seen to endanger or adversely affect the health and safety of University Members.

~~This Procedure applies to Reports made by or against Students.~~ This ~~p~~Procedure necessarily overlaps with other University procedures that are concerned with preventing and addressing incidents of ~~Harassment and Discrimination~~ and Harassment. ~~Ontario Tech~~The University will administer the overlap according to the following principles:

1. Reports brought forward by a ~~University~~ Student involving a Respondent who was, at the time of the incident(s), acting in the capacity of an ~~an University~~ Employee, including a Respondent who was a Student acting in the capacity as an ~~University~~ Employee (e.g., Teaching Assistants), will proceed under this procedure in conjunction with the Employee procedures.
2. Reports brought forward by an ~~an University~~ Employee involving a ~~University~~ Student who is accused of a breach of the Policy will also proceed under this ~~p~~Procedure in conjunction with the Employee procedures.
3. Allegations of student sexual violence, including alleged incidents of ~~ss~~sexual ~~h~~harassment involving a Student, will be handled in the manner prescribed under the Student Sexual Violence Policy and Procedures.
4. Students who wish to challenge a grade because of alleged ~~Harassment or Discrimination~~ or Harassment are expected to make use of the grade appeal and reappraisal procedures as a first step. At the conclusion of the grade appeal and/or reappraisal processes, the Student may elect to file a ~~R~~report under this procedure if they remain dissatisfied. In such instances, the Human Rights ~~o~~Office will review the information and evidence gathered during the grade appeal and/or reappraisal processes to determine whether any outstanding allegations warrant further action under this ~~p~~Procedure.
5. Where an individual, other than a University Member, is alleged to have engaged in a breach of the Policy against a Student, the Office of Campus Safety will consult with University Members at risk, and other University Members if necessary, to determine and implement reasonable measures to protect the health and safety of its Students. Because the University does not have the jurisdiction to compel statements from members of the general public, or to impose sanctions upon them, it will not normally conduct a formal Investigation in such cases.

This Procedure is a mechanism for alternative dispute resolution. It does not prevent Students from pursuing resolutions or to seek external review of University decisions through external resources and processes, including, but not limited to, those offered by the Human Rights Legal Support Centre, the Human Rights Tribunal of Ontario, and the Ontario Ombudsman's Office. It does not preclude Complainants from pursuing resolution through external resources and processes, including those offered through the Human Rights Tribunal of Ontario. However, The Human Rights ~~o~~Office may not accept a complaint or may halt dispute resolution processes under this procedure if a ~~C~~eomplainant decides to pursue external processes on the same or similar matter.

Proceedings under this procedure may be carried out prior to, simultaneously with, or following other off-campus proceedings, including civil or criminal proceedings, at the discretion of the Human Rights office. In cases where the Human Rights office determines that processing an allegation under this procedure might prejudice another internal or external process, they may suspend these proceedings indefinitely or pause an Investigation pending the outcome of these other proceedings. If an Investigation is paused or suspended, Interim Measures may be used to ensure the safety of all University Members.

Notice: All notifications required under ~~thisese p~~Procedures will be delivered by email to ~~a-ontariotechu.net~~an ontariotechu.net or ontariotechu.ca account, as applicable.

1. Emails will be deemed received by a Student one (1) ~~Working~~ Day after they are sent. All ~~Ontario Tech~~ Students are required to monitor their ontariotechu.net accounts regularly, including during examination periods.
2. A Student's failure to monitor their email account will not give rise to any right of appeal under ~~thisese Investigation p~~Procedures.

Procedure

This ~~p~~Procedure assumes that a centralized process is necessary to ensure uniformity and fairness in dealing with alleged violations of the ~~Respectful Campus~~ Policy involving Students. It is intended to provide a framework that protects confidentiality and ensures that, as far as possible, the initiation and pursuit of a ~~R~~formal report will not be an intimidating experience. Accordingly, the emphasis is on voluntary~~informal~~ resolution, using facilitation and negotiation, save where the nature of the matter necessitates a more formal resolution process. The ~~U~~niversity intends that the existence of this document should help create an environment that nurtures and supports the work of all University Members.

Confidentiality: All records will be maintained in a confidential file, including all related communications, memoranda, Reports, statements and evidence. Reasonable steps will be taken to protect against unauthorized access to such documents. These records will be retained, and disposed of, in accordance with the Freedom of Information

and Protection of Privacy Act and the University's Records Management Policy.

Complaint information and evidentiary details will be kept confidential, except under the following circumstances:

- The Complainant chooses to proceed with a ~~formal~~ Report, in which case information will be shared only to the extent necessary to achieve Administrative Fairness, and as otherwise required by law;
- ~~i~~Information is received suggesting there is a clear risk of harm, including self-harm, to the Student or other individuals;
- ~~r~~Reporting is required by law (e.g., the suspected abuse or neglect of someone under 16 years of age, which will be reported to the Children's Aid Society, or reporting is required under the Occupational Health and Safety Act or by a regulatory body); and₁
- ~~i~~Information is required for a police investigation, or for litigation purposes.

~~**Timeliness:** All efforts must be made to ensure that proceedings are handled in an expeditious manner. Timeframes, where specified, may be subject to an extension only as a result of Extenuating Circumstances.~~

~~**Safety is Paramount:** Ontario Tech University has an overriding obligation to protect the safety of all University Members. When a University Member is at risk of imminent harm, we reserve the right to respond appropriately, independent of a Complainant's and/or Respondent's course of action under this Procedure.~~

~~**Support Services:** Student Life has appropriate mental health support services for Students who experience Harassment and Discrimination or to assist Students who are involved in dispute resolution processes described in this Procedure.~~

Reprisal: Any Reprisal, or expressed or implied threat of Reprisal, for making and pursuing a Report under this ~~p~~Procedure is itself considered a breach of the corresponding Policy. Any individual experiencing Reprisal may file a Report, and that Report will be processed under this procedure.

Right to a Support Person(s). Complainants and Respondents who attend an interview or meeting under this procedure may be accompanied by a support person or legal representative. The role of a support person is to provide moral support. Individuals who choose to attend an interview with a support person must choose a support person who is not otherwise connected to the matter under Investigation (i.e. a witness or fellow Complainant) and will notify the Human Rights office of their support person's name at least two (2) days ~~24 hours~~ prior to the meeting. During an investigative interview, a support person 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.

Safety is Paramount: ~~The~~ Ontario Tech University has an overriding obligation to protect the safety of all University Members. When a University Member is at risk of

imminent harm, we reserve the right to respond appropriately, independent of a Complainant's and/or Respondent's course of action under this pProcedure.

Support Services: Student Life has appropriate mental health support services for Students who experience ~~Harassment and Discrimination~~ and ~~Harassment~~ or to assist Students who are involved in dispute resolution processes described in this pProcedure.

Timeliness: All efforts will be made to ensure that proceedings are handled in an expeditious manner. Timeframes, where specified, may be subject to an extension because of Extenuating Circumstances.

~~**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 corresponding Policy. Any individual experiencing Reprisal may file a Report, and that Report will be processed under this procedure.~~

PREVENTATIVE MEASURES

Range of Dispute Resolution Options: Several options to resolve ~~h~~Human rights concerns are available for Complainants and Respondents. Voluntary and participatory~~Informal~~ approaches can foster prompt resolution and prevent escalation; particularly when concerns are raised expeditiously. These are opportunities for parties to resolve a dispute, ensure the campus is free from ~~Harassment and~~ Discrimination and Harassment and address broader issues that caused or contributed to the dispute.

Talk to the person about their behaviour: Where appropriate, Complainants are expected to make good faith efforts to attempt to resolve matters themselves before filing a Report. If a person feels they are experiencing a breach of the Policy, they should immediately ~~make~~make it known to the person responsible that the conduct is unwelcome or offensive. It is important that this message be clear and unambiguous. When presented with a legitimate concern, University Members are expected to make reasonable adjustments to their behaviour to resolve the matter. If addressing the person responsible could lead to safety risks, or is not appropriate, Complainants may pursue other resolution options outlined in ~~thi~~these procedures.

Talk to a Person of Authority: incidents of alleged disrespect, including microaggressions, may be raised to a ~~P~~erson of Authority if attempts to resolve the behaviour directly with the individual are not successful.

Consultation: Students may benefit from having expert information and guidance~~advice~~ before deciding how to proceed with a human rights concern. Students can confidentially consult a representative of the Human Rights ~~o~~Office for more information about Human Rights and dispute resolution options. Consultations are confidential and can provide information, coaching, and referrals to assist Students~~Complainants~~.

REPORTING

The Reporting Process

Incidents of ~~Harassment and/or~~ Discrimination and/or Harassment should be promptly reported to a Person of Authority and/or ~~the~~ Human Rights ~~Office~~, and no later than one (1) year after the last ~~incident of~~ alleged Policy violation~~Harassment or~~ ~~Discrimination~~.

Step 1 – Submitting a Report

- ~~1. A Report and the corresponding reporting process is initiated when an individual completes the Report form. At a minimum, the Report should include the identification of the individual the Report is about, the issue type and grounds for the complaint, and details about each alleged incident, including dates/times, where the incident(s) occurred, who was involved or present, and what specifically happened. Student may initiate a “Report”, and the corresponding “Reporting Process”, by completing the Report form that is available from the Human Rights Office.~~
- ~~1.~~
- ~~2.~~ The University may initiate an Investigation under these ~~Investigation~~ procedures without a ~~Report~~formal written Complaint if the situation represents an immediate risk of harm to an individual or individuals or there is evidence to suggest the existence of systemic issues.
- ~~2.~~ Students may also Report anonymously (alternatively), but in doing so, may limit their access to the full breadth of options outlined in the Policy and this procedure.

~~Step 2 – Interim Measures~~

~~3.~~

~~Upon receiving a Report, the University will immediately determine whether Interim Measures are necessary, considering the severity of the allegations, and the potential risks to University Members. Interim Measures will be implemented where reasonable and appropriate in the circumstances. Person(s) of Authority, the Complainant, Respondent, the Office of Campus Safety or any other relevant stakeholder, may be consulted on a confidential basis, to determine appropriate Interim Measures.~~

Step ~~23~~ – Assessment

- ~~3.~~
4. The Human Rights ~~o~~Office will review the Report and any associated information/documentation to determine if the conduct alleged in the Report would amount to Discrimination and/or Harassment. This determination will be based on an assumption that all of~~all~~ the alleged facts were true. ~~The Human Rights Office may meet with any person to assess the nature and validity of the~~

~~Complaint. Meetings will be conducted in a sensitive, confidential and tactful manner.~~

5. If the allegations set out in the Report would not, if true, amount to Discrimination or Harassment, the Human Rights ~~o~~Office will respond to the individual submitting the Report in writing, usually within 30 days, advising that the Report has been reviewed, and that the information provided does not support an allegation of Discrimination or Harassment. ~~The individual submitting the Report will also be advised that the Human Rights Office 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.
- ~~5.6.~~ ~~Complaints~~ ~~Complaints~~ that do not meet the requirements for a ~~R~~formal report under ~~the relevant P~~policy, but nevertheless describe behaviours that are contrary to the University's values, (e.g. rude, disrespectful, antagonizing behaviour) may be referred to ~~an~~the applicable Person of Authority for appropriate follow-up or may be eligible for the ~~voluntary informal~~ resolution ~~options processes~~ described in this procedure at the discretion of the Human Rights ~~o~~Office.
7. ~~If, on the other hand,~~ the information provided would, assuming the alleged facts were true, support a finding that Discrimination or Harassment ~~had occurred~~~~occurred~~, the ~~following below~~ dispute ~~r~~Resolution options will be considered.

Step 3 - Interim Measures

8. Upon accepting a Report, the University will immediately determine whether Interim Measures are necessary, considering the severity of the allegations, and the potential risks to University Members. Interim Measures will be implemented where reasonable and appropriate in the circumstances. Person(s) of Authority, the Complainant, Respondent, the Office of Campus Safety or any other relevant stakeholder, may be consulted on a confidential basis, to determine appropriate Interim Measures.

6.

Step 44 - ~~Voluntary Informal~~ Resolution

- ~~7.9.~~ A Complainant may choose to pursue a ~~voluntary informal~~ ~~r~~Resolution at any time. ~~A Where appropriate, a voluntary informal resolution process, such as Mediation, can be pursued if the Complainant and Respondent consent to such an informal resolution process being pursued and to its format.~~
- ~~8.10.~~ Examples of ~~voluntary informal~~ ~~r~~Resolution processes may, ~~depending on the circumstances,~~ include: communicating to a Respondent that the behaviour is unwelcome and must stop; meeting with a Person of Authority to discuss the ways in which future occurrences of the ~~Reported~~~~disclosed~~ incident can be

prevented; training or education for individuals and groups; and Mediation or other alternative dispute resolution processes.

~~9. The informal resolution process may result in one of the following outcomes:~~

~~11. If the Complainant is satisfied by the actions taken through the voluntary Informal Resolution process, the Human Rights oOffice will prepare a written summary of the resolution and the Complainant will confirm acceptance in writing. If accepted, the Report will be deemed resolved. Where those involved in the voluntary resolution process reach an agreed resolution, that resolution will become binding.~~

~~1. —~~

~~12. Every effort will be made to complete voluntary resolution activities in thirty (30) days.~~

~~2. — If no satisfactory resolution is achieved, the Complainant may consider pursuing a Formal Resolution.~~

~~Once an informal resolution process has commenced, an Investigation may be delayed for a maximum period of 30 calendar days, after which, unless a resolution has been reached, the Investigation will proceed.~~

Step 5 — Investigation

~~10. —~~

~~13. An Investigation will be conducted if voluntaryinformal resolution options are not appropriate in the circumstances or at the request of the Complainant if voluntary resolutions were not successful in resolving the dispute. Every effort will be made to conclude an Investigation within ninetythirty (930) days following the receipt of a Rformal report.~~

~~14. —~~ 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 Investigationonve report. In an Investigation under this pProcedure, the Investigator must make a determination having weighed the evidence on a Balance of Probabilities that either: (1) a Policy breach occurred; or (2) a Policy breach did not occur.

~~15. —~~ The Human Rights oOffice will ensure an Investigation process that is appropriate in the circumstances and that followseomplies with Administrative Fairness principlesrequirements.

~~16. —~~ The Investigator will advise the Respondent in writing that a Report has been received and that they are the subject of an Investigationof a Report. This notice will, at minimum, be delivered to a ontariotechu.net or ontariotechu.ca email account, as applicable. The notice will at minimum: (i) advise that an Investigation is being initiated, (ii) contain a brief summary of the allegations, and (iii) indicate they will be contacted by the Investigator for a meeting in due course. The notice will also provide contact information for Support Services, andServices and will indicate that the Respondent has the right to be supported and accompanied by their legal counsel and/or other support person.

~~14. The Investigator will keep all information obtained during an Investigation confidential, and all relevant documents, including electronic documents, will be kept securely.~~

~~15.~~ 17. At any point during the Investigation, the Investigator may set meetings with any individual to obtain further information. The Investigator also has access to any document or piece of evidence they deem necessary to complete a thorough Investigation. University Members, therefore, are required to cooperate with Investigations formal resolution processes commenced under this procedure.

~~16.~~ 18. At a minimum, the Investigator will make reasonable attempts to meet with the Complainant and ~~the~~ Respondent and provide them with the opportunity to submit written or other documentary evidence relevant to the case.

~~17. 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.~~

~~19. During the course of~~ During the Investigation, the Investigator will periodically keep the Complainant and Respondent apprised of the status of the Investigation ~~and the expected time to completion.~~

20. Based on all available evidence, the Investigator will determine whether there has been a violation of Policy, weighing the evidence on a Balance of Probabilities. The Investigator's determination will be reported in an Investigation report. The Complainant and Respondent will receive a copy of a report summarizing the Investigation findings.

Step 6 - Determination & Corrective Action

~~18.~~

21. The Human Rights office will ensure that the results of the Investigation are brought to the attention of, and reviewed by, the appropriate Person(s) of Authority.

~~19. Based on all available evidence, the Investigator will determine whether there has been a violation of Policy, weighing the evidence on a Balance of Probabilities. The Investigator's determination will be reported in an Investigative Report. The Complainant and Respondent will receive a copy of a report summarizing the investigation findings.~~

22. In the event that the Investigation found a breach of policy, the Investigator will make recommendations to adequately resolve the inappropriate behavior.

~~20.~~ 23. The Human Rights office will also review the results of the Investigation report for signs of systemic issues that may have contributed to the complaint, and may make recommendations to address signs of systemic problems regardless of whether a breach of Policy was found.

~~21.~~ 24. The Human Rights Office will ensure that the results of the investigation are brought to the attention of, and reviewed by, the Provost's Office. The Provost's oOffice will be responsible for implementing the Investigator's recommendations. Where the Investigation report identifies that a Student has breached the Policy, decisions on appropriate disciplinary sanctions will be made by the Provost's oOffice pursuant to the Student Conduct Policy. Refer to the Student Conduct Policy for more information about the decision-making

process and for details about the review and/or appeal mechanisms that are available to Students.

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Monitoring and review

These procedures will be reviewed as necessary and at least every three years. The General Counsel, or successor thereof, is responsible to monitor and review these procedures.

Relevant legislation

[Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005](#)

[Ministry of Training, Colleges and Universities Act, R.S.O. 1990, c. M.19](#)

Ontario [Human Rights Code, R.S.O. 1990, c. H.19](#)~~Human Rights Code~~

Related policies, procedures & documents

[Respectful Campus \[Policy\]](#)

Accommodation [\[Policy\]](#)

Academic Accommodations for Students with Disabilities [\[Procedures\]](#)

[Anti-Hate/Anti-Racism \[Guidelines\]](#)

Fair Processes [\[Policy\]](#)

Freedom of Expression [\[Policy\]](#)

~~Respectful Campus Policy~~

Student Conduct [\[Policy\]](#)

Student Sexual Violence [\[Policy and Procedures\]](#)