



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

Style Definition

WORKPLACE VIOLENCE PROCEDURE

PURPOSE

1. The purpose of these Procedures is to establish a dispute resolution framework for the handling of Reports of Workplace Violence; ensuring the University effectively addresses and responds to these Reports consistent with legislative obligations.

DEFINITIONS

2. For the purposes of these Procedures the following definitions apply:

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

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

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

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

<u>Classification Number</u>	<u>To be assigned by Policy Office</u>
<u>Parent Policy</u>	<u>Workplace Violence Policy</u>
<u>Framework Category</u>	<u>To be assigned by Policy Office</u>
<u>Approving Authority</u>	<u>To be assigned by Policy Office</u>
<u>Policy Owner</u>	<u>AVP Human Resources</u>
<u>Approval Date</u>	<u>DRAFT FOR REVIEW</u>
<u>Review Date</u>	
<u>Supersedes</u>	

DEFINITIONS

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

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9. **"Human Resources"** means the department of Human Resources at UOIT Ontario Tech, or its delegate.

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

"University Member" includes a Student, Faculty means any individual who:

- 11. is employed by the University or Staff, holds an appointment with the University, including paid, unpaid and/or honorific appointments;
- is registered as a student, in accordance with the academic regulations of the University; 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.

12. **"Personal Information"** means information about an identifiable individual, as defined in s. 2 of FIPPA, as amended from time to time.

13. **"Person(s) of Authority"** includes any person who has charge of a workplace or authority over another Employee. Anyone who supervises an Employee at UOIT Ontario Tech is a Person of Authority.

14. **"Policy"** refers to the *Policy Against Violence, Harassment and Discrimination in the Workplace*.

15. **"Protected Ground"** includes race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, Record of Offences, marital status, family status or disability, and any additional protected grounds that are added to the Ontario *Human Rights Code* by way of statutory amendment or interpretation.

16. **"Record of Offences"** means a conviction for,

- a. an offence in respect of which a pardon has been granted under the *Criminal Records Act* and has not been revoked, or
- b. an offence in respect of any provincial enactment.

17. **"Report"** refers to information about Workplace Violence, Harassment, Discrimination and/or Reprisal in the workplace that is reported to Human Resources under the Procedures to Prevent and Address Violence, Harassment and Discrimination in the Workplace. Under the Policy and this procedure, an incident report submitted to and/or the Office of Campus Security does not qualify as a "Report". Safety.

"Reprisal" 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 instrument.

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~~18. "Reporting Process" refers to the process set out under this procedure for submitting a Report to Human Resources and its processing. Submitting an incident report to the Office of Campus Security does not automatically initiate the Reporting Process.~~

~~19. "Reprisal" refers to a retaliation against any individual for submitting a Report, or participating in a related investigation, under this procedure.~~

~~20. "Respondent" refers to anyone who is alleged to have engaged in behaviours of Violence, Harassment and/ in a Report or Discrimination in a Report or investigation. Singular references to "Respondent" are deemed to include references to multiple Respondents where there are multiple Respondents in investigation.~~

~~21. "Staff" means a Staff Member, or former Staff Member, at UOIT Ontario Tech.~~

~~22. "Student" includes any student who is registered, or was previously registered, at UOIT.~~

~~23. "University" or "UOIT" means the Ontario Tech University of Ontario Institute of Technology.~~

"Worker" means any individual employed by Ontario Tech, including but not limited to workers who are members of a bargaining unit, and workers who are not. Students who are employed at Ontario Tech during the course of their studies, are workers for the purposes of the policy when they are engaged in employment activities, but not otherwise. Persons who perform work or supply services for monetary compensation are considered to be workers.

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

~~25. "Workplace Harassment" means,~~

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

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

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26. "Workplace Sexual Harassment" means,

- a. engaging in a course of vexatious comment or conduct against an Employee in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the Employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

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

27. "Workplace Sexual Violence" means, any sexual act or other physical act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person worker in the workplace without the person's consent, in the workplace, and includes sexual assault, sexual harassment, stalking, indecent exposure, voyeurism and sexual exploitation.

28. "Workplace Violence" means,

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

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

PURPOSE OF THIS PROCEDURE

The purpose

SCOPE AND AUTHORITY

3. These Procedures apply to all Employees in the course of this procedure their employment, and is to establish processes intended to prevent Workplace address Violence, Harassment, Discrimination and/or Reprisal through proactive measures, against Employees from all sources,

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including colleagues, coworkers, supervisors, managers, administrators, students and to ensure that other members of the University effectively addresses and responds to Reports of Violence, Harassment, Discrimination, community, and the public.

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4. The Assistant Vice-President, Human Resources, or successor thereof, is the Policy Owner and Reprisal in accordance with the Occupational Health is responsible for overseeing the implementation, administration and interpretation of these Procedures.

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PROCEDURES

29.5. **Safety Act and the Human Rights Code is Paramount:** Ontario Tech has an overriding obligation to protect the safety of all Ontario Tech Members. When the safety of community members is at risk, Ontario Tech reserves the right to investigate and respond appropriately, independent of a Complainant's and/or Respondent's course of action under this procedure.

30. **Confidentiality.** Under this procedure, a "Report" may be submitted by an individual who has experienced Workplace Violence, Harassment, Discrimination and/or Reprisal, or any other individual who has witnessed such incidents.

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GUIDING PRINCIPLES

31. **Records.** Human Resources will maintain a confidential file for each Report, including all related communications, memoranda, reports, statements and evidence. These records will be retained, and disposed of, in accordance with FIPPA and UOIT's Records Management Policy.

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32.6. **Confidentiality.** Information collected under this procedure will be used only for the purposes of administering the Policy *Against Violence, Harassment and Discrimination in the Workplace, and related processes*, and may be disclosed only on a need-to-know basis to the extent required to fulfill the University's legal obligations. Personal Information collected, used and disclosed under this procedure will otherwise be kept confidential. To this end: Personal information collected, used and disclosed under this procedure will otherwise be kept confidential. To this end:

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a. Physical documents collected and created under this procedure will be kept in a confidential file at Human Resources. Physical documents collected and created under this procedure will be kept in a confidential file at Human Resources.

b.6.1. Reasonable steps will be taken to protect against unauthorized access to such documents. In each particular case, only the individual(s) authorized by Human Resources under paragraph 34 of the Policy, the Provost or delegate, an assigned investigator, and the Non-Academic Appeals Committee, will have general access to documents collected and created under this procedure, including electronic documents. Such documents will be disclosed to witnesses, including but not limited to Complainants and Respondents, on a need to know basis.

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~~e.1.1. 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 Personal Information disclosed to them.~~

d.6.2. Personal Information obtained during the Reporting Process will not be disclosed except to the extent that disclosure is necessary for the purposes of investigating Reports, taking corrective action, protecting the health and safety of members of the University community, or as otherwise required by law. For example, information may be shared with the Office of Campus Safety if this is necessary to protect an individual who has allegedly experienced Workplace Violence, ~~Discrimination, Harassment~~ and/or Reprisal.

~~6.3. All individuals involved in this procedure will be advised of their duty to maintain the confidentiality of all information disclosed to them in this procedure, including any Personal Information disclosed to them.~~

e.6.4. ~~Except as required under the Policy and its underlying procedures, or as otherwise required by law, investigation reports created under this procedure will not normally be disclosed or produced to a Complainant, Respondent or witness.~~ Complainants, and Respondents who are Employees, will, ~~however,~~ be advised of the outcome of ~~thean~~ investigation and the corrective actions taken, if any.

33-7. **Right to an Advisor and a Support Person(s).** Individuals who attend an interview in an investigation under this procedure may be accompanied by ~~one advisor and up to two support persons. The role of an advisor is to assist the individual by providing procedural information, and to ask questions regarding the investigation process, a support person.~~ The role of a support person is to provide moral support. Individuals who choose to attend an interview with ~~an advisor and/or support persons(s) will choose their own advisor and/or a support person(s) must choose a support person who is not otherwise connected to the matter under investigation (e.g. a witness or fellow complainant)~~ and will notify the investigator of their ~~advisor's support person's name, and their support person(s)' name(s),~~ at least 24 hours prior to the interview. In the case of an Employee who is a member of a bargaining unit, the ~~advisor support person~~ may be a union representative. During the interview, ~~an advisor will be permitted to speak and ask questions regarding the investigation process, but 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.

~~34-1.1. Informal Resolution Process. At any stage during this procedure an Informal Resolution Process, such as mediation, can be pursued if the Complainant, Respondent and Human Resources consent to Informal Resolution Processes being pursued and to its format. Where those involved in the Informal Resolution Processes reach an agreed resolution, that resolution will become binding and effective upon written approval of the Vice President overseeing Human Resources, or delegate. Once an Informal Resolution Process has commenced, the investigation may be delayed for a maximum period of 30 calendar days, after which, unless a resolution has been reached and approved, the investigation will be re-commenced.~~

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

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

~~36. **Records.** Human Resources will maintain a confidential file for each Report, including all related communications, memoranda, reports, statements and evidence. These records will be retained, and disposed of, in accordance with FIPPA and Non-Exclusive Procedure. This procedure does not preclude Employees from pursuing resolution through external resources and processes, including those offered by the Human Rights Legal Support Centre, the police, the Ontario Labour Relations Board, the Ontario Human Rights Commission and the Human Rights Tribunal of Ontario.~~

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~~37. **Safety is Paramount:** UOIT has an overriding obligation to protect the safety of all UOIT Members. When the safety of community members is at risk, UOIT reserves the right to investigate and respond appropriately, independent of a Complainant's and/or Respondent's course of action under this procedure.~~

INVOLVEMENT OF MEMBERS OTHER THAN EMPLOYEES

~~38. This procedure applies to incidents of Violence, Harassment and Discrimination against Employees from all sources, including students, colleagues, coworkers, supervisors, managers, administrators, other members of the University community, and the public.~~

~~39. This procedure necessarily overlaps with other University procedures that are concerned with preventing and addressing incidents of Violence, Harassment and Discrimination involving Students. UOIT will administer the overlap according to the following principles:~~

- ~~a. This procedure will be applied to all incidents in which an Employee has allegedly experienced Violence, Harassment, Discrimination and/or Reprisal to ensure the University satisfies its commitment to, and its obligations under, legislation and collective agreements.~~
- ~~b. Where it is alleged that a student has, in their capacity as a student, engaged in Violence, Harassment, or Discrimination against an Employee, then the matter will be addressed under the *Policy on Sexual Violence for*~~

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~~Students and Procedures for Responding to Incidents of Sexual Violence or the Student Conduct Policy, as appropriate. However, in such cases, Human Resources will nevertheless be consulted in the process to ensure any investigation and/or corrective action satisfy the standards set out this Policy and all applicable collective agreements.~~

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

PREVENTATIVE MEASURES

9. Ontario Tech's Records Management Policy.

10. Preventative Measures

~~41-10.1.~~ Human Resources will provide information and instruction to Employees regarding Workplace Violence, ~~Harassment, Discrimination and/or Reprisal.~~ Information about workplace violence prevention and response, including training programs, is available on the ~~UOIT~~ Ontario Tech Health and Safety Website (~~<http://healthandsafety.uoit.ca>~~/~~<http://healthandsafety.ontariotechuniversity.ca/>~~).

~~42-10.2.~~ Human Resources will, as often as is necessary, assess the risk of Workplace Violence that may arise from the nature of the workplace, type of work or conditions of work, taking into account the circumstances of the workplace and circumstances common to similar workplaces, as well as any other elements prescribed in regulation. Upon the conclusion of this assessment, Human Resources will develop measures and procedures to control identified risks that are likely to expose an Employee to Workplace Violence.

~~43-10.3.~~ When incidents of Workplace Violence, ~~Harassment, Discrimination~~ and/or Reprisal occur, Human Resources will ensure that reasonable steps are taken to prevent such incidents in the future.

Reporting **REPORTING**

11. Incidents,

11.1. Anyone who witnesses or perceived threats, ofis involved in an incident of attempted or actual Workplace Violence, should promptly call 911 and/or report it to Security. Security will attend forthwith and intervene as required based on the

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exigencies presented by the incident. The Office of Campus Safety will be notified by Security. Where applicable, Security may be instructed to immediately secure the scene and ensure all relevant physical and electronic evidence is secure. Security will record the names and contact information of University Members who are involved in the incident or who witnessed the incident (either for the Office of Campus Safety or local law enforcement, if appropriate and/or necessary). The Office of Campus Safety will ensure the procedural rights granted to those individuals under their respective collective agreements are maintained. At the conclusion of their initial intervention, Security will complete an Incident Report and submit it to the Office of Campus Safety to be forwarded to the Director of Human Resources. If the incident report involves a member of the Human Resources team, then the report will be raised directly with The Office of the University Secretary and General Counsel.

44-11.2. Perceived threats of Workplace Harassment, Discrimination Violence and/or complaints of Reprisal should be promptly reported to a Person of Authority and Human Resources. Human Resources will, on its own initiative, initiate a Report when it receives information regarding an incident of Workplace Violence and/or Reprisal, unless such a Report has already been submitted by an individual. If a member of Human Resources is involved in the incident at issue, then the incident should be reported to ~~UOHT~~Office of the University Secretary and General Counsel.

45. Anyone who witnesses an incident of Workplace Violence should also promptly report it to the Office of Campus Safety. Employees who witness an incident of Workplace Violence must complete a Workplace Violence incident report form as soon as possible. If several Employees are involved in or witness the incident, each Employee must file a separate report with the Office of Campus Safety. The Office of Campus Safety will immediately forward a copy of all Workplace Violence incident reports to the Director of Human Resources, when there is a situation that presents a threat of further Workplace Violence to Employees, volunteers or visitors.

46-11.3. If ~~UOHT~~Ontario Tech becomes aware that circumstances of domestic violence may expose an Employee to physical injury in the workplace, ~~UOHT~~Ontario Tech will take every precaution reasonable in the circumstances to protect that Employee. To this end, Employees who become aware of such risks must report those risks to a Person of Authority, who must in turn advise Human Resources. To this end, Employees who become aware of such risks must report those risks to a Person of Authority, who must in turn advise Human Resources. Human Resources will consult with the Employee at risk, the Office of Campus Safety and other University Members if necessary, to determine and implement reasonable measures to protect the Employee.

47-11.4. The University will provide appropriate support services to Employees who are victims of Workplace Violence, ~~Harassment, Discrimination and/or Reprisal~~. This may include the creation of a personal safety plan through the Office of Campus Safety, the provision of Employee counselling through the Employee Assistance

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Program and/or referral to the Victim Service Unit of Durham Regional Police Services.

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THE REPORTING PROCESS

Step 1— Submitting a Report

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

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

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

Step 2—The Reporting Process.

12. All reports of Workplace Violence and/or Reprisal will be reviewed by Human Resources unless the report involves a member of the Human Resources team. If the allegation of Workplace Violence and/or Reprisal involves a member of the Human Resources team, then the Employee's

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concerns should be raised directly with the Office of the University Secretary and General Counsel and all duties assigned to Human Resources below will be undertaken by the Office of the University Secretary and General Counsel.

13. Step 1 – Interim Measures.

51-13.1. Upon receiving a Report, Human Resources ~~or UOIT General Counsel~~ will immediately determine whether interim measures are necessary, considering the severity of the allegations, and the potential risks to ~~UOIT~~ **University** Members. For example, an Employee may be placed on paid, administrative leave pending the outcome of an investigation, or may be required to refrain from interacting with the Complainant or other witnesses. Normally, a Complainant will not be required to interact with a Respondent during the Reporting Process or a related investigation.

52-13.2. Further interim measures will be implemented where reasonable and appropriate in the circumstances. As necessary, Human Resources ~~or UOIT General Counsel~~ will consult with others, such as the manager(s) of the Complainant and Respondent, and the Office of Campus Safety, on a confidential basis, to determine additional interim measures.

14. Step 2 – Informal Resolution

14.1. At any stage during this procedure an Informal Resolution Process, such as mediation, can be pursued if the Complainant, Respondent and Human Resources consent to Informal Resolution Processes being pursued and to its format. Where those involved in the Informal Resolution Processes reach an agreed resolution, that resolution will become binding and effective upon written approval of the Vice President overseeing Human Resources, or delegate. Once an Informal Resolution Process has commenced, the investigation may be delayed for a maximum period of 30 calendar days, after which, unless a resolution has been reached and approved, the investigation will re-commence. Even if a resolution is reached and approved, Human Resources retains the discretion to continue/complete its investigation where it is appropriate to do so, having regard to relevant collective agreement requirements and applicable law, and, to protect the interests of the University and its Members.

15. Step 3 – Establishing the Process & Investigation

53-15.1. Human Resources will review the Report and determine if the conduct alleged in the Report would amount to Workplace Violence, ~~Discrimination, Harassment~~ and/or Reprisal. This determination will be based on an assumption that all of the alleged facts were true. If the allegations set out in the Report would not, if true, amount to Workplace Violence, ~~Discrimination, Harassment~~ and/or Reprisal, Human Resources ~~or UOIT General Counsel~~ will respond to the ~~individual submitting the Report~~ **complainant** in writing, usually within 60 days, advising that the Report has been reviewed, and that the information provided does not support an allegation of Workplace Violence, ~~Discrimination, Harassment and/or Reprisal under the Policy Against Violence, Harassment and Discrimination in the~~

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~~Workplace.~~ The Employee submitting the Report will also be advised that Human Resources may reconsider the Report if additional and significant information is provided. and/or Reprisal under the Policy. If there is another process or resource at the University that would be more appropriate for the subject matter of the Report, the individual complainant will be advised of this alternative process.

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54-15.2. If, on the other hand, the information provided would, assuming the alleged facts were true, support a finding that Workplace Violence, ~~Discrimination, Harassment~~ and/or Reprisal had occurred, an investigation will be conducted. An investigation may include written submissions or witness interviews, depending upon the severity of the allegations. **In the case of an incident report submitted by the Office of Campus Safety, Human Resources will assess the report to determine if additional investigation is warranted or necessary.**

55-15.3. When an investigation is to be conducted, Human Resources ~~or UOIT General Counsel~~ will establish an investigation process that is appropriate in the circumstances. ~~This process will be summarized in written form and distributed to consistent with the University's Fair Processes Policy.~~ **At a minimum, any investigation will provide a reasonable opportunity for the parties to understand the allegations, and to submit relevant information.** ~~Complainant and Respondent.~~ This document will also define the scope of the investigation. At this stage, consideration will be given to whether the **Under no circumstances will an investigation will be conducted internally or externally. An investigation will not be conducted by an individual who was directly involved in the events in issue, or by an individual who has an individual interest in the outcome of the investigation. Under no circumstances will an individual be involved in an investigation (other than as a witness) if that individual's whose involvement would give rise to a conflict of interest or a perception of a conflict of interest. No individual who was involved in or who has a personal stake in the events in issue will be involved in an investigation (other than as a witness).** ~~Human Resources or UOIT General Counsel~~ will review the collective agreement(s) of any individuals involved in the Report, and will ensure the procedural rights granted to those individuals under their respective collective agreements are maintained.

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~~56. Human Resources or UOIT General Counsel will ensure the Employees involved in an investigation, and their respective bargaining agent(s), where applicable, are informed of the investigation process that will be adopted in each particular case.~~ **At a minimum, any investigation will provide a reasonable opportunity for the parties to understand the allegations, and to submit relevant information.**

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16. Step 4 - Determination & Corrective Action

57-16.1. The investigator will be charged with determining whether Workplace Violence, ~~Discrimination, Harassment~~ and/or Reprisal has occurred. ~~Human Resources or UOIT General Counsel~~ will ensure that the results of the investigation are brought to the attention of, and reviewed by, the appropriate Person(s) of Authority. ~~Human~~

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Resources will advise the Person(s) of Authority with respect to appropriate corrective measures, if any, to be taken, including measures aimed at preventing Reprisal, where appropriate.

~~58-16.2.~~ Where an Employee is found to have engaged in acts of Workplace Violence, ~~Harassment, Discrimination~~ and/or Reprisal, corrective measures may include non-disciplinary actions (e.g. education) or disciplinary measures (e.g. a written reprimand, a suspension or termination). Human Resources ~~or UOIT General Counsel~~ will also ensure such reasonable steps are taken to prevent a recurrence.

~~59-16.3.~~ Employees that are members of a bargaining unit ~~shall~~will have any corrective measure(s) imposed in accordance with applicable collective agreement requirements.

~~60-16.4.~~ At the conclusion of an investigation, Human Resources ~~or UOIT General Counsel~~ will ensure that any Employee who was alleged to have experienced Workplace Violence, ~~Discrimination, Harassment~~ and/or Reprisal, and any Respondent Employee(s), are informed, in writing, of the outcome of the investigation, and the corrective actions taken. ~~Human Resources~~ will ensure that such information is provided in accordance with the procedural requirements of any relevant collective agreement and any applicable laws.

17. Relevant Involvement of Members other Than Employees

17.1. This procedure applies to incidents of Workplace Violence against Employees from all sources, including students, colleagues, coworkers, supervisors, managers, administrators, other members of the University community, and the public.

17.2. This procedure necessarily overlaps with other University procedures that are concerned with preventing and addressing incidents of Workplace Violence involving Students. Ontario Tech will administer the overlap according to the following principles:

- a) This procedure will be applied to all incidents in which an Employee has allegedly experienced Workplace Violence to ensure the University satisfies its commitment to, and its obligations under, legislation and collective agreements.
- b) Where it is alleged that a student has, in their capacity as a student, engaged in Violence against an Employee, then the matter will be addressed in conjunction with the Student Conduct Policy and relevant procedures.
- c) Allegations involving a student who is also an employee of the University, and who allegedly engaged in violence in the course of their employment, will be handled under this Policy instrument.

17.3. Where an individual, other than a Member, is alleged to have engaged in Workplace Violence against an Employee, Human Resources and/or the Office of Campus Safety will consult with Members at risk, and other Members if necessary, to determine and implement reasonable measures to protect the health and safety of

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its Employees. 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.

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MONITORING AND REVIEW

18. These Procedures will be reviewed as necessary and at least every three years. The Assistant Vice-President, Human Resources, or successor thereof, is responsible to monitor and review these Procedures.

RELEVANT LEGISLATION

Legislation

61-19. 1 Occupational Health and Safety Act, R.S.O. 1990, c O.1, as amended

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

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

Related Policies, Procedures and Documents

RELATED POLICIES, PROCEDURES & DOCUMENTS

62-20. Academic Staff Employment Policies

Access to Information and Protection of Privacy Policy

Emergency Management Plan and Procedures

Fair Processes Policy

Non-Academic Staff Policies

~~Policy Against Violence, Harassment and Discrimination in the Workplace~~

Policy to Prevent and Respond to Sexual Violence for Students

Procedures for Responding to Incidents of Sexual Violence

Records Management Policy

~~UOIT~~Ontario Tech Joint Health and Safety Committee Terms of Reference

~~UOIT~~Ontario Tech Occupational Health and Safety Management System

~~UOIT~~Ontario Tech Student Conduct Policy

~~UOIT~~Ontario Tech-Durham College Threat Assessment Procedures

Work Refusal Procedures

Workplace Violence Incident Report

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End notes

~~63. This Procedure supersedes the Workplace Violence Procedures (LCG 1112.01), January 2014~~

~~64. This Procedure supersedes the Harassment and Discrimination Procedures (LCG 1105.01), November 2004 only for Harassment and Discrimination of Employees, and are intended to address Violence, Harassment and Discrimination against Employees from all sources, including colleagues, coworkers, supervisors, managers, administrators, students and other members of the University community, and the public.~~

~~65. Minor amendments, s. 39 b., s. 55, s. 63, March 29, 2017~~

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