



VICTORIA UNIVERSITY  
IN THE UNIVERSITY OF TORONTO

## Statement on Harassment & Violence

Victoria University believes that members of its community have the right to work, learn and live in an environment that is free of violence and harassment. Accordingly, the University will not tolerate harassment or violence in the workplace of any kind, including but not limited to discrimination based on the prohibited grounds of the Ontario *Human Rights Code*. All members of the community share in the responsibility of creating an environment free from harassment and violence. All members of Victoria University, contractors, and their guests, are expected to observe the principles underlying this Statement. The ultimate goal however is to prevent incidents of violence and harassment in the workplace.

### Victoria University Policies and Programs

Victoria University has developed and adopted specific policies and programs to address workplace harassment and violence, as follows:

- [Policy with Respect to Workplace Harassment \(Appendix A\)](#)
- [Human Resources Guideline on Civil Conduct \(Appendix B\)](#)
- [Policy Statement on Workplace Violence \(Appendix C\)](#)
- [Health and Safety Procedures, Subject 13.1 Violence \(Appendix D\)](#)
- [University of Toronto Policy on Sexual Violence and Sexual Harassment \(Appendix E\)](#)

### Definitions of workplace harassment and violence

**Workplace harassment** includes both workplace harassment as defined by the *Occupational Health and Safety Act* and harassment based on the prohibited grounds of the Ontario *Human Rights Code* (also known as discriminatory or Code-based harassment). For the purpose of this Statement, workplace harassment and violence are defined by the *Occupational Health and Safety Act* (OHSA).

**“workplace sexual harassment”** means,

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

worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

**“workplace violence”** means,

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

Under the *Ontario Human Rights Code* (OHRC), every person has a right to equal treatment in employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. Under the Code, every person who is an employee also has the right to freedom from harassment in the workplace by the employer or agents of the employer or another employee because of any of the prohibited grounds.

### Reporting

Victoria University encourages members of the community to report incidents of violence and harassment. No reprisals will be made against employees or students who, in good faith, report incidents of violence or harassment.

Incidents that require an immediate response, including actual harm or threats to safety and security, should be reported to 911 emergency services or to the University of Toronto Campus Community Police at (416) 978-2222.

Incidents not requiring an immediate response should be brought to the attention of a supervisor, or a more senior level Supervisor/Manager or the Director, Human Resources at (416) 585-4558.

Students should contact the Office of the Dean of Students.

### Investigation and Consequences

Investigation of complaints will proceed in accordance with the relevant policy and program and in a manner consistent with the appropriate collective agreement or Memorandum of Agreement, if applicable. Both the nature and form of investigation will depend on the circumstances of the complaint. Members of the University community are expected to cooperate fully with the investigation process. Respondents to complaints have the right to respond to the allegations made against them.

Members of Victoria University found to have committed acts of harassment or violence as defined by this Statement or related policies may be disciplined up to and including termination of employment or expulsion.

## Support

Victoria University will provide support to victims of workplace harassment and violence to the best of its ability. Employees may seek advice through Human Resources and/or or Employee Assistance Program. Students may seek advice through the Office of the Dean of Students.

### Related Policies, Procedures and Programs:

Administrative Policy and Procedure – Safe Disclosure  
Victoria University Employee Health and Safety Program

Questions regarding this Statement are welcomed and should be directed to Human Resources at (416) 585-4558.

*Approved by the Executive Committee of the Board of Regents, September 28, 2017.*

Approved by the Executive Committee of the Board of Regents: December 16, 2016

## POLICY WITH RESPECT TO WORKPLACE HARASSMENT

Victoria University is committed to creating a workplace that is free of workplace harassment.

Workplace harassment is defined in the Occupational Health and Safety Act as:

- (a) Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) Workplace sexual harassment

“Workplace sexual harassment” means,

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

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

### **If you are a victim of workplace harassment please contact one of the following:**

- **Your Supervisor, or a more senior level Supervisor/Manager**
- **Your Human Resources Office, Director, HR (416) 585-4558**

In addition, employees who are represented by a union or association may also contact their union/association.

### ***Program***

The University's program for implementing this Policy is contained in the Victoria University Human Resources Guideline on Civil Conduct, which can be found online at

<http://www.vicu.utoronto.ca/about/hr.htm>

### ***Penalty***

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

A student who subjects any employee to workplace harassment may be subject to penalties under the Code of Student Conduct.

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

### ***Related Documents***

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

These include, for example:

- Ontario Occupational Health and Safety Act
- Ontario Human Rights Code
- Victoria University Human Resources Guideline on Civil Conduct
- University of Toronto Code of Student Conduct

Dated: December 2016

## HUMAN RESOURCES GUIDELINE ON CIVIL CONDUCT

*This Guideline sets out the expectations of Victoria University (the University), through its Human Resources Office in the Office of the Bursar, on behalf of the President, regarding the standard of civil conduct that it trusts that all employees will maintain in their dealings with each other. It is intended to provide a guideline and framework for responding to situations where it is felt that the standard of civility has not been maintained, and also to assist in communicating expectations to all stakeholders in the Victoria University community.*

This Guideline constitutes a Workplace Harassment Program as required by the *Occupational Health and Safety Act* (the "OHS"). Victoria University's Human Resources Guideline on Civil Conduct may also be used in cases which deal with allegations of discrimination or workplace harassment that are based upon the prohibited grounds set out in the *Human Rights Code* (the "Code"), including workplace sexual harassment.

Please refer to section 13.1 of Health and Safety Policies and Procedures Manual by following the link below

<http://www.vicu.utoronto.ca/Assets/VICU+Digital+Assets/Victoria+University/VICU+Digital+Assets/Physical+Plant/Health+and+Safety/Policies+and+Procedures+Manual.pdf>

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

Workplace harassment constitutes uncivil conduct within the meaning of this Guideline. Workplace harassment is defined in the OHS as follows:

"workplace harassment" means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment

"workplace sexual harassment" means,

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

Dated: December 2016

Under the Human Rights Code, every person has a right to equal treatment in employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. Under the Code, every person who is an employee also has the right to freedom from harassment in the workplace by the employer or agents of the employer or another employee because of any of the prohibited grounds.

In many cases, the determination of whether conduct is civil or uncivil depends on the context. Context can include the activities occurring at the time of the conduct. In an environment as diverse as the University, we must also be mindful of cultural differences that influence behaviour and the interpretation of that behaviour. The guideline is not intended to infringe on academic freedom including the academic freedoms and responsibilities articulated in the Memorandum of Agreement with its faculty members and librarians, but rather to describe conduct expected of all members of the community even when exercising their academic freedom.

Civil conduct includes:

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

Some examples of behaviour that will generally not be viewed as civil are set out below.

- Shouting
- Profanity, abusive, aggressive or violent language directed at an individual or individuals
- Using props suggestive of violence
- Slamming doors
- Throwing objects
- Humiliating, degrading, demeaning, belittling, insulting, frightening or intimidating another person
- Distributing comments about an individual, whether verbally or in writing, including through electronic means such as email, web posting, text messaging, social media and other forms of electronic communication, that are unjustified and are likely to have a negative impact on the individual if he/she were to see them
- Telling inappropriate jokes



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

- Reasonable management action, taken in accordance with the relevant collective agreement or employment contract where applicable, such as:
  - Meetings, letters or conversations dealing with performance management, attendance management, coaching
  - Instructions given by a supervisor/manager such as what to do, how to do it, the expected standard of performance
  - Disciplinary action
  - Denial of leave requests
  - Requests for documentation to substantiate requests for leave
- Comments made in the context of peer review processes
- Differences of opinion or debate conveyed in a respectful manner
- Interpersonal conflicts where the parties remain respectful of one another

#### **Where to go if you have a concern or complaint**

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

If discussion with the person in question does not resolve the issue or if, for some reason, such discussion is not appropriate **please contact one of the following:**

- **Your Supervisor, or a more senior level Supervisor/Manager**
- **Your Human Resources Office, Director, Human Resources at 416 585-4558**

In addition, employees who are represented by a union or association may also contact their union/association.

If you require assistance in raising a complaint, you are encouraged to discuss the issue with the Director, Human Resources. The Director, Human Resources can assist you in determining such matters as whether there is an issue that should be raised, how to raise it, with whom to raise it, and the range of resolutions that might be possible.

Although an individual employee may choose not to file a formal complaint, in certain circumstances the University may be required to proceed with an investigation.

The University makes the following commitments:

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

### **Responsibility of Complainant**

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

In the event of an investigation, you will have a responsibility to provide sufficient details to allow the person(s) against whom you are making a complaint to be able to respond to the complaint. In most cases where an investigation is to be done, you will be expected to particularize your complaint in writing. A written complaint should specify the individual(s) who you believe engaged in discrimination/harassment, any witnesses, and the details of the conduct that gave rise to your complaint.

You have a responsibility to respect confidentiality and to respect the other steps taken by the University to assist in maintaining both procedural fairness and a fair working environment for both you and the respondent while the complaint is being assessed. Please note that your obligation to respect confidentiality does not restrict you from seeking support and discussing your concerns in confidence with one or more support person(s), provided that they similarly agree to maintain confidentiality.

### **Responsibility for a complaint**

Primary responsibility for your complaint will rest with the Human Resources Office. The Human Resources office will be responsible for tracking, investigating and managing your complaint until its resolution. Responsibility for your complaint will rest with the Human Resources Office, however external investigators or other professionals may be asked to participate in the process.

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

Supervisors/Departments are also expected to contact the Human Resources Office regarding complaints that they receive.

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

### **Investigating the Complaint**

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

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

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

### **Informal Resolution**

In many cases, matters of uncivil conduct will be resolved through discussions between the parties with the assistance of a Manager and/or Director, Human Resources.

## **Resolution of Complaint:**

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

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

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

## **If you are not satisfied with the resolution of a complaint**

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

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

## **Reprisals**

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

## **Vexatious or bad faith complaints**

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

## **Other processes**

The University reserves the right to not proceed under this Guideline or to stop any process that has started under this Guideline if before a resolution has been reached another process is engaged regarding the same subject matter, including the filing of a grievance, an application under the Code or any other legal process.

## **Annual review**

This Guideline will be reviewed at least annually.



# VICTORIA UNIVERSITY

## IN THE UNIVERSITY OF TORONTO

### POLICY STATEMENT ON WORKPLACE VIOLENCE

The management of Victoria University is committed to the prevention of workplace violence and is ultimately responsible for worker health and safety. We will take whatever steps that are reasonable to protect our workers from workplace violence.

Violent behavior in the workplace is unacceptable from anyone. This policy applies to all staff, visitors, contractors, students or members of the public. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

There is a workplace violence prevention program that reinforces this policy. It includes measures and procedures to protect workers from workplace violence, a means of summoning immediate assistance and a process for workers to report incidents or raise concerns.

Victoria University, as the employer, will ensure that this policy and the supporting program are implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect them from violence in the workplace.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information that they need to protect themselves.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and to report any violent incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence in a timely and fair manner, respecting the privacy of all concerned to the extent possible.

Signed

Date

February 02 2017

## VICTORIA UNIVERSITY HEALTH AND SAFETY PROCEDURE

<b>Approved by:</b> Ray deSouza, Bursar	<b>Date of Issue:</b> July 13, 2012
<b>Location:</b> All locations	<b>Review/Revise Date:</b> April 28, 2017

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### **SUBJECT: 13.1 (A) WORKPLACE VIOLENCE**

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#### **PURPOSE**

To provide a safe work environment for all employees of Victoria University, discourage and prevent acts of violence in the workplace before they occur, outline corrective measures to take in the event acts of violence occur in spite of all reasonable effort to prevent them. To undertake the measures that can be taken to support employees who are affected by such violence and to comply with the Occupational Health and Safety Act (OHSA) and its regulations.

#### **SCOPE**

This procedure applies to all employees/locations.

#### **ROLES AND RESPONSIBILITIES**

##### **Managers/supervisors shall ensure:**

1. Assess the risk of workplace violence and communicate results to the Joint Health and Safety Committee and Health and Safety Representatives.
2. Awareness and training are provided to employees on workplace violence.
3. All incidents involving violence in the workplace are investigated and reported.
4. Take reasonable precautions to protect workers from possible domestic violence in the workplace.
5. Hazards related to unsafe conditions are identified and effective control measures for the protection of workers are implemented.
6. Employees work in compliance with this procedure and the OHSA and its regulations.
7. Workers are permitted to remove themselves from harmful situations if they have reason to believe that they are at risk of imminent danger due to workplace violence.
8. Workers are monitored to ensure procedures are followed and, when violations occur, take appropriate action.

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**Employees shall:**

1. Follow the requirements outlined in this procedure and work as directed by their manager/supervisor, in compliance with the OHSA.
2. Report to his/her employer any known or suspected incidents of workplace violence that may result in an injury.
3. Cooperate in the incident investigation process.
4. Participate in health and safety training regarding workplace violence.
5. Take all steps necessary to eliminate, prevent, and control violence in the workplace.

**DEFINITIONS / TERMINOLOGY****Workplace Violence**

The exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker; an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker; or a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker in a workplace or that could cause physical injury to the worker.

**PROCEDURES**

Violence in the workplace is more than physical assault, it is any act in which a person is abused, threatened, intimidated or assaulted in his or her employment.

Workplace violence includes:

- Threatening behaviour: such as shaking fists, destroying property or throwing objects.
- Verbal or written threats: any expression of intent to inflict harm.
- Verbal abuse; swearing, insults or condescending language.
- Physical attacks: hitting, shoving, pushing or kicking.
- Pranks, vandalism, sabotage, theft, psychological trauma, anger-related incidents, rape, arson and murder are all examples of workplace violence.

Workplace violence is not limited to incidents that occur within a traditional workplace. Work-related violence can occur at off-site business-related functions (i.e., conferences, trade shows), at social events related to work, or away from work but resulting from work (i.e., a threatening telephone call to your home from a colleague/client).

Violence in the workplace can be prevented if everyone is committed to, and involved in creating a workplace violence prevention program. An effective and preventative program includes:

- Following the established violence prevention policy and standards.
- Conducting a risk assessment.
- Implementing workplace design and work practices to control violence hazards.
- Providing education and training for employees on how to prevent violence.
- Regularly inspecting the workplace and program review to ensure standards are maintained.

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7 types of violence have been identified and will be tracked:

- Staff to Staff
- Staff to Public
- Public to Staff
- Staff to Employer
- Employer to Staff
- Staff to Student
- Student to Staff

Any acts of violence will not be tolerated and all reasonable and practical measures will be taken to prevent violence and protect employees from acts of violence. Appropriate disciplinary and/or legal action will be taken according to the circumstances.

Management will provide information to a worker about a risk of workplace violence from a person with a history of violent behaviour if the worker can expect to encounter that person in the course of work, and if the worker may be at risk of physical injury. Personal information may be disclosed, but only what is reasonably necessary to protect the worker from physical injury.

All employees are responsible for preventing and reporting acts of violence that threaten or perceive to threaten a safe work environment.

This policy prohibits reprisals against individuals, acting in good faith, who report incidents of workplace violence or act as witnesses. All reasonable and practical measures to prevent reprisals, threats of reprisal, or further violence must be implemented. Reprisal is defined as any act of retaliation, either direct or indirect.

The potential risk of violence in the workplaces shall be assessed.

All reports of incidents or potential incidents of violence will be taken seriously and will be dealt with by the immediate manager/supervisor in an appropriate and timely fashion.

A summary of the incident will be kept in the personnel file and all other related documents will be kept in a separate file.

### **Reporting Emergencies (Immediate Danger)**

(Weapons involvement, physical injury related to violent behaviour and obvious signs of abusive threatening behaviour):

- For threats of violence, assaults or other violent incidents contact your manager/supervisor immediately using your mobile phone with emergency contact numbers, if possible, or call 911 immediately. Critical information must be provided including the nature of the incident, whether emergency services are required, whether perpetrator(s) are still present, whether weapons are involved, etc.
- After the request for police involvement and the proper control of the emergency, the event particulars shall be recorded by the manager/supervisor.

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- The manager/supervisor may consult or request the participation of other workplace parties to review the details surrounding the situation and determine the appropriate corrective action to resolve the issue.

## **Reporting Non-Emergencies**

(Verbal threats, actions and/or activities that may in the future lead to activities that may result in an emergency):

- Employees are encouraged to report threatening statements or behaviour that gives one reasonable grounds to believe that there is a potential for workplace violence immediately to the manager/supervisor who will determine the appropriate response. Such reports may assist in identifying patterns of potential violence and may assist in the prevention of emergency situations in the future.
- The immediate manager/supervisor, once made aware of such allegations, may contact other workplace parties for advice and direction as may be necessary.

Workplace violence may extend off property and may occur outside of normal working hours. Therefore, this procedure will apply for any of the above listed behaviours that are determined through investigation to stem from, or are related to or can be linked back to the individuals' employment with Victoria University.

## **Detailed Investigation**

The manager/supervisor, in consultation with other workplace parties may initiate a detailed, formal investigation consulting with other workplace stakeholders, as necessary, and initiate appropriate corrective action as may be determined through the investigation.

Such a detailed investigation may be commenced on request by any stakeholder involved with the incidence of violence. The investigation may result in the matter being further dealt with under the provisions of the courts as may be deemed appropriate.

During investigations, fairness, impartiality, privacy and confidentiality issues as well as legislative requirements will be a primary consideration.

## **Support Services/Medical Assistance**

In the event of an incident of workplace violence resulting in physical injury, access to appropriate first aid or medical aid will be provided by the manager/supervisor. Ambulance or police services may be contacted depending on the severity of the injury.

In cases where other support services are deemed to be required, the immediate manager/supervisor shall advise and assist the employee to seek such service, and/or initiate the appropriate response.

All employees of Victoria University are encouraged to report any legitimate intimidation, threats or acts of violence. Employees should be confident that issues reported to their

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immediate manager/supervisor will be treated with sensitivity, fairness and impartiality, while maintaining privacy and confidentiality considerations at all times.

This procedure shall be referenced at all violence prevention training programs and shall be clearly referenced on related notices/signs that are posted in conspicuous locations at each workplace.

Any manager/supervisor, or other person in authority who receives a report of a violation or alleged violation of this procedure, shall evaluate the suspected violation and shall consult with other workplace parties.

Managers/supervisors shall respond to any emergency situations related to violence in the workplace by contacting 911 and activating the emergency response plan as may be necessary.

Managers/supervisors shall deal with all such issues brought to their attention with sensitivity, fairness, and impartiality. Privacy and confidentiality considerations shall be applied at all times when dealing with such issues.

### **Strategies to De-escalate Threatening Situations**

The following conflict resolution strategies may be helpful to de-escalate situations where an individual is exhibiting threatening or intimidating behaviour:

- Project calmness, move and speak slowly, quietly and confidently.
- Encourage the person to talk; listen closely and patiently.
- Maintain a relaxed but attentive posture.
- Position yourself at an angle to the person rather than directly in front.
- Arrange yourself so your access to emergency exits is not blocked.
- Acknowledge the person's feelings.
- Ask for small, specific favours such as asking the person to move to a quieter area, or to move outside.
- Use delaying tactics to give the person time to calm down, such as offering a drink of water (in a paper cup).
- Point out choices, break big problems into smaller ones.
- Avoid sudden movements and maintain three (3) to six (6) feet distance.
- Contact your manager/supervisor immediately when it is safe to do so.

### **Warning Indicators of Potential Workplace Violence**

Intimidating, bullying, belligerent, or other inappropriate and aggressive behaviour:

- Numerous conflicts with customers, co-workers, or supervisors.
- Bringing a weapon to the workplace (unless necessary for the job), making inappropriate references to guns, or making idle threats about using a weapon to harm someone.
- Statements showing fascination with incidents of workplace violence, statements indicating approval of the use of violence to resolve a problem, or statements indicating identification with perpetrators of workplace homicides.

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- Statements indicating desperation (over family, financial, and other personal problems) to the point of contemplating suicide.
  - Direct or veiled threats of harm.
  - Substance abuse.
  - Extreme changes in normal behaviours.

## **COMMUNICATION/TRAINING**

Health & safety responsibilities will be communicated to all management, supervisors and workers/supplied labour.

All employees will be fully trained in the procedure.

Training is a critical component of any violence prevention strategy. Therefore, all employees shall receive appropriate training on:

- Know how to summon immediate assistance when workplace violence occurs or is likely to occur;
- Know how to report complaints or incidents of workplace violence to the employer;
- Know how the employer will investigate and deal with complaints and incidents of workplace violence;
- Understand and be able to carry out the processes in place to protect them from workplace violence.

Records of training will be maintained by the manager/supervisor and copies sent to the Human Resources department.

## **EVALUATION**

A review of the management/supervisors and worker/supplied labour responsibilities will be done on an annual basis. This evaluation will measure each health & safety responsibility.

## **FORMS**

Workplace Violence Incident Report Form

## **RELATED PROCEDURES**

Health & Safety Management/Supervisor Responsibilities  
Health & Safety Worker/Supplied Labour Responsibilities  
Workplace Harassment

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<b>REFERENCE MATERIALS</b>
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Ontario Occupational Health & Safety Act  
Ontario Human Rights Code  
University of Toronto Code of Student Conduct  
University of Toronto Policy on Sexual Violence and Sexual Harassment  
Victoria University Statement on Harassment and Violence  
Victoria University Administrative Policy – Safe Disclosure  
Victoria University Policy Statement on Workplace Violence  
Bill 168  
Bill 132

<b>Approved Signature:</b>	<b>Date:</b>
<b>Distribution to: All Managers, Joint Health and Safety Committee</b>	<b>Document to be posted: NO</b>

## Workplace Violence Incident Report Form

As soon as is reasonably possible, complainant and/or witness(es) of workplace violence should document incident(s) by completing SECTIONS I to V and filing this report form.

**NOTE: Not all questions may be applicable to each particular circumstance reported.**

<b>SECTION I</b>		
Date of Incident:	Time:	Date of Report:
Location of Incident:	Was there property damage? (Briefly list)	
<b>SECTION II - COMPLAINANT</b>		
Name:	Contact Information:	
Address:	Home #:	
Department:	Work #:	
Position:	Cell:	
Location:	Email:	
Description:	If complainant is staff or contractor:	
<input type="checkbox"/> Staff <input type="checkbox"/> Contractor <input type="checkbox"/> General Public <input type="checkbox"/> Customer <input type="checkbox"/> Student <input type="checkbox"/> Other: (Explain: family, visitor)	Manager/Supervisor's Name:	
_____	Was Manager/Supervisor notified? No <input type="checkbox"/> Yes <input type="checkbox"/>	
	Date:	Time:
<b>SECTION III - ASSAILANT</b>		
Name:	Did incident include a weapon?	
	No <input type="checkbox"/> Yes <input type="checkbox"/>	
	If yes, describe the weapon:	
	How was it used?	
Relationship of Assailant to Complainant:		
Co-worker <input type="checkbox"/>	Family <input type="checkbox"/>	Supervisor <input type="checkbox"/>
Spouse/Partner <input type="checkbox"/>	Contractor <input type="checkbox"/>	General Public <input type="checkbox"/>
Student <input type="checkbox"/>	Customer <input type="checkbox"/>	Other (describe) <input type="checkbox"/>
_____		

**SECTION IV – DESCRIPTION OF INCIDENT**

Provide, in detail, a written description of the incident, then proceed to CHECK ALL that apply below.

Knifed (or attempted) <input type="checkbox"/>	Scratched <input type="checkbox"/>	Vandalism (own property) <input type="checkbox"/>
Slapped <input type="checkbox"/>	Hit with hand/fist/other body part <input type="checkbox"/>	Animal Attack <input type="checkbox"/>
Threatened verbally <input type="checkbox"/>	Hit with object <input type="checkbox"/>	Arson <input type="checkbox"/>
Threatened with a weapon <input type="checkbox"/>	Assaulted with weapon <input type="checkbox"/>	Bomb threat <input type="checkbox"/>
Bitten <input type="checkbox"/>	Assaulted sexually <input type="checkbox"/>	Robbery <input type="checkbox"/>
Grabbed <input type="checkbox"/>	Shot (or attempted) <input type="checkbox"/>	Other (describe) <input type="checkbox"/>
Kicked <input type="checkbox"/>	Vandalism (employer's property) <input type="checkbox"/>	
Pushed <input type="checkbox"/>	Vandalism (other's property) <input type="checkbox"/>	

**SECTION V - WITNESSES**

List of witnesses (attach witness reports):

**SECTIONS VI TO XI TO BE COMPLETED BY INVESTIGATOR**

**SECTION VI**

Was complainant injured? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:	Was medical treatment provided? Complainant: Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:
Was assailant injured? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe	Assailant: Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe:
Was injury report filed? Yes <input type="checkbox"/> No <input type="checkbox"/> Date:	Was Security contacted? Yes <input type="checkbox"/> No <input type="checkbox"/>
Was complainant referred to counseling/EAP? Yes <input type="checkbox"/> No <input type="checkbox"/>	Was assailant referred to counseling/EAP? Yes <input type="checkbox"/> No <input type="checkbox"/>

**SECTION VII**

Police notified? Yes <input type="checkbox"/> No <input type="checkbox"/>	Date:	Time:
Responding Police Officer: Name:	Restraining order issued? Yes <input type="checkbox"/> No <input type="checkbox"/> Date:	Time:
Badge #:	Was assailant arrested? Yes <input type="checkbox"/> No <input type="checkbox"/> Date:	Time:
Municipality/Agency:	If yes, what were the charges?	

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**SECTION VIII**

Measures taken to prevent recurrence:

**SECTION IX**

What remedy, if any, does the complainant request?

**SECTION X**

What happened to assailant? (Final disposition of incident). Describe specifically (arrested, disciplined, transferred, etc.)

**SECTION XI**

Name of investigator:

Position:

Department:

Work phone number:

Address or Work Location:

Relationship to complainant or assailant:

Signature:

Date of Report Submission:

**Submit form to Human Resources and Bursar after the report is complete.**

# VICTORIA UNIVERSITY HEALTH AND SAFETY PROCEDURE

<b>Approved by:</b> Ray DeSouza, Bursar	<b>Date of Issue:</b> July 12, 2012
<b>Location:</b> All locations	<b>Review/Revise Date:</b> April 28, 2017

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## SUBJECT: 13.1 (B) WORKPLACE HARASSMENT

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### PURPOSE

To provide a safe work environment for all employees of Victoria University, discourage and prevent acts of harassment in the workplace before they occur, outline corrective measures to take in the event acts of harassment occur in spite of all reasonable effort to prevent them. To undertake the measures that can be taken to support employees who are affected by such harassment and to comply with the Occupational Health and Safety Act (OHSA) and its regulations.

### SCOPE

This procedure applies to all employees/locations.

### ROLES AND RESPONSIBILITIES

#### Managers/supervisors shall ensure:

1. Assess the risk of workplace harassment and communicate results to the Joint Health and Safety Committee and Health and Safety Representatives.
2. Awareness and training are provided to employees on workplace harassment.
3. All incidents involving harassment in the workplace are investigated and reported.
4. Hazards related to unsafe conditions are identified and effective control measures for the protection of workers are implemented.
5. Employees work in compliance with this procedure and the OHSA and its regulations.
6. Workers are permitted to remove themselves from harmful situations if they have reason to believe that they are at risk of imminent danger due to workplace harassment.
7. Workers are monitored to ensure procedures are followed and, when violations occur, take appropriate action.

#### Employees shall:

1. Follow the requirements outlined in this procedure and work as directed by their manager/supervisor, in compliance with the OHSA.

- 
2. Report to his/her employer any known or suspected incidents of workplace harassment that may result in an injury.
  3. Cooperate in the incident investigation process.
  4. Participate in health and safety training regarding workplace harassment.
  5. Take all steps necessary to eliminate, prevent, and control harassment in the workplace.

## PROCEDURES

### HUMAN RESOURCES GUIDELINE ON CIVIL CONDUCT

*This Guideline sets out the expectations of Victoria University (the University), through its Human Resources Office in the Office of the Bursar, on behalf of the President, regarding the standard of civil conduct that it trusts that all employees will maintain in their dealings with each other. It is intended to provide a guideline and framework for responding to situations where it is felt that the standard of civility has not been maintained, and also to assist in communicating expectations to all stakeholders in the Victoria University community.*

This Guideline constitutes a Workplace Harassment Program as required by the *Occupational Health and Safety Act* (the “OHSA”). Victoria University’s Human Resources Guideline on Civil Conduct may also be used in cases which deal with allegations of discrimination or workplace harassment that are based upon the prohibited grounds set out in the *Human Rights Code* (the “Code”), including workplace sexual harassment.

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

Workplace harassment constitutes uncivil conduct within the meaning of this Guideline. Workplace harassment is defined in the OHSA as follows:

“workplace harassment” means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment

“workplace sexual harassment” means,

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

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Under the Human Rights Code, every person has a right to equal treatment in employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. Under the Code, every person who is an employee also has the right to freedom from harassment in the workplace by the employer or agents of the employer or another employee because of any of the prohibited grounds.

In many cases, the determination of whether conduct is civil or uncivil depends on the context. Context can include the activities occurring at the time of the conduct. In an environment as diverse as the University, we must also be mindful of cultural differences that influence behaviour and the interpretation of that behaviour. The guideline is not intended to infringe on academic freedom including the academic freedoms and responsibilities articulated in the Memorandum of Agreement with its faculty members and librarians, but rather to describe conduct expected of all members of the community even when exercising their academic freedom.

Civil conduct includes:

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

Some examples of behaviour that will generally not be viewed as civil are set out below.

- Shouting
- Profanity, abusive, aggressive or violent language directed at an individual or individuals
- Using props suggestive of violence
- Slamming doors
- Throwing objects
- Humiliating, degrading, demeaning, belittling, insulting, frightening or intimidating another person
- Distributing comments about an individual, whether verbally or in writing, including through electronic means such as email, web posting, text messaging, social media and other forms of electronic communication, that are unjustified and are likely to have a negative impact on the individual if he/she were to see them
- Telling inappropriate jokes

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

- Reasonable management action, taken in accordance with the relevant collective agreement or employment contract where applicable, such as:
  - Meetings, letters or conversations dealing with performance management, attendance management, coaching
  - Instructions given by a supervisor/manager such as what to do, how to do it, the expected standard of performance
  - Disciplinary action
  - Denial of leave requests
  - Requests for documentation to substantiate requests for leave
- Comments made in the context of peer review processes
- Differences of opinion or debate conveyed in a respectful manner

- 
- Interpersonal conflicts where the parties remain respectful of one another

### **Where to go if you have a concern or complaint**

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

If discussion with the person in question does not resolve the issue or if, for some reason, such discussion is not appropriate **please contact one of the following:**

- Your Supervisor, or a more senior level Supervisor/Manager
- Your Human Resources Office, Director, Human Resources at 416 585-4558

In addition, employees who are represented by a union or association may also contact their union/association.

If you require assistance in raising a complaint, you are encouraged to discuss the issue with the Director, Human Resources. The Director, Human Resources can assist you in determining such matters as whether there is an issue that should be raised, how to raise it, with whom to raise it, and the range of resolutions that might be possible.

Although an individual employee may choose not to file a formal complaint, in certain circumstances the University may be required to proceed with an investigation.

The University makes the following commitments:

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

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## **Responsibility of Complainant**

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

In the event of an investigation, you will have a responsibility to provide sufficient details to allow the person(s) against whom you are making a complaint to be able to respond to the complaint. In most cases where an investigation is to be done, you will be expected to particularize your complaint in writing. A written complaint (see the *Workplace Harassment Incident Report*) should specify the individual(s) who you believe engaged in discrimination/harassment, any witnesses, and the details of the conduct that gave rise to your complaint

You have a responsibility to respect confidentiality and to respect the other steps taken by the University to assist in maintaining both procedural fairness and a fair working environment for both you and the respondent while the complaint is being assessed. Please note that your obligation to respect confidentiality does not restrict you from seeking support and discussing your concerns in confidence with one or more support person(s), provided that they similarly agree to maintain confidentiality.

## **Responsibility for a complaint**

Primary responsibility for your complaint will rest with the Human Resources Office. The Human Resources office will be responsible for tracking, investigating and managing your complaint until its resolution. Responsibility for your complaint will rest with the Human Resources Office, however external investigators or other professionals may be asked to participate in the process.

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

Supervisors/Departments are also expected to contact the Human Resources Office regarding complaints that they receive.

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

## **Investigating the Complaint**

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

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

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

### **Informal Resolution**

In many cases, matters of uncivil conduct will be resolved through discussions between the parties with the assistance of a Manager and/or Director, Human Resources.

### **Resolution of Complaint**

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

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

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

### **If you are not satisfied with the resolution of a complaint**

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

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

### **Reprisals**

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

### **Vexatious or bad faith complaints**

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

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## **Other processes**

The University reserves the right to not proceed under this Guideline or to stop any process that has started under this Guideline if before a resolution has been reached another process is engaged regarding the same subject matter, including the filing of a grievance, an application under the Code or any other legal process.

## **Annual review**

This Guideline will be reviewed at least annually.

## **COMMUNICATION/TRAINING**

Health & safety responsibilities will be communicated to all management, supervisors and workers/supplied labour.

All employees will be fully trained in the procedure.

Training is a critical component of any harassment prevention strategy. Therefore, all employees shall receive appropriate training on:

- Know how to summon immediate assistance when workplace harassment occurs or is likely to occur;
- Know how to report complaints or incidents of workplace harassment to the employer;
- Know how the employer will investigate and deal with complaints and incidents of workplace harassment
- Understand and be able to carry out the processes in place to protect them from workplace harassment.

Records of training will be maintained by the manager/supervisor and copies sent to the Human Resources department.

## **EVALUATION**

A review of the management/supervisors and worker/supplied labour responsibilities will be done on an annual basis. This evaluation will measure each health & safety responsibility.

## **FORMS**

Workplace Harassment Incident Report Form

## **RELATED PROCEDURES**

Health & Safety Management/Supervisor Responsibilities  
Health & Safety Worker/Supplied Labour Responsibilities  
Workplace Violence

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<b>REFERENCE MATERIALS</b>
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Ontario Occupational Health & Safety Act  
Ontario Human Rights Code  
University of Toronto Code of Student Conduct  
University of Toronto Policy on Sexual Violence and Sexual Harassment  
Victoria University Statement on Harassment and Violence  
Victoria University Administrative Policy – Safe Disclosure  
Victoria University Policy with Respect to Workplace Harassment  
Bill 168  
Bill 132

<b>Approved Signature:</b>	<b>Date:</b>
<b>Distribution to: All Managers, Joint Health and Safety Committee</b>	<b>Document to be posted: NO</b>

## Workplace Harassment Incident Report Form

As soon as is reasonably possible, complainant and/or witness(es) of workplace harassment should document incident(s) by completing and filing this report form.

**NOTE: Not all questions may be applicable to each particular circumstance reported.**

<b>SECTION I</b>		
Date of Incident(s):	Time(s):	Date of Report:
Location of Incident(s):		
<b>SECTION II – COMPLAINANT</b>		
Name:	Contact Information:	
Address:	Home #:	
Department:	Work #:	
Location:	Cell:	
Position:	Email:	
Description:		
<input type="checkbox"/> Staff <input type="checkbox"/> Contractor <input type="checkbox"/> General Public <input type="checkbox"/> Customer <input type="checkbox"/> Student <input type="checkbox"/> Other: (Explain: family, visitor) _____		
<b>SECTION III – PERSON YOU ARE COMPLAINING ABOUT</b>		
Name:		
Relationship to person complaining about:		
Co-worker <input type="checkbox"/>	Family <input type="checkbox"/>	Supervisor <input type="checkbox"/>
Spouse/Partner <input type="checkbox"/>	Contractor <input type="checkbox"/>	General public <input type="checkbox"/>
Student <input type="checkbox"/>	Customer <input type="checkbox"/>	Other (specify): <input type="checkbox"/> _____

**SECTION IV – DESCRIPTION OF INCIDENT(S)**

Please describe in as much detail as possible the incident(s) including: the names of the parties involved, any witnesses to the incident(s), events preceding the incident(s), details about the incident(s) such as behaviour and word used, and any additional details. Attach any supporting documents such as emails, handwritten notes or photographs. Physical evidence can also be submitted; if someone else has relevant documents, please note it as well.

**SECTION V - WITNESSES**

List of witnesses (attach witness reports)

Signature of complainant: \_\_\_\_\_

Date: \_\_\_\_\_

**Please submit this form to Human Resources after the report is complete.**



# UNIVERSITY OF TORONTO

University of Toronto  
Governing Council

Policy on  
Sexual Violence and Sexual Harassment

Approved December 15, 2016  
Effective January 1, 2017

To request an official copy of this policy, contact:

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

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

# Policy on Sexual Violence and Sexual Harassment

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## DEFINITIONS

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

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

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

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

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

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

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

**Sexual Violence:** Any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

**Sexual Harassment:** Includes but is not limited to engaging in a course of vexatious comments or conduct that is known or ought to be known to be unwelcome. For the purpose of this Policy, Sexual Harassment includes workplace sexual harassment. Sexual Harassment includes any sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome. Sexual harassment also includes a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

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

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

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

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

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

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

## I. STATEMENT OF COMMITMENT

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

## II. APPLICATION AND SCOPE

*Note: The Definitions section (pg. 1) contains definitions of capitalized terms in this Policy.*

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

electronic media. Support will be made available under this Policy to Complainants regardless of whether the Respondent is a Member of the University Community.

### III. EDUCATION, SUPPORT, AND RESOURCES

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

### IV. PRINCIPLES RESPECTING PROCESS

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

23. The University will respond to Disclosures and/or Reports of Sexual Violence fairly and expeditiously.

## V. CONFIDENTIALITY AND PRIVACY

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

## VI. ACCESSING THE POLICY: DISCLOSURE AND REPORTING

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

soon as they are able to do so, recognizing that the passage of time may affect the University's ability to address the issues raised by a Disclosure or a Report.

## VII. DISCLOSURE

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

## VIII. REPORTING

### A. REPORTING PROCESS

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

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

## B. UNIVERSITY RESPONSE

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

## C. ASSESSMENT AND APPOINTMENT OF AN INVESTIGATOR

### a) ASSESSMENT

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

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

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

b) APPOINTMENT OF AN INVESTIGATOR

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

D. INVESTIGATION

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

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

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

#### E. DECISION-MAKING AND APPEAL PROCESS

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

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

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

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

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

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

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

#### IX. REVIEW

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

## APPENDIX: REFERENCES TO OTHER POLICIES AND LEGISLATION

### Selected Relevant Legislation

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

### Selected Relevant University of Toronto Policies and Guidelines

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

*Approved by the Governing Council on December 15, 2016.*

*Effective January 1, 2017.*