



FOR INFORMATION

PUBLIC

CLOSED SESSION

TO:	Executive Committee
SPONSOR: CONTACT INFO:	Kelly Hannah-Moffat, Vice-President, People Strategy, Equity and Culture Trevor Young, Vice-President & Provost vp.psec@utoronto.ca / provost@utoronto.ca
PRESENTER: CONTACT INFO:	Jodie Glean, Executive Director, Equity, Diversity & Inclusion Trevor Young, Vice-President & Provost jodie.glean@utoronto.ca / provost@utoronto.ca
DATE:	April 27 for May 4, 2026
AGENDA ITEM:	4

ITEM IDENTIFICATION:

Revisions and review of the Draft *Policy on Human Rights Code Discrimination and Harassment*

JURISDICTIONAL INFORMATION:

5.1 The Executive Committee is responsible for the preparation of the agenda for meetings of the Governing Council. As part of this responsibility, the Committee receives and reviews reports of other committees for transmittal to the Governing Council.

GOVERNANCE PATH:

1. **Executive Committee [for information] (May 4, 2026)**
2. Governing Council [for information] (May 13, 2026)

PREVIOUS ACTION TAKEN:

The *Statement on Prohibited Discrimination and Discriminatory Harassment* was approved by the Governing Council on March 31, 1994.

HIGHLIGHTS:

The University's [Statement on Prohibited Discrimination and Discriminatory Harassment](#) (the **Statement**) was approved by Governing Council in 1994. The Statement articulates the University's responsibility to address discrimination and discriminatory harassment complaints, comply with the Ontario **Human Rights Code**, and maintain its commitment to freedom of speech, academic freedom, and freedom of research. The Statement applies to all students, faculty, librarians, and staff.

Following the recommendations from the 2025 review of the Statement, the University developed a draft ***Policy on Human Rights Code Discrimination and Harassment***. The draft Policy is intended to replace both the [Statement on Prohibited Discrimination and Discriminatory Harassment](#) and the [Statement on Human Rights](#).

The draft Policy is informed by extensive community consultations, discussions with key stakeholders across the University, and the Ministerial Directive established through Bill 166 (***Strengthening Accountability and Student Supports Act***), which introduced significant amendments to the ***Ministry of Training, Colleges and Universities Act***.

Consultation Process

There were three stages of consultation undertaken to inform the development of the draft Policy.

1. Review of the Statement (February 2025 – July 2025)

- Co-chairs Brenda Cossman, Professor of Law and Associate Dean of Research, Faculty of Law, and Caroline Rabbat, former Director of High Risk, Faculty Support & Mental Health, Faculty of Arts and Science, consulted widely on what should be included in a new policy.
- The co-chairs held 45 closed consultation sessions with 175 key stakeholders and subject-matter experts, including 54 faculty members and librarians, 101 staff members, and 22 students.
- Additional input was received through eight open sessions with a total of 20 participants, 65 online survey responses, and 10 written submissions submitted by email.

2. Policy Principles (December 2025 – January 2026)

- Draft Policy Principles, developed to guide the policy-writing team, were shared with the University community for feedback.
- A total of 35 responses were received through a combination of survey responses and emails.

3. Draft Policy Consultation (March 6–April 6, 2026)

- The first draft of the Policy was shared publicly for community feedback.
- Feedback was received through 11 survey responses and 8 emails, and meetings were held with 16 academic staff members and 29 administrative staff members who deal with complaints.
- The draft Policy was also shared with senior academic leadership, including Deans and Principals, at multiple University leadership tables.
- There have been two meetings with the University of Toronto Faculty Association so far, and discussions continue.
- Feedback from this consultation has been incorporated into the enclosed track-changes version of the draft Policy. Revisions include statement of expectations, specific terms for 2SLGBTQ+ hate, additional detail in discrimination definition, and reframing of Section 6 as a University-initiated process.

Overview of the Draft Policy

The draft Policy is composed of 13 sections. Key aspects of each section are highlighted below.

1. Principles

- Affirms the right of all members of the University community to learn, work, and live free from discrimination and harassment and commits the University to prevention, prohibition, and response.
- Acknowledges academic freedom, freedom of expression, and freedom of research alongside human rights protections, recognizing that difficult or offensive ideas may still be debated within legal limits.
- Explicitly recognizes racism and hate targeting specific communities.

2. Definitions and Interpretation

- Defines Discrimination and Harassment in accordance with the Ontario *Human Rights Code*.
- Establishes the Human Rights Office (HRO) as the central body responsible for administering the Policy.

3. Application and Scope

- Applies to complainants and respondents with a relationship to the University.
- Covers conduct occurring on campus, off campus where University-related, in virtual environments, and at University-sponsored or work-related activities.
- Allows complaints to be brought forward up to one year after a relationship with the University ends.

4. Confidentiality

- Provides that complaints are treated confidentially and in accordance with applicable privacy legislation.

5. Complaint Resolution Process

- Requires complaints to be submitted in writing and generally prohibits anonymous complaints, subject to limited exceptions.
- Outlines the resolution pathway that includes intake by the HRO; review and assessment of jurisdiction and pathway; investigation, where warranted; and decision-making by the appropriate senior University authority.
- Sets an objective of concluding processes within 12 months, including the objective of completing investigations within 8 months.
- Identifies the decision-makers vary based on the Respondent's role.

- Identifies possible outcomes, including education or training requirements, corrective action, and disciplinary measures up to termination or expulsion.

6. University-Initiated Process

- Provides for exceptional circumstances in which the University may initiate an investigation or alternative resolution process without a formal complaint.

7. Interim Measures

- Allows for temporary, non-disciplinary restrictions while a complaint is being addressed.

8. Reprisals

- Strictly prohibits reprisals or retaliation against anyone involved in a complaint or investigation.

9. Alternative Resolution Pathways

- Provides non-investigative options such as mediation, facilitated dialogue, coaching, or training.
- Requires the consent of the Complainant and Respondent as well as agreement of the University.
- Does not result in disciplinary actions.

10 – 13. Training, Transparency, and Accountability; Reporting; Policy Review; and Related Documents

- Commits the University to offering ongoing training and education for all University groups.
- Requires the public reporting and posting of annual aggregate complaint data without personal identifiers.
- Mandates review of the Policy at least every five years.

Next Steps

Guidelines will be drafted to accompany the Policy once it is approved and the Human Rights Office is established. The guidelines will be informed by consultation feedback and aligned with legislative obligations and best practices.

The final Policy will proceed through governance in Cycle 5 for recommendation and approval, alongside technical, discrete amendments to the *Code of Student Conduct* necessary to align decision-maker authorities with this Policy. Upon approval, the *Statement on Prohibited Discrimination and Discriminatory Harassment* and the *Statement on Human Rights* will be rescinded, with the Policy incorporating both.

FINANCIAL IMPLICATIONS:

Not applicable.

RECOMMENDATION:

For information.

DOCUMENTATION PROVIDED:

Draft *Policy on Human Rights Code Discrimination and Harassment* (original March 2026 version)

Draft *Policy on Human Rights Code Discrimination and Harassment* (with revisions tracked)

Draft *Policy on Human Rights Code Discrimination and Harassment* (with revisions clean)

Policy on *Human Rights Code* Discrimination and Harassment

DRAFT – FOR REVIEW AND FEEDBACK

Section 1: Principles

The following principles are at the foundation of the University of Toronto's approach to Discrimination and Harassment under the Ontario *Human Rights Code*:

- All members of the University community have a right to learn, live, work, and research in an environment that is free from Discrimination and Harassment and the University commits to prohibiting and preventing such acts.
- Excellence at the University is predicated on core freedoms that are at the heart of our mission - freedom of speech and expression, academic freedom, and freedom of research, within the bounds of the law. The University must be a place where contested, and sometimes uncomfortable or even deeply offensive, questions can be discussed and debated in the pursuit of truth.
- Discrimination and Harassment under this Policy include racism and hate against groups based on identity, including but not limited to anti-Black racism, anti-Indigenous racism, antisemitism, Islamophobia, anti-Asian racism, and hate against persons with disabilities and those with 2SLGBTQ+ identities.
- The processes described in this Policy are part of the University's strategy for creating an inclusive postsecondary environment free from Discrimination and Harassment, which also includes proactive training, education, and other practices to support dialogue and early intervention.
- An allegation of Discrimination or Harassment can be based on more than one Prohibited Ground, and an individual can - over the same period of time - experience different acts of Discrimination or Harassment based on different prohibited grounds. The approach to Complaints under this Policy will take into account intersecting grounds and that individuals hold multiple interconnected identities, which may impact their experiences of discrimination.

Section 2: Definitions and Interpretation

Where the singular is used in this *Policy*, it should be interpreted as applying to the plural, as applicable.

Complainant: An individual who has filed a Complaint that falls within the scope of this Policy. A Complainant must have a relationship with the University (e.g., student, Learner, faculty member (incorporating all types of faculty member including clinical, adjunct, status-only, and visiting faculty), librarian, post-doctoral fellow, postgraduate medical resident, clinical fellow, any category of employee, volunteer, member of University facilities such as Hart House or an athletic facility, or a guest/visitor engaging with the working or learning environment or a service offered by the University). The Complainant and Respondent are collectively referred to as "the Parties".

Complaint: A Complaint is a formal step in which the Complainant communicates specific allegations in order for the University to take action that could result in discipline or other action against a member of the University community.

Discrimination: For purposes of this Policy, the term “Discrimination” refers to discrimination on one or more of the Prohibited Grounds.

Harassment: For purposes of this Policy, the term “Harassment” refers to harassment that is prohibited under the *Human Rights Code* – i.e., engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, based on one or more of the prohibited grounds listed in the *Human Rights Code*. Harassment on a Prohibited Ground is a form of Discrimination. While typically Harassment comprises a series of occurrences, one significant act can also meet the definition of Harassment. See Section 3: Scope for more information.

Human Rights Office: The University will at all times maintain a designated office with responsibility for this Policy, which for the purposes of this Policy will be called the Human Rights Office or “HRO”. For clarity, the HRO may operate under another name as chosen and amended by the University from time to time.

Investigation: An Investigation is a fact-finding process conducted to determine, on a balance of probabilities, whether the alleged events occurred. It includes seeking the views of the Complainant and Respondent and may also include information gathered from witnesses, documents, and other relevant sources where available.

Learner: Those who are registered in a class at the School of Continuing Studies or any other non-credit class at the University.

Prohibited Grounds: For purposes of this Policy, “Prohibited Grounds” are those listed in the *Human Rights Code*, which at the time this Policy was most recently approved by Governing Council included the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. With respect to the University’s role as a housing provider only, an additional ground is the receipt of public assistance. With respect to the University’s role as an employer only, an additional ground is record of offences. Any changes to the list of Prohibited Grounds in the *Human Rights Code* will be deemed to be reflected in this definition.

Respondent: A person against whom a Complaint that falls within the scope of this Policy has been made. A Respondent must have a relationship with the University (e.g., student, Learner, faculty member (incorporating all types of faculty member including clinical, adjunct, status-only, and visiting faculty), librarian, post-doctoral fellow, postgraduate medical resident, clinical fellow, any category of employee, volunteer, member of University facilities such as Hart House or an athletic facility, or a guest/visitor engaging with the working or learning environment or a service offered by the University). The Respondent and Complainant are collectively referred to as “the Parties”.

Section 3: Application and Scope

- A Complaint under this Policy must relate to the Complainant's and Respondent's relationships with the University, and does not extend to conduct occurring in a personal or private context unrelated to the University.
- This Policy applies to conduct that occurs virtually as well as conduct that occurs while on University of Toronto premises, and to conduct at work-related and/or University-sponsored activities or events occurring off campus.
- In the event of a Complaint by a student, Learner, post-doctoral fellow, postgraduate medical resident or clinical fellow that arises in the context of academic work (e.g. research, placement, practicum, teaching, supervision) at a non-University of Toronto site, the University and that site will determine the appropriate pathway for addressing the Complaint in accordance with any applicable agreements or other policies governing the relationship between the University and site.
- Conduct that exclusively relates to Sexual Violence as that term is defined in the University's *Policy on Sexual Violence and Sexual Harassment* should proceed under the *Policy on Sexual Violence and Sexual Harassment* rather than this Policy. Conduct that does not fall fully within the *Policy on Sexual Violence and Sexual Harassment* will be assessed on a case-by-case basis, with input from the Complainant, to determine the appropriate pathway.
- Complaints of Discrimination and Harassment that also fall under the *Code of Student Conduct* will begin under this Policy at the intake stage. However, all steps beyond intake, including Investigation, interim conditions/measures, and decision-making will proceed exclusively under the *Code of Student Conduct*.
- The fact that a Complaint is being pursued under this Policy does not preclude the Complainant from pursuing an academic appeal pathway under the *Policy on Academic Appeals Within Divisions*. Divisional appeal processes and timelines continue to apply.
- A Complaint will not be out of the scope of this Policy solely because the Complainant no longer has a relationship with the University provided less than a year has passed since the Complainant had the relationship with the University in which the allegation occurred.

Section 4: Confidentiality

The University will treat Complaints in a confidential manner and in accordance with the *Freedom of Information and Protection of Privacy Act*. The University will limit sharing of information within the University to those who need to know the information for the purposes of implementing this *Policy* and/or other University policies, including providing support, accommodation, Interim Measures, and the Investigation and decision-making processes; and taking corrective action resulting from those processes.

In order for the University to take steps to address a Complaint, in almost all cases, the person against whom allegations of Discrimination or Harassment have been made will need to know the identity of the Complainant.

Confidentiality cannot be maintained by the University in exceptional circumstances, including the following examples:

- An individual is at risk of imminent and serious harm;
- Reporting or Investigation is required by law (for example, obligations under the Occupational Health and Safety Act);
- An affiliation, placement, or inter-institutional agreement requires sharing information. In such cases, the relevant agreement may require the sharing of allegations, Investigation results and/or corrective action that has been or will be taken;
- Information must be disclosed to a professional regulatory body. In such cases, information regarding allegations, Investigation results and/or corrective action may be disclosed; and
- Legal disclosure is required in the context of a court or tribunal hearing.

Section 5: Complaint Resolution Process

The University is committed to addressing Complaints in a timely manner, taking into consideration the nature and complexity of the Complaint, the availability of the Complainant(s), Respondent(s), witness(es) and the investigator, and other circumstances that may arise during the process. In all cases, the University will strive to conclude a process under this Policy (excluding any appeal or hearing processes, including under the *Code of Student Conduct*) within 12 months from the date a finalized Complaint is received by the HRO.

The HRO maintains responsibility for tracking Complaints under this Policy.

The Complaint Resolution Process will generally include the following stages:

Intake of Complaint

- The HRO will be responsible for the intake of Complaints under this Policy.
- A Complaint under this Policy must be submitted in writing and should include as much relevant information as possible. At a minimum, the relevant information usually includes:
 1. The Complainant's name and contact information;
 2. Information identifying the Respondent; and
 3. A summary of the allegations of Discrimination and Harassment, including - to the extent possible - the dates, times, locations, and witnesses.
 4. If the Complaint is regarding a University policy, guideline, or process, the details of the allegation will replace (2) and (3) above.
- Complaints may not be filed anonymously (i.e., without the University being informed of the identity of the person wishing to file the Complaint). Any anonymous information submitted will be reviewed by the University. In exceptional circumstances, the University may treat an anonymous submission as the basis for a University Complaint under Section 7.

Review and Assessment

- Following intake, the allegations will be reviewed and assessed by an appropriate University office, in consultation with the HRO as needed, and a decision will be made whether some

or all of the allegations should proceed to Investigation. Among the considerations taken into account are the following:

- Whether the allegations are within the scope of this policy;
- Whether, assuming the allegations occurred as described in the Complaint, the allegations could constitute a violation of this Policy;
- Whether the allegations have already been or would more appropriately be addressed through another process; and,
- As appropriate in the circumstances, the length of time that has passed since the last alleged incident, the severity of the incident(s), the reasons for a delay, and the principles of procedural fairness, including any prejudicial impact on the Respondent as a result of delay.

Investigation

- In the event the Complaint proceeds to Investigation, either in part or whole, the University will appoint an impartial investigator who is a competent person with the appropriate skills, training, and/or experience to conduct the Investigation. The investigator may be internal or external to the University.
- The function of an investigator is to make factual findings, on a balance of probabilities basis, of whether the allegations in the Complaint occurred in part or whole. The investigator will not make legal findings or determine the final outcome of the matter.
- The investigator will be responsible for the process followed during the Investigation including ensuring that the process is procedurally fair to both parties. The investigator may impose reasonable timelines on the steps of the Investigation in order for the process to move forward in a timely fashion.
- The University will strive to complete the Investigation within 8 months, from the date the parties are notified of the start of the investigation to the date when the Complainant and Respondent are notified of the Investigation findings.
- The Parties will be provided with a summary of the investigator's findings.

Decision

- Following the conclusion of an Investigation, the appropriate decision-maker will review the factual findings reached by the investigator and determine whether those factual findings amount to a breach of this or other University policy and/or the law, and if so, the appropriate discipline, sanction, corrective action or referral to another University process.
- The following offices, including any successor offices, will serve as decision-maker depending on the nature of the Respondent's relationship with the University, in consultation with the HRO as needed:
 - The Vice-President, People Strategy, Equity & Culture or designate, for a Respondent(s) who is an administrative staff member, including a teaching assistant, post-doctoral fellow, or sessional lecturer.
 - The Vice-Provost, Faculty & Academic Life or designate, in consultation with the applicable Dean, Principal or University Chief Librarian, for a Respondent(s) who is a faculty member or librarian covered by the Memorandum of Agreement with the

University of Toronto Faculty Association, or a status-only faculty member, adjunct faculty member, or visiting professor with the University of Toronto, or a clinical faculty member (in consultation with the Vice-Provost, Relations with Health Care Institutions or designate).

- The Vice-Provost, Relations with Health Care Institutions or designate, for a Respondent(s) who is a post-graduate medical resident, or a clinical fellow.
 - The Vice-Provost, Students or designate, in consultation with the applicable Dean or Principal, for a Respondent(s) who is a student in a Complaint that does not fall within the scope of the *Code of Student Conduct*.
 - The applicable Division Head in the case of a Respondent who is a Learner.
 - In the case of a Respondent(s) who holds more than one role or who is not delineated above, the University will decide the appropriate decision-maker in the circumstances of the particular case.
- Prior to a decision being made, the Parties will be given an opportunity to provide the decision-maker with their views on the findings of the Investigation.
 - A determination that a Respondent has engaged in Discrimination or Harassment may result in a number of possible outcomes, commensurate with the nature of the incident complained of and taking into account all other relevant considerations and in accordance with any applicable University policies and procedures, collective agreement, employment contract, or Memorandum of Agreement, including but not limited to:
 - a requirement to undertake education and/or training,
 - corrective action such as relocation or change of duties or supervision, and/or
 - reprimand, suspension, termination, or commencement of proceedings to terminate/expel.
 - The Complainant will be advised of the determination regarding whether this Policy has been breached.
 - Any available pathways for appeal or review of a decision are as set out in any existing grievance or dispute resolution processes available to the Respondent under the terms of their relationship with the University.

Section 6: University Complaint

In exceptional cases, the University may obtain information of an incident of alleged Discrimination or Harassment in the absence of Complaint or Complainant that the University has determined is necessary to act upon. In those circumstances, the University may initiate a Complaint, which may proceed to Investigation or an Alternative Resolution Pathway. This includes instances where the University is required by law to act.

Section 7: Interim Measures

- Interim Measures are temporary, non-disciplinary restrictions placed generally on a Respondent during some or all of the timeframe from when a Complaint is filed until when

a decision is communicated to the parties. Interim Measures may also be called interim conditions.

- Decisions on whether to implement or amend Interim Measures, and the Interim Measures appropriate in the circumstances, will be made by the decision-maker set out in Section 7.
- The breach of Interim Measures/conditions is prohibited, and may be treated as a disciplinary matter within the context of the individual's relationship with the University and/or taken into account in the outcome of a Complaint under this Policy.
- Any available pathways for appeal or review of Interim Measures are as set out in any existing grievance or dispute resolution processes available to the Respondent under the terms of their relationship with the University, including collective agreements and the Memorandum of Agreement with the University of Toronto Faculty Association.

Section 8: Reprisals

- A reprisal is any action – including through professional, social, or technological means – that imposes negative consequences against any participant to a process under this Policy, including a Complainant, Respondent or witness, that is related to their participation in such process. This could include negative consequences against a Complainant for bringing a Complaint. A threat of an act of Reprisal will be considered an act of Reprisal. The term “Reprisal” can be used interchangeably with the term “retaliation”.
- Reprisals against anyone who files a Complaint under this Policy or participates in any way in the processing of a Complaint under this Policy, including as a witness in an Investigation, are strictly prohibited, and may be treated as a disciplinary matter within the context of the individual's relationship with the University and/or taken into account in the outcome of a Complaint under this Policy.

Section 9: Alternative Resolution Pathway

- An Alternative Resolution Pathway is an alternative to the process described in section 6 above and could include facilitated conversations, mediation, coaching or training for one or more of the Parties. It may be suitable where a Complainant prefers to have a Complaint addressed without an Investigation and/or is seeking outcomes other than discipline.
- An Alternative Resolution Pathway does not result in disciplinary measures against a Respondent.

Section 10: Training and Education

The University will make available general training and education about this Policy to all students, administrative staff members, faculty members, librarians, postgraduate medical residents, clinical fellows and Learners.

Section 11: Annual Reporting

The University will produce and post publicly an annual report that provides aggregate statistical information, without names or personal information, about Complaints filed under this Policy.

Section 12: Policy Review

The University will review this Policy at least once every five years and amend it as appropriate.

Section 13: List of related documents

Legislation:

Criminal Code

Freedom of Information and Protection of Privacy Act

Human Rights Code

Ministry of Training, Colleges and Universities Act

Occupational Health and Safety Act

Policies and Guidelines:

Code of Student Conduct

Equity, Diversity and Excellence, Statement on

Freedom of Speech, Statement on

Institutional Purpose, Statement of

Prohibited Discrimination and Discriminatory Harassment, Guideline for Employees on Concerns and Complaints Regarding

Sexual Violence and Sexual Harassment, Policy on

Workplace Harassment, Policy with Respect to

Standards of Professional Practice Behaviour for all Health Professional Students

Standards of Professional Behaviour for Clinical (MD) Faculty

Policy on *Human Rights Code* Discrimination and Harassment

REVISED DRAFT – FOR REVIEW AND FEEDBACK

Section 1: Principles

The following principles are at the foundation of the University of Toronto’s approach to Discrimination and Harassment under the Ontario *Human Rights Code*:

- All members of the University community have a right to learn, live, work, and research in an environment that is free from Discrimination and Harassment. Everyone who engages with the University is expected to foster such an environment, and the University commits to prohibiting and preventing such acts.
- Excellence at the University is predicated on core freedoms that are at the heart of our mission - freedom of speech and expression, academic freedom, and freedom of research, within the bounds of the law. The University must be a place where contested, and sometimes uncomfortable or even deeply offensive, questions can be discussed and debated in the pursuit of truth.
- Discrimination and Harassment under this Policy are based on the Prohibited Grounds in the Ontario Human Rights Code, which include incorporate racism and hate against groups based on identity, ~~including but not limited to such as~~ anti-Black racism, anti-Indigenous racism, antisemitism, Islamophobia, anti-Asian racism, homophobia, transphobia, and hate against persons with disabilities ~~and those with 2SLGBTQ+ identities~~.
- The processes described in this Policy are part of the University’s strategy for creating an inclusive postsecondary environment free from Discrimination and Harassment, which also includes proactive training, education, and other practices to support dialogue and early intervention.
- An allegation of Discrimination or Harassment can be based on more than one Prohibited Ground, and an individual can - over the same period of time - experience different acts of Discrimination or Harassment based on different prohibited grounds. The approach to Complaints under this Policy will take into account intersecting grounds and that individuals hold multiple interconnected identities, which may impact their experiences of discrimination.

Section 2: Definitions and Interpretation

Where the singular is used in this *Policy*, it should be interpreted as applying to the plural, as applicable.

Complainant: An individual who has filed a Complaint that falls within the scope of this Policy. A Complainant must have a relationship with the University (e.g., student, Learner, faculty member (incorporating all types of faculty member including clinical, adjunct, status-only, and visiting faculty), librarian, post-doctoral fellow, postgraduate medical resident, clinical fellow, any category of employee, volunteer, member of University facilities such as Hart House or an athletic facility, or a guest/visitor engaging with the working or learning environment or a service offered by the University). The Complainant and Respondent are collectively referred to as “the Parties”.

Complaint: A Complaint is a formal step in which the Complainant communicates specific allegations in order for the University to take action that could result in discipline or other action against a member of the University community or a change in University policy, guideline, or process.

Discrimination: For purposes of this Policy, the term “Discrimination” refers to discrimination on one or more of the Prohibited Grounds. By way of example, discrimination often includes differential treatment of an individual or stereotyping on the basis of one of the grounds listed under the *Human Rights Code* (see definition of “Prohibited Grounds” below).

Harassment: For purposes of this Policy, the term “Harassment” refers to harassment that is prohibited under the *Human Rights Code* – i.e., engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, based on one or more of the prohibited grounds listed in the *Human Rights Code*. Harassment on a Prohibited Ground is a form of Discrimination. While typically Harassment comprises a series of occurrences, one significant act can also meet the definition of Harassment. See Section 3: Application and Scope for more information.

Human Rights Office: The University will at all times maintain a designated office with responsibility for this Policy, which for the purposes of this Policy will be called the Human Rights Office or “HRO”. For clarity, the HRO may operate under another name as chosen and amended by the University from time to time.

Investigation: An Investigation is a fact-finding process conducted to determine, on a balance of probabilities, whether the alleged events occurred. It includes seeking the views of the Complainant and Respondent and may also include information gathered from witnesses, documents, and other relevant sources where available.

Learner: Those who are registered in a class at the School of Continuing Studies or any other non-credit class at the University.

Prohibited Grounds: For purposes of this Policy, “Prohibited Grounds” are those listed in the *Human Rights Code*, which at the time this Policy was most recently approved by Governing Council included the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. With respect to the University’s role as a housing provider only, an additional ground is the receipt of public assistance. With respect to the University’s role as an employer only, an additional ground is record of offences. Any changes to the list of Prohibited Grounds in the *Human Rights Code* will be deemed to be reflected in this definition.

Respondent: A person against whom a Complaint that falls within the scope of this Policy has been made. A Respondent must have a relationship with the University (e.g., student, Learner, faculty member (incorporating all types of faculty member including clinical, adjunct, status-only, and visiting faculty), librarian, post-doctoral fellow, postgraduate medical resident, clinical fellow, any category of employee, volunteer, member of University facilities such as Hart House or an athletic facility, or a guest/visitor engaging with the working or learning environment or a service offered by the University). The Respondent and Complainant are collectively referred to as “the Parties”.

Section 3: Application and Scope

- A Complaint under this Policy must relate to the Complainant's and Respondent's relationships with the University, and does not extend to conduct occurring in a personal or private context unrelated to the University.
- This Policy applies to conduct that occurs virtually as well as conduct that occurs while on University of Toronto premises, and to conduct at work-related and/or University-sponsored activities or events occurring off campus.
- In the event of a Complaint by a student, Learner, post-doctoral fellow, postgraduate medical resident or clinical fellow that arises in the context of academic work (e.g. research, placement, practicum, teaching, supervision) at a non-University of Toronto site, the University and that site will determine the appropriate pathway for addressing the Complaint in accordance with any applicable agreements or other policies governing the relationship between the University and site.
- Conduct that exclusively relates to Sexual Violence as that term is defined in the University's *Policy on Sexual Violence and Sexual Harassment* should proceed under the *Policy on Sexual Violence and Sexual Harassment* rather than this Policy. Conduct that does not fall fully within the *Policy on Sexual Violence and Sexual Harassment* will be assessed on a case-by-case basis, with input from the Complainant, to determine the appropriate pathway.
- Complaints of Discrimination and Harassment that also fall under the *Code of Student Conduct* will begin under this Policy at the intake stage. However, all steps beyond intake, including Investigation, interim conditions/measures, and decision-making will proceed exclusively under the *Code of Student Conduct*.
- The fact that a Complaint is being pursued under this Policy does not preclude the Complainant from pursuing an academic appeal pathway under the *Policy on Academic Appeals Within Divisions*. Divisional appeal processes and timelines continue to apply.
- A Complaint will not be out of the scope of this Policy solely because the Complainant no longer has a relationship with the University provided less than a year has passed since the Complainant had the relationship with the University in which the allegation occurred.

Section 4: Confidentiality

The University will treat Complaints in a confidential manner and in accordance with the *Freedom of Information and Protection of Privacy Act*. The University will limit sharing of information within the University to those who need to know the information for the purposes of implementing this *Policy* and/or other University policies, including ~~providing~~ support, accommodation, Interim Measures, ~~and~~ the Investigation and decision-making processes, ~~;~~ and ~~taking~~ corrective action resulting from those processes.

In order for the University to take steps to address a Complaint, in almost all cases, the person against whom allegations of Discrimination or Harassment have been made will need to know the identity of the Complainant.

Confidentiality cannot be maintained by the University in exceptional circumstances, including the following examples:

- An individual is at risk of imminent and serious harm;
- Reporting or Investigation is required by law (for example, obligations under the Occupational Health and Safety Act);
- An affiliation, placement, or inter-institutional agreement requires sharing information. In such cases, the relevant agreement may require the sharing of allegations, Investigation results and/or corrective action that has been or will be taken;
- Information must be disclosed to a professional regulatory body. In such cases, information regarding allegations, Investigation results and/or corrective action may be disclosed; and
- Legal disclosure is required in the context of a court or tribunal hearing.

Section 5: Complaint Resolution Process

The University is committed to addressing Complaints in a timely manner, taking into consideration the nature and complexity of the Complaint, the availability of the Complainant(s), Respondent(s), witness(es) and the investigator, and other circumstances that may arise during the process. In all cases, the University will strive to conclude a process under this Policy (excluding any appeal or hearing processes, including under the *Code of Student Conduct*) within 12 months from the date a finalized Complaint is received by the HRO.

The HRO maintains responsibility for tracking Complaints under this Policy.

The Complaint Resolution Process will generally include the following stages:

Intake of Complaint

- The HRO will be responsible for the intake of Complaints under this Policy.
- A Complaint under this Policy must be submitted in writing and should include as much relevant information as possible. At a minimum, the relevant information usually includes:
 1. The Complainant's name and contact information;
 2. Information identifying the Respondent; and
 3. A summary of the allegations of Discrimination and Harassment, including - to the extent possible - the dates, times, locations, and witnesses.
 4. If the Complaint is regarding a University policy, guideline, or process, the details of the allegation will replace (2) and (3) above.
- Complaints may not be filed anonymously (i.e., without the University being informed of the identity of the person wishing to file the Complaint). Any anonymous information submitted will be reviewed by the University. In exceptional circumstances, the University may treat an anonymous submission as the basis for a [University Complaint-University-Initiated Investigation or Alternative Resolution Pathway](#) under Section 67.

Review and Assessment

- Following intake, the allegations will be reviewed and assessed by an appropriate University office, in consultation with the HRO as needed, and a decision will be made whether some or all of the allegations should proceed to Investigation. Among the considerations taken into account are the following:
 - Whether the allegations are within the scope of this policy;
 - Whether, assuming the allegations occurred as described in the Complaint, the allegations could constitute a violation of this Policy;
 - Whether the allegations have already been or would more appropriately be addressed through another process, including alternate resolution under this policy; and,
 - As appropriate in the circumstances, the length of time that has passed since the last alleged incident, the severity of the incident(s), the reasons for a delay, and the principles of procedural fairness, including any prejudicial impact on the Respondent as a result of delay.

Investigation

- In the event the Complaint proceeds to Investigation, either in part or whole, the University will appoint an impartial investigator who is a competent person with the appropriate skills, training, and/or experience to conduct the Investigation. The investigator may be internal or external to the University.
- The function of an investigator is to make factual findings, on a balance of probabilities basis, of whether the allegations in the Complaint occurred in part or whole. The investigator will not make legal findings or determine the final outcome of the matter.
- The investigator will be responsible for the process followed during the Investigation including ensuring that the process is procedurally fair to both parties. The investigator may impose reasonable timelines on the steps of the Investigation in order for the process to move forward in a timely fashion.
- The University will strive to complete the Investigation within 8 months, from the date the parties are notified of the start of the investigation to the date when the Complainant and Respondent are notified of the Investigation findings.
- The Parties will each be provided with a summary of relevant findings from the investigator's findings.

Decision

- Following the conclusion of an Investigation, the appropriate decision-maker will review the factual findings reached by the investigator and determine whether those factual findings amount to a breach of this or other University policy and/or the law, and if so, the appropriate discipline, sanction, corrective action or referral to another University process.
- The following offices, including any successor offices, will serve as decision-maker depending on the nature of the Respondent's relationship with the University, in consultation with the HRO as needed:

- The Vice-President, People, ~~Finance & Digital Services Strategy, Equity & Culture~~ or designate, for a Respondent(s) who is an administrative staff member, including a teaching assistant, post-doctoral fellow, or sessional lecturer.
- The Vice-Provost, Faculty & Academic Life or designate, in consultation with the applicable Dean¹, Principal or University Chief Librarian, for a Respondent(s) who is a faculty member or librarian covered by the Memorandum of Agreement with the University of Toronto Faculty Association, or a status-only faculty member, adjunct faculty member, or visiting professor with the University of Toronto, or a clinical faculty member (in consultation with the Vice-Provost, Relations with Health Care Institutions or designate).
- The Vice-Provost, Relations with Health Care Institutions or designate, for a Respondent(s) who is a post-graduate medical resident, or a clinical fellow.
- The Vice-Provost, Students or designate, in consultation with the applicable Dean² or Principal, for a Respondent(s) who is a student in a Complaint that does not fall within the scope of the *Code of Student Conduct*.
- The applicable Division Head in the case of a Respondent who is a Learner.
- In the case of a Respondent(s) who holds more than one role or who is not delineated above, the University will decide the appropriate decision-maker in the circumstances of the particular case.
- Prior to a decision being made, the Parties will be given an opportunity to provide the decision-maker with their views on the findings of the Investigation, as set out in the summary of relevant findings.
- A determination that a Respondent has engaged in Discrimination or Harassment may result in a number of possible outcomes, commensurate with the nature of the incident complained of and taking into account all other relevant considerations and in accordance with any applicable University policies and procedures, collective agreement, employment contract, or Memorandum of Agreement, including but not limited to:
 - a requirement to undertake education and/or training,
 - corrective action such as relocation or change of duties or supervision, and/or
 - reprimand, suspension, termination, or commencement of proceedings to terminate/expel.
- The Complainant will be advised of the determination regarding whether this Policy has been breached.
- Any available pathways for appeal or review of a decision are as set out in any existing grievance or dispute resolution processes available to the Respondent under the terms of their relationship with the University.

Section 6: University Complaint

~~In exceptional cases, the University may obtain information of an incident of alleged Discrimination or Harassment in the absence of Complaint or Complainant that the University has determined is~~

¹ Where a matter concerns a graduate student, the "applicable Dean" refers to the Dean of SGS.

² Same as note 1 above.

~~necessary to act upon. In those circumstances, the University may initiate a Complaint, which may proceed to Investigation or an Alternative Resolution Pathway. This includes instances where the University is required by law to act.~~

Section 6: University-Initiated Investigation or Alternative Resolution Pathway

~~In exceptional cases, the University may obtain information of an incident of alleged Discrimination or Harassment in the absence of Complaint or Complainant. The University may decide to initiate an Investigation or an Alternative Resolution Pathway in those instances, including where the University is required by law to act.~~

Section 7: Interim Measures

- Interim Measures are temporary, non-disciplinary restrictions placed generally on a Respondent during some or all of the timeframe from when a Complaint is filed until when a decision is communicated to the parties. Interim Measures may also be called interim conditions.
- Decisions on whether to implement or amend Interim Measures, and the Interim Measures appropriate in the circumstances, will be made by the decision-maker set out in Section 57.
- The breach of Interim Measures/conditions is prohibited, and may be treated as a disciplinary matter within the context of the individual's relationship with the University and/or taken into account in the outcome of a Complaint under this Policy.
- Any available pathways for appeal or review of Interim Measures are as set out in any existing grievance or dispute resolution processes available to the Respondent under the terms of their relationship with the University, including collective agreements and the Memorandum of Agreement with the University of Toronto Faculty Association.

Section 8: Reprisals

- A reprisal is any action – including through professional, social, or technological means – that imposes negative consequences against any participant to a process under this Policy, including a Complainant, Respondent or witness, that is related to their participation in such process. This could include negative consequences against a Complainant for bringing a Complaint. A threat of an act of Reprisal will be considered an act of Reprisal. The term “Reprisal” can be used interchangeably with the term “retaliation”.
- Reprisals against anyone who files a Complaint under this Policy or participates in any way in the processing of a Complaint under this Policy, including as a witness in an Investigation, are strictly prohibited, and may be treated as a disciplinary matter within the context of the individual's relationship with the University and/or taken into account in the outcome of a Complaint under this Policy.

Section 9: Alternative Resolution Pathway

- An Alternative Resolution Pathway is an alternative to the process described in section 6 above and could include facilitated conversations, mediation, coaching or training for one or more of the Parties. It may be suitable where a Complainant prefers to have a Complaint addressed without an Investigation and/or is seeking outcomes other than discipline.
- At any time, a Complainant may make a request to the University to initiate an Alternative Resolution Pathway. In order to proceed with an Alternative Resolution Pathway, the University and Respondent must also agree.
- An Alternative Resolution Pathway does not result in disciplinary measures against a Respondent.

Section 10: Training and Education

The University will make available general training and education about this Policy to all students, administrative staff members, faculty members, librarians, postgraduate medical residents, clinical fellows and Learners.

Section 11: Annual Reporting

The University will produce and post publicly an annual report that provides aggregate statistical information, without names or personal information, about Complaints filed under this Policy.

Section 12: Policy Review

The University will review this Policy at least once every five years and amend it as appropriate.

Section 13: List of related documents**Legislation:**

Criminal Code

Freedom of Information and Protection of Privacy Act

Human Rights Code

Ministry of Training, Colleges and Universities Act

Occupational Health and Safety Act

Policies and Guidelines:

Code of Student Conduct

Equity, Diversity and Excellence, Statement on

Freedom of Speech, Statement on

Institutional Purpose, Statement of

Prohibited Discrimination and Discriminatory Harassment, Guideline for Employees on Concerns and Complaints Regarding

Sexual Violence and Sexual Harassment, Policy on

Workplace Harassment, Policy with Respect to

Standards of Professional Practice Behaviour for all Health Professional Students

Standards of Professional Behaviour for Clinical (MD) Faculty

DRAFT

Policy on *Human Rights Code* Discrimination and Harassment

REVISED DRAFT – FOR REVIEW AND FEEDBACK

Section 1: Principles

The following principles are at the foundation of the University of Toronto's approach to Discrimination and Harassment under the Ontario *Human Rights Code*:

- All members of the University community have a right to learn, live, work, and research in an environment that is free from Discrimination and Harassment. Everyone who engages with the University is expected to foster such an environment, and the University commits to prohibiting and preventing such acts.
- Excellence at the University is predicated on core freedoms that are at the heart of our mission - freedom of speech and expression, academic freedom, and freedom of research, within the bounds of the law. The University must be a place where contested, and sometimes uncomfortable or even deeply offensive, questions can be discussed and debated in the pursuit of truth.
- Discrimination and Harassment under this Policy are based on the Prohibited Grounds in the Ontario *Human Rights Code*, which incorporate racism and hate against groups based on identity such as anti-Black racism, anti-Indigenous racism, antisemitism, Islamophobia, anti-Asian racism, homophobia, transphobia, and hate against persons with disabilities.
- The processes described in this Policy are part of the University's strategy for creating an inclusive postsecondary environment free from Discrimination and Harassment, which also includes proactive training, education, and other practices to support dialogue and early intervention.
- An allegation of Discrimination or Harassment can be based on more than one Prohibited Ground, and an individual can - over the same period of time - experience different acts of Discrimination or Harassment based on different prohibited grounds. The approach to Complaints under this Policy will take into account intersecting grounds and that individuals hold multiple interconnected identities, which may impact their experiences of discrimination.

Section 2: Definitions and Interpretation

Where the singular is used in this *Policy*, it should be interpreted as applying to the plural, as applicable.

Complainant: An individual who has filed a Complaint that falls within the scope of this Policy. A Complainant must have a relationship with the University (e.g., student, Learner, faculty member (incorporating all types of faculty member including clinical, adjunct, status-only, and visiting faculty), librarian, post-doctoral fellow, postgraduate medical resident, clinical fellow, any category of employee, volunteer, member of University facilities such as Hart House or an athletic facility, or a guest/visitor engaging with the working or learning environment or a service offered by the University). The Complainant and Respondent are collectively referred to as "the Parties".

Complaint: A Complaint is a formal step in which the Complainant communicates specific allegations in order for the University to take action that could result in discipline or other action against a member of the University community or a change in University policy, guideline, or process.

Discrimination: For purposes of this Policy, the term “Discrimination” refers to discrimination on one or more of the Prohibited Grounds. By way of example, discrimination often includes differential treatment of an individual or stereotyping on the basis of one of the grounds listed under the *Human Rights Code* (see definition of “Prohibited Grounds” below).

Harassment: For purposes of this Policy, the term “Harassment” refers to harassment that is prohibited under the *Human Rights Code* – i.e., engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, based on one or more of the prohibited grounds listed in the *Human Rights Code*. Harassment on a Prohibited Ground is a form of Discrimination. While typically Harassment comprises a series of occurrences, one significant act can also meet the definition of Harassment. See Section 3: Application and Scope for more information.

Human Rights Office: The University will at all times maintain a designated office with responsibility for this Policy, which for the purposes of this Policy will be called the Human Rights Office or “HRO”. For clarity, the HRO may operate under another name as chosen and amended by the University from time to time.

Investigation: An Investigation is a fact-finding process conducted to determine, on a balance of probabilities, whether the alleged events occurred. It includes seeking the views of the Complainant and Respondent and may also include information gathered from witnesses, documents, and other relevant sources where available.

Learner: Those who are registered in a class at the School of Continuing Studies or any other non-credit class at the University.

Prohibited Grounds: For purposes of this Policy, “Prohibited Grounds” are those listed in the *Human Rights Code*, which at the time this Policy was most recently approved by Governing Council included the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. With respect to the University’s role as a housing provider only, an additional ground is the receipt of public assistance. With respect to the University’s role as an employer only, an additional ground is record of offences. Any changes to the list of Prohibited Grounds in the *Human Rights Code* will be deemed to be reflected in this definition.

Respondent: A person against whom a Complaint that falls within the scope of this Policy has been made. A Respondent must have a relationship with the University (e.g., student, Learner, faculty member (incorporating all types of faculty member including clinical, adjunct, status-only, and visiting faculty), librarian, post-doctoral fellow, postgraduate medical resident, clinical fellow, any category of employee, volunteer, member of University facilities such as Hart House or an athletic facility, or a guest/visitor engaging with the working or learning environment or a service offered by the University). The Respondent and Complainant are collectively referred to as “the Parties”.

Section 3: Application and Scope

- A Complaint under this Policy must relate to the Complainant's and Respondent's relationships with the University, and does not extend to conduct occurring in a personal or private context unrelated to the University.
- This Policy applies to conduct that occurs virtually as well as conduct that occurs while on University of Toronto premises, and to conduct at work-related and/or University-sponsored activities or events occurring off campus.
- In the event of a Complaint by a student, Learner, post-doctoral fellow, postgraduate medical resident or clinical fellow that arises in the context of academic work (e.g. research, placement, practicum, teaching, supervision) at a non-University of Toronto site, the University and that site will determine the appropriate pathway for addressing the Complaint in accordance with any applicable agreements or other policies governing the relationship between the University and site.
- Conduct that exclusively relates to Sexual Violence as that term is defined in the University's *Policy on Sexual Violence and Sexual Harassment* should proceed under the *Policy on Sexual Violence and Sexual Harassment* rather than this Policy. Conduct that does not fall fully within the *Policy on Sexual Violence and Sexual Harassment* will be assessed on a case-by-case basis, with input from the Complainant, to determine the appropriate pathway.
- Complaints of Discrimination and Harassment that also fall under the *Code of Student Conduct* will begin under this Policy at the intake stage. However, all steps beyond intake, including Investigation, interim conditions/measures, and decision-making will proceed exclusively under the *Code of Student Conduct*.
- The fact that a Complaint is being pursued under this Policy does not preclude the Complainant from pursuing an academic appeal pathway under the *Policy on Academic Appeals Within Divisions*. Divisional appeal processes and timelines continue to apply.
- A Complaint will not be out of the scope of this Policy solely because the Complainant no longer has a relationship with the University provided less than a year has passed since the Complainant had the relationship with the University in which the allegation occurred.

Section 4: Confidentiality

The University will treat Complaints in a confidential manner and in accordance with the *Freedom of Information and Protection of Privacy Act*. The University will limit sharing of information within the University to those who need to know the information for the purposes of implementing this *Policy* and/or other University policies, including support, accommodation, Interim Measures, the Investigation and decision-making processes, and corrective action resulting from those processes.

In order for the University to take steps to address a Complaint, in almost all cases, the person against whom allegations of Discrimination or Harassment have been made will need to know the identity of the Complainant.

Confidentiality cannot be maintained by the University in exceptional circumstances, including the following examples:

- An individual is at risk of imminent and serious harm;
- Reporting or Investigation is required by law (for example, obligations under the Occupational Health and Safety Act);
- An affiliation, placement, or inter-institutional agreement requires sharing information. In such cases, the relevant agreement may require the sharing of allegations, Investigation results and/or corrective action that has been or will be taken;
- Information must be disclosed to a professional regulatory body. In such cases, information regarding allegations, Investigation results and/or corrective action may be disclosed; and
- Legal disclosure is required in the context of a court or tribunal hearing.

Section 5: Complaint Resolution Process

The University is committed to addressing Complaints in a timely manner, taking into consideration the nature and complexity of the Complaint, the availability of the Complainant(s), Respondent(s), witness(es) and the investigator, and other circumstances that may arise during the process. In all cases, the University will strive to conclude a process under this Policy (excluding any appeal or hearing processes, including under the *Code of Student Conduct*) within 12 months from the date a finalized Complaint is received by the HRO.

The HRO maintains responsibility for tracking Complaints under this Policy.

The Complaint Resolution Process will generally include the following stages:

Intake of Complaint

- The HRO will be responsible for the intake of Complaints under this Policy.
- A Complaint under this Policy must be submitted in writing and should include as much relevant information as possible. At a minimum, the relevant information usually includes:
 1. The Complainant's name and contact information;
 2. Information identifying the Respondent; and
 3. A summary of the allegations of Discrimination and Harassment, including - to the extent possible - the dates, times, locations, and witnesses.
 4. If the Complaint is regarding a University policy, guideline, or process, the details of the allegation will replace (2) and (3) above.
- Complaints may not be filed anonymously (i.e., without the University being informed of the identity of the person wishing to file the Complaint). Any anonymous information submitted will be reviewed by the University. In exceptional circumstances, the University may treat an

anonymous submission as the basis for a University-Initiated Investigation or Alternative Resolution Pathway under Section 6.

Review and Assessment

- Following intake, the allegations will be reviewed and assessed by an appropriate University office, in consultation with the HRO as needed, and a decision will be made whether some or all of the allegations should proceed to Investigation. Among the considerations taken into account are the following:
 - Whether the allegations are within the scope of this policy;
 - Whether, assuming the allegations occurred as described in the Complaint, the allegations could constitute a violation of this Policy;
 - Whether the allegations have already been or would more appropriately be addressed through another process, including alternate resolution under this policy; and,
 - As appropriate in the circumstances, the length of time that has passed since the last alleged incident, the severity of the incident(s), the reasons for a delay, and the principles of procedural fairness, including any prejudicial impact on the Respondent as a result of delay.

Investigation

- In the event the Complaint proceeds to Investigation, either in part or whole, the University will appoint an impartial investigator who is a competent person with the appropriate skills, training, and/or experience to conduct the Investigation. The investigator may be internal or external to the University.
- The function of an investigator is to make factual findings, on a balance of probabilities basis, of whether the allegations in the Complaint occurred in part or whole. The investigator will not make legal findings or determine the final outcome of the matter.
- The investigator will be responsible for the process followed during the Investigation including ensuring that the process is procedurally fair to both parties. The investigator may impose reasonable timelines on the steps of the Investigation in order for the process to move forward in a timely fashion.
- The University will strive to complete the Investigation within 8 months, from the date the parties are notified of the start of the investigation to the date when the Complainant and Respondent are notified of the Investigation findings.
- The Parties will each be provided with a summary of relevant findings from the investigator.

Decision

- Following the conclusion of an Investigation, the appropriate decision-maker will review the factual findings reached by the investigator and determine whether those factual findings amount to a breach of this or other University policy and/or the law, and if so, the appropriate discipline, sanction, corrective action or referral to another University process.
- The following offices, including any successor offices, will serve as decision-maker depending on the nature of the Respondent's relationship with the University, in consultation with the HRO as needed:

- The Vice-President, People, Finance & Digital Services or designate, for a Respondent(s) who is an administrative staff member, including a teaching assistant, post-doctoral fellow, or sessional lecturer.
 - The Vice-Provost, Faculty & Academic Life or designate, in consultation with the applicable Dean¹, Principal or University Chief Librarian, for a Respondent(s) who is a faculty member or librarian covered by the Memorandum of Agreement with the University of Toronto Faculty Association, or a status-only faculty member, adjunct faculty member, or visiting professor with the University of Toronto, or a clinical faculty member (in consultation with the Vice-Provost, Relations with Health Care Institutions or designate).
 - The Vice-Provost, Relations with Health Care Institutions or designate, for a Respondent(s) who is a post-graduate medical resident, or a clinical fellow.
 - The Vice-Provost, Students or designate, in consultation with the applicable Dean² or Principal, for a Respondent(s) who is a student in a Complaint that does not fall within the scope of the *Code of Student Conduct*.
 - The applicable Division Head in the case of a Respondent who is a Learner.
 - In the case of a Respondent(s) who holds more than one role or who is not delineated above, the University will decide the appropriate decision-maker in the circumstances of the particular case.
- Prior to a decision being made, the Parties will be given an opportunity to provide the decision-maker with their views on the findings of the Investigation, as set out in the summary of relevant findings.
 - A determination that a Respondent has engaged in Discrimination or Harassment may result in a number of possible outcomes, commensurate with the nature of the incident complained of and taking into account all other relevant considerations and in accordance with any applicable University policies and procedures, collective agreement, employment contract, or Memorandum of Agreement, including but not limited to:
 - a requirement to undertake education and/or training,
 - corrective action such as relocation or change of duties or supervision, and/or
 - reprimand, suspension, termination, or commencement of proceedings to terminate/expel.
 - The Complainant will be advised of the determination regarding whether this Policy has been breached.
 - Any available pathways for appeal or review of a decision are as set out in any existing grievance or dispute resolution processes available to the Respondent under the terms of their relationship with the University.

Section 6: University-Initiated Investigation or Alternative Resolution Pathway

In exceptional cases, the University may obtain information of an incident of alleged Discrimination or Harassment in the absence of Complaint or Complainant. The University may decide to initiate

¹ Where a matter concerns a graduate student, the "applicable Dean" refers to the Dean of SGS.

² Same as note 1 above.

an Investigation or an Alternative Resolution Pathway in those instances, including where the University is required by law to act.

Section 7: Interim Measures

- Interim Measures are temporary, non-disciplinary restrictions placed generally on a Respondent during some or all of the timeframe from when a Complaint is filed until when a decision is communicated to the parties. Interim Measures may also be called interim conditions.
- Decisions on whether to implement or amend Interim Measures, and the Interim Measures appropriate in the circumstances, will be made by the decision-maker set out in Section 5.
- The breach of Interim Measures/conditions is prohibited, and may be treated as a disciplinary matter within the context of the individual's relationship with the University and/or taken into account in the outcome of a Complaint under this Policy.
- Any available pathways for appeal or review of Interim Measures are as set out in any existing grievance or dispute resolution processes available to the Respondent under the terms of their relationship with the University, including collective agreements and the Memorandum of Agreement with the University of Toronto Faculty Association.

Section 8: Reprisals

- A reprisal is any action – including through professional, social, or technological means – that imposes negative consequences against any participant to a process under this Policy, including a Complainant, Respondent or witness, that is related to their participation in such process. This could include negative consequences against a Complainant for bringing a Complaint. A threat of an act of Reprisal will be considered an act of Reprisal. The term “Reprisal” can be used interchangeably with the term “retaliation”.
- Reprisals against anyone who files a Complaint under this Policy or participates in any way in the processing of a Complaint under this Policy, including as a witness in an Investigation, are strictly prohibited, and may be treated as a disciplinary matter within the context of the individual's relationship with the University and/or taken into account in the outcome of a Complaint under this Policy.

Section 9: Alternative Resolution Pathway

- An Alternative Resolution Pathway is an alternative to the process described in section 6 above and could include facilitated conversations, mediation, coaching or training for one or more of the Parties. It may be suitable where a Complainant prefers to have a Complaint addressed without an Investigation and/or is seeking outcomes other than discipline.
- At any time, a Complainant may make a request to the University to initiate an Alternative Resolution Pathway. In order to proceed with an Alternative Resolution Pathway, the University and Respondent must also agree.

- An Alternative Resolution Pathway does not result in disciplinary measures against a Respondent.

Section 10: Training and Education

The University will make available general training and education about this Policy to all students, administrative staff members, faculty members, librarians, postgraduate medical residents, clinical fellows and Learners.

Section 11: Annual Reporting

The University will produce and post publicly an annual report that provides aggregate statistical information, without names or personal information, about Complaints filed under this Policy.

Section 12: Policy Review

The University will review this Policy at least once every five years and amend it as appropriate.

Section 13: List of related documents

Legislation:

Criminal Code

Freedom of Information and Protection of Privacy Act

Human Rights Code

Ministry of Training, Colleges and Universities Act

Occupational Health and Safety Act

Policies and Guidelines:

Code of Student Conduct

Equity, Diversity and Excellence, Statement on

Freedom of Speech, Statement on

Institutional Purpose, Statement of

Prohibited Discrimination and Discriminatory Harassment, Guideline for Employees on Concerns and Complaints Regarding

Sexual Violence and Sexual Harassment, Policy on

Workplace Harassment, Policy with Respect to

Standards of Professional Practice Behaviour for all Health Professional Students

Standards of Professional Behaviour for Clinical (MD) Faculty

DRAFT