

UTFA Council Agenda

Tuesday, September 18, 2018 – 3:00 – 5:00 p.m.

Room 374

Rotman School of Management

-
1. Nomination of Jeff Newman as Speaker of Council for 2018-2019
 2. Approval of the Agenda
 3. Reading of Traditional Land Statement
 4. New Council and Committee Membership (10 min) (J. Newman)
 - a. Introduction of new Council members (J. Newman)
 - b. Motion to approve Michelle Alexopoulos from Constituency #115, Economics to replace Marcin Peński while he is on leave
 - c. Approval of members to Standing Committees *
 5. Minutes of Previous Meetings
 - a. June 13, 2018 *
 6. Business Arising
 - a. From the Minutes of Council
 - b. From the Summary of the Minutes of the Executive Committee
 - i. May 24, 2018 *
 - ii. June 21, 2018*
 7. Report of the President (60 min)
 - a. President's remarks *
 - b. Pension update (C. Messenger and H. Mackenzie)
 - c. SETs (T. Zoric, C. Evans and H. Nowak) *
 - d. Gender Salary update (T. Zoric and S. Olexson – *in camera*)
 - e. Part-time Appointments update (*in camera*)
 - f. Executive motion on broader Constitutional change *
 - g. Executive motions on Constitutional Review of Executive committee appointments process*
 - h. UofT Pension Committee Nominations
 - i. Other matters

8. Report of the Treasurer (15 min)
 - a. Draft Financial Statement *
9. Report of the Vice-President, Salary, Benefits, Pensions and Workload (10 min)
10. Report of the Vice-President, Grievances (20 min)
 - a. Overview of Active Files in the Grievance Portfolio
 - b. Sexual Violence Policy LOU Negotiations update
 - c. Workload Policy (WLPP) update
 - d. Health and Safety Issues
 - e. Asbestos
 - f. Civility Guidelines and Discrimination Guidelines *
 - g. UTFA members serving on Health and Safety Committees
 - h. Other Matters
11. Report of the Chair of the Appointments Committee (5 min)
 - a. Workshop - Aging Well: Things to Think about, Plan for, and Talk about to Maximize your Quality of Life given by Amy D'Aprix, MSW, PhD, CPCA – January 24, 2018
 - b. Challenges and Strengths II: Showcasing the Contributions of Part-Timers at the University of Toronto – Spring 2019 (An opportunity for part-time faculty and librarians from the three campuses of the University of Toronto to share with and learn from their colleagues in a genial, collegial atmosphere)
 - c. Appointments Committee meeting – Friday, September 28, 2:00 – 4:00 p.m.
12. Other Business
 - a. Next meeting of Council
Thursday, October 28, 2018
13. Adjournment

* materials attached

**UTFA Committees
Revised**

Item 4c
Council - September 18, 2018

	A	B	C	D
1	Committee Name	Chair	Member	Department
2	Appointments Committee	Claude Evans	Allen, Matthew	John H. Daniels Faculty of Architecture, Landscaping, and Design
3		claud.evans@utoronto.ca	Braun, Aurel	UTM- Political Science
4			Chen, Liang	UTSC - Management & Economics
5			Gillis, Roy	Applied Psychology and Human Development
6			Keith, Alison	Department of Classics
7			McDonagh, Brian	Music
8			Scheaffer, Kathleen	Librarian - Faculty of Information Studies
9			Taleghani, Azita	Near and Middle Eastern Civilizations
10			Zoric, Terezia	SJE - OISE
11				
12				
13	Equity Committee	Azita Taleghani	David, Ravit	Robarts Library
14		azita.taleghani@utoronto.ca	Evans, Claude	UTM - Language Studies
15			Everall, Kyle	Robarts Library
16			Gillis, Roy	Applied Psychology and Human Development
17			Hojatollah Taleghani, Azita	Near and Middle Eastern Civilizations
18			Scheaffer, Kathleen	Librarian - Faculty of Information Studies
19			Zoric, Terezia	SJE - OISE
20				
21	Financial Advisory Committee	Louis Florence	Kirsch, Tanya	UTM - Management
22		louis.florence@utoronto.ca	Stewart Rose, Leslie	SJE - OISE - CTL
23			White, Alan	Rotman School of Management
24				
25				
26	Grievance Committee	Terezia Zoric	Banning Kass	Cinema Studies
27		zoric@utfa.org	Evans, Claude	UTM - Language Studies
28			Gillis, Roy	Applied Psychology and Human Development
29			Ju, William	Human Biology, New College
30			McDonagh, Brian	Music
31			Scheaffer, Kathleen	Librarian - Faculty of Information Studies

**UTFA Committees
Revised**

Item 4c
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	A	B	C	D
32				
33	Librarians Committee	Harriet Sonne de Torrens	Barrett, Kathryn	UTSC Library
34		harriet.sonne@utoronto.ca	Carter, Richard	St. Michael's College
35			D'Agostina, Dan	Collection Development & Material Management
36			David, Ravit	Robarts Library
37			Everall, Kyle	Robarts Library
38			Gayhart, Lisa	Info Technology Services - Robarts
39			Guise, Jan	Librarian - Faculty of Music
40			Henshilwood, Angela	Engineering & Computer Science Library
41			Kemble, Whitney	UTSC Library
42			Loumankis, Alexia	Bora Laskin Law Library
43			Marks, Steve	Digital Preservation Librarian, ITS
44			Rocha, Fabiano	Materials Processing
45			Meyers Sawa, Suzanne	Retired Member
46			Scheaffer, Kathleen	Librarian - Faculty of Information Studies
47			Skelton, Vicki	Industrial Relations & Human Resources Library
48			Slaght, Graeme	Copyright Librarian - Robarts Library
49			Spence, Michelle	Engineering and Computer Science Library
50			Tang, Helen Bixia	East Asian Library
51			Tooulas-Santolin, Christina	Reference & Research Services
52			Zoric, Terezia	SJE - OISE
53			Zych, Maria	Dentistry Library
54				
	Membership Committee	Keith Adamson	Allen, Matthew	John H. Daniels Faculty of Architecture, Landscaping, and Design
55		keith.adamson@utoronto.ca	Banning, Kass	Cinema Studies
56			Evans, Claude	UTM - Language Studies
57			Gillis, Roy	Applied Psychology and Human Development
58			Hojatollah Taleghani, Azita	Near and Middle Eastern Civilizations
59			Scheaffer, Kathleen	Librarian - Faculty of Information Studies
60			Skelton, Vicky	Librarian - Industrial Relations
61			Sonne de Torrens, Harriet	Librarian - UTM
62			Tooulas-Santolin, Christina	Reference & Research Services
63			Zoric, Terezia	SJE - OISE
64				

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Revised

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	A	B	C	D
65				
66				
67	Retired Members Committee	Jody Macdonald	Barbeau, Ed	Retired Member
68		g.macdonald@utoronto.ca	Evans, Claude	UTM - Language Studies
69			Fillion, Elinor	Retired
70			Grad, Helen	Retired Member
71			Grima, Lino	Retired Member
72			Guttman, Mary Alice	Retired Member
73			Mallouk, Brenda	Retired Member
74			Scheaffer, Kathleen	Librarian - Faculty of Information Studies
75			Weaver, Kent	Retired
76			Zoric, Terezia	SJE - OISE
77				
78				
79	Salary, Benefits Pensions and Workload Committee	Scheaffer, Kathleen	Attridge, Michael	Theology, St. Michael's College
80		kathleen.scheaffer@utoronto.ca	Allen, Matthew	John H. Daniels Faculty of Architecture, Landscaping, and Design
81			Evans, Claude	UTM - Language Studies
82			Gillis, Roy	Applied Psychology and Human Development
83			Grima, Lino	Retired Member
84			Guttman, Mary Alice	Retired
85			Hamel, Paul	Laboratory Medicine & Pathobiology
86			Jenkins, Jennifer	History
87			Macdonald, Jody	Retired
88			MacDonald, Ken	UTSC - Human Geography
89			Mallouk, Brenda	Rotman School of Management
90			McDonagh, Brian	Music
91			Milbrandt, George	Retired Member
92			Scheaffer, Kathleen	Librarian - Faculty of Information Studies
93			Skelton, Vicki	Industrial Relations & Human Resources Library
94			Sonne de Torrens, Harriet	Librarian - UTM

UTFA Committees
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	A	B	C	D
95			Stapleton, Maureen	Rotman School of Management
96			Weaver, Kent	Retired Member
97			Zoric, Terezia	SJE - OISE
98				
99				
100				
101	Teaching Stream Commiiittee	Banning, Kass	Adamson, Keith	Faculty of Social Work
102		k.banning@utoronto.ca	Allen, Matthew	John H. Daniels Faculty of Architecure,
103			Cooper, David	Faculty of Kinesiology and Physical Education
104			David, Ravit	Robarts Library
105			Dubins, David	Leslie Dan School of Pharmacy
106			Evans, Claude	UTM - Language Studies
107			Grav, Peter	Teaching Stream
108			Hojatollah Taleghani, Azita	Near and Middle Eastern Civilizations
109			Kramarz, Teresa	Munk School of Global Affairs
110			Marks, Steve	Librarian - Robarts Library
111			McDonagh, Brian	Music
112			Nizri, Yigal	Department & Centre for the Study of Religion
113			Poe, Judith	Teaching Stream
114			Rayter, Scott	University College Program - English
115			Roberts, David	Urban Studies
116			Scheaffer, Kathleen	Librarian - Faculty of Information Studies
117			Scoville, Chester	UTM, English and Drama
118			Sonne de Torrens, Harriet	Librarian - UTM
119			Zoric, Terezia	SJE - OISE
120				
121				
122				
123	University and External Affairs	Roy Gillis	Banning, Kass	Cinema Studies
124		roy.gillis@utoronto.ca	Light, Matthew	Centre for Criminology and Sociolegal Studies
125			Scheaffer, Kathleen	Librarian - Faculty of Information Studies
126			Zoric, Terezia	SJE - OISE



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UTFA Council Minutes

Wednesday, June 13, 2018 – 3:00 – 5:30 p.m.
Room 205
Claude T. Bissell Bldg. (also called iSchool)
140 St. George Street

Present:

- Executive:** K. Banning, A. Braun, C. Evans, L. Florence, R. Gillis, A. Taleghani, K. MacDonald, C. Messenger, K. Scheaffer, H. Sonne de Torrens, M. Tavakoli-Targhi, K. Weaver, T. Zoric
- Present:** M. Attridge, L. Austin, E. Barbeau, K. Bickmore, L. Chen, A. Fenner, E. Fillion, P. Grav, C. Guberman, M.A. Guttman, P. Hamel, D. Heap, R. Helms-Park, J. Jenkins, W. Kemble, L. Kohn, J. Macdonald, B. McDonagh, M. Peski, J. Poë, S. Prudham, K. Rankin, D. Roberts, H. Rodd, R. Sarabia, L. Shade, V. Skelton, L. Stewart Rose, A. White
- Regrets:** M. Allen, J. Berkovitz, D. Gastaldo, P. Gauvreau, J. Nogami, M. O'Connor, N. Wiseman
- Absent:** D. Cooper, J. Lanca, M. Light
- Also Present:** D. Campanella (Research analyst)
H. Diggle (Counsel)
J. Hanssen (Guest)
M. Horban (Business Officer)
A. Lo (Communications, Outreach Campaign Support Officer)
J. Newman (Speaker)
H. Nowak (General Counsel)
S. Olexson (Counsel)
C. Penn (Administrative Assistant and Note Taker)
R. Schmelzer (Grievance Assistant and Note Taker)

J. Newman called the meeting to order at 3:00 p.m.

1. Approval of the Agenda

M. Attridge, seconded by E. Fillion, moved that:

the agenda be approved as amended.

Carried.

2. Introduction of new Council member (J. Newman)

J. Newman introduced Maureen Stapleton, who represents #706, Rotman School of Management.

The members showed their appreciation through applause.

3. Minutes of Previous Meetings

a. May 15, 2018 *

As there were no changes to the May 15, 2018 Council minutes, they were approved as distributed.

4. Business Arising

a. From the Minutes of Council

b. From the Summary of the Minutes of the Executive Committee

i. May 3, 2018 *

There was no business arising from the minutes of Council or the Executive Committee.

5. Release Funds * (10 min) (C. Messenger)

C. Messenger reminded the members that Council had struck an ad hoc committee on release funds, but the committee was not able to come to any resolution. She suggested, therefore, that Council approve the 2017-2018 schedule of release funds for 2018-2019, to allow those appointed to the Executive Committee at this meeting to go ahead with negotiations in their departments.

C. Messenger, seconded by L. Florence, moved that;

the release funds schedule for 2017-2018 be approved as distributed for the 2018-2019 academic year.

Carried.

6. Summer Authority * (5 min)

J. Newman explained that as Council does not meet in the summer months, Council usually authorizes the Executive to deal with business over that period.

The Executive Committee recommends to Council that:

until the next regular meeting of Council (in September), summer authority be granted to the UTFA Executive Committee to:

(i) Conduct normal UTFA business

(ii) Authorize usual expenditures

Carried.

7. Report of the Nominating Committee * (90 min)

J. Newman called the members' attention to the document headed "How appointment of the 2018-2019 Executive Committee will proceed." (See Attachment 1)

M. Tavakoli-Targhi, seconded by A. Braun, moved that:

Kass Banning (Chair, Teaching Stream), Terezia Zoric (Vice-President, Grievances), Azita Taleghani (Chair, Equity Committee), Harriet Sonne de Torrens (Chair, Librarians Committee), and Jody Macdonald (Chair, Retired Members Committee), be acclaimed to their positions.

Carried.

J. Newman called upon R. Gillis and P. Hamel to give their presentations and answer questions for the position of Vice-President, University and External Affairs.

R. Gillis and P. Hamel gave their presentations and answered the members' questions.

J. Newman called upon K. Scheaffer and L. Kramer to give their presentations and answer questions for the position of Vice-President, Salary, Benefits, Pensions and Workload.

K. Scheaffer and L. Kramer gave their presentations and answered the members' questions.

J. Newman called upon J. Hanssen and K. Adamson to give their presentations and answer questions for the position of Chair, Membership Committee.

J. Hanssen and K. Adamson gave their presentations and answered the members' questions.

J. Newman announced the results of the elections:

Vice-President, University and External Affairs: R. Gillis

Vice-President, Salary, Benefits, Pensions and Workload: K. Scheaffer

Chair, Membership Committee: K. Adamson

M. Tavakoli-Targhi, seconded by R. Sarabia, moved that:

Council acknowledge the results of the elections.

Carried.

M. Tavakoli-Targhi, seconded by A. White, moved that:

M. Allen be acclaimed as a Member-at-Large.

Carried.

8. Report of the President (10 min)

a. Nomination of Representative to UofT Pension Committee

C. Messenger said that UTFA needs to replace Andreas Motsch on the UofT Pension Committee.

R. Gillis, seconded by E. Barbeau, moved that:

Council postpone the selection of a representative to the UofT Pension Committee to the September meeting of Council.

Carried.

b. Additions to Librarians Committee *

W. Kemble, seconded by L. Kohn, moved that:

Alexia Loumankis from the Bora Laskin Library and Richard Carter from the John M. Kelly Library be added to the Librarians Committee.

Carried.

- c. Motion to Constitute a Committee to Review and Revise the UTFA Constitution and Bylaws*

C. Messenger, seconded by R. Gillis, moved that:

*In **September 2018**, once the new Executive Committee and some new Council members have taken their seats, UTFA Council shall appoint a Constitutional Review Committee (CRC), the mandate for which would be to investigate the possibility of substantial constitutional and bylaw change at UTFA that would include the incorporation of UTFA. The CRC would also study the possibility of an Executive Committee elected by the general membership.*

Membership on this Committee would include UTFA Executive Committee and Council members and also constitutional and governance experts from among the UTFA general membership. Membership on the CRC would include representatives from all three full-time streams, from precariously employed members, from all three campuses, and from the retired.

The UTFA Council would decide in September the timeline for this undertaking, but the constitutional changes should be approved before the next presidential election.

C. Messenger said that this motion addresses the need for constitutional change for next year. The need for incorporation is pressing and incorporation cannot be done without an update to the Constitution and Bylaws. A committee needs to be formed to look at many questions, not just the guidelines for presidential or other elections. The Constitution and Bylaws contain contradictions and other problems and need to be overhauled.

The members discussed the motion. Noted in discussion:

- this motion proposes looking at the whole Constitution over the next two years, but the other focuses on the Nominating Committee, with a deadline of December 2018. The review of the nominating process is crucial and needs to be in that timeline.
- a substantial review may conclude that Executive members would be appointed differently
- the nominating process could be reviewed within a broader constitutional review
- Council can revise guidelines for the election process at any time and should be setting guidelines for presidential elections
- something substantial would have to be done before the next presidential election
- the election and nomination issue is the immediate problem and could be addressed by one committee, while broader structural issues, including incorporation, should be dealt with separately. The committee to review the elections issue could come back to Council by December, so that any changes would be in place for Executive elections next year.
- next year there will not be a Presidential election and the nominations to Executive would be substantially different

J. Poë, seconded by, E. Barbeau, moved that:

Council refer the proposed motion to the Executive, to come back with recommendations to Council at the September meeting.

Noted further:

- the role of the general membership is at the core of the motion in front of Council to which the procedural motion refers. Council must address the need for approval of the general membership in order to be able to decide what to do.
- the procedural motion prevents Council from discussing the original motion further
- Council needs direction from the Executive about where the Constitution and Bylaws need to be changed
- to avoid problems in the nomination of the Executive next year, the motion from H. Sonne de Torrens needs to be discussed
- but that motion is misunderstood insofar as its intention was to start down a path toward constitutional change, to form a committee to work with other committees and to do outreach, as there is a lot of work to do on any changes

J. Newman called the motion presented by J. Poë to refer this item back to the Executive, to bring recommendations to the September meeting of Council.

Carried.

- d. Motion to Constitute a Committee to Review Nomination and Election Bylaws and practices *

This agenda item was moved to the end of the agenda as Item 13.

H. Sonne de Torrens spoke to the proposal and revised motion.

Constitutional Review Committee

UTFA Council Directives

As stipulated in the By-Laws and Constitution UTFA Council is responsible for establishing election and nomination guidelines:

Constitution: “9.1.iii. Council, by regulation, shall establish guidelines for conduct of the election.”

By-Laws : “10:10. Council, by regulation, shall establish guidelines for conduct of the Executive Committee appointments.”

By-Laws : “10.6. The Nominating Committee provides an important communication and feedback mechanism supplementing the work of Council and the Executive Committee and, as a result, the Nominating Committee is encouraged to make suggestions relating to the work of the Nominating Committee, to be considered by Council the following year (e.g., through a Constitutional Review Committee).”

Preamble

Whereas, 2018 was an election year for the concluding 2-year terms of the UTFA president and several positions on Executive, which resulted in an unworkable time frame for Nominating Committee procedures as outlined in the bylaws 10.2, 10.7 and 10.9;

Whereas, the same scenario will be repeated in 2020 due to an unworkable time frame and the absence of procedures and guidelines;

Whereas, previous Nomination Committees wrote reports dating back to 2011 with suggested amendments and which have not been pursued or acted upon;

Whereas, it is the responsibility of UTFA Council as per the By-Law 10.10 and Constitution 9.1.iii. to ensure workable procedures for elections and appointments;

Whereas, in fairness to all UTFA members who participate in the election and/or nomination process and to the members we represent, the following motion is proposed.

H. Sonne de Torrens, seconded by V. Skelton, moved that:

Revised Motion (underlining indicates recent revisions)

the University of Toronto Faculty Association (UTFA) Council form a Constitutional Review Committee whose purpose is to review and, as necessary, propose amendments to the time frame and process for electing the UTFA President and for nominating and electing the members of the UTFA Executive Committee.

The core membership of the Constitutional Review Committee will consist of six UTFA Council members, three tenure stream, one teaching stream faculty, one librarian and one retiree selected by UTFA Council from UTFA Council members and a member of the UTFA Executive. Furthermore, Council shall determine if additional members from the UTFA Executive, committees or wider community are required.

Recommendations of the Constitutional Review Committee should be reported to the UTFA Council no later than the December 2018 UTFA Council meeting to ensure that those recommendations approved by the UTFA Council can be considered at the 2019 UTFA Annual General Meeting.

H. Sonne de Torrens said that she feels that this motion is urgent, as UTFA needs to improve its process. Almost every nominating committee puts forward recommendations on how to improve the process.

J. Jenkins, seconded by K. Bickmore, moved that:

the meeting be extended by 10 minutes.

Carried.

The members discussed the motion put forward by H. Sonne de Torrens.

- the ratios in the motion are off
- there does need to be a better nominating process
- this motion should have been discussed at Executive

T. Zoric, seconded by R. Gillis, moved that:

the motion proposed by H. Sonne de Torrens be postponed to the September Council meeting in order to have the new Executive review and modify it.

Motion failed.

Noted further:

- issues around the work of the Nominating Committee should be dealt with as soon as possible
- there is no reason for excluding Executive members
- the guidelines in the Constitution and Bylaws state that this is the responsibility of Council

J. Newman called the question.

Carried.

e. Acknowledgement of departing Council/Executive members

C. Messenger said that she would like to acknowledge L. Austin, P. Gauvreau, L. Kohn, L. Shade, J. Berkovitz, K. Weaver, and M. Tavakoli-Targhi as they leave Council. She thanked them for their service.

The members showed their appreciation through applause.

f. Other matters

There were no other matters.

9. Report of the Treasurer (10 min)

a. Year-to-date and Draft interim budget *

L. Florence presented the year-to-date and the draft interim budget. In the 11-month period ending in May, investments earned \$210,000, a return of about 5% on assets of \$4 million. He asked members to email him if they had any questions.

The members discussed the year-to-date and draft interim budget.

L. Florence said that the document was for discussion only and there was no motion. He noted that the 5000 accounts have a high degree of uncertainty. With a new government we expect to be reimbursed a large amount of what UTFA has spent on pensions, but this is not certain. We have already received a substantial amount from the university.

L. Florence noted that the 8000 accounts are the other area of uncertainty. UTFA has acquired some new space and will need to do renovations. He hopes to be able to refine the numbers for the October budget. At that time there will be a motion to accept the 2018-2019 budget.

b. Other matters

There were no other matters.

10. Report of the Vice-President, Salary, Benefits, Pensions and Workload (10 min)

K. MacDonald noted that this was his last report as Vice-President, Salary, Benefits, Pensions and Workload.

K. MacDonald said that the agreements reached with UofT still need to go through Governing Council. We are still having issues with the language because of the lack of meetings. He said that the Workload Policy is showing some gains.

K. MacDonald said that the UTFA working group on LTD is moving forward and has reviewed LTD developments over the past few years. V. Skelton, R. Gillis, R. Chang and he met with UTFA's consultants on this issue and reviewed the documents from the university. These confirmed that faculty and librarians are paying proportionally more than what they receive for LTD benefits.

K. MacDonald said that there are new products with many attractive benefits on the market. We need to discuss these with the Administration in order to plan and fund a new LTD plan.

The members discussed other issues regarding LTD, life insurance, and Green Shield.

V. Skelton, seconded by K. Scheaffer, moved that:

Council thank K. MacDonald for his good work as Vice-President.

Carried.

The members showed their appreciation through applause.

11. Report of the Chair, Teaching Stream Committee (5 min)

K. Banning reported that she is reviewing the divisional guidelines and the Provostial guidelines for effectiveness of teaching. They emphasize metrics and outcomes. She said that she will let the members know which guidelines UTFA has received and asked the members to review their own department guidelines and the guidelines for the other constituencies they represent and let her know if they think there is inconsistency between the original document and the final guidelines. She noted that sometimes a single word can change the guidelines.

12. Report of the Vice-President, Grievances (5 min)

T. Zoric reported that she is working on the Sexual Violence and Asbestos issues.

T. Zoric said that negotiations on the Letter of Understanding (LOU) on the Sexual Violence Policy are proceeding slowly, but at a meeting held on April 19 there was a fruitful conversation and some common ground was found. The Administration is still preparing a response to our LOU. We have been waiting to obtain a response and to schedule follow-up meetings since April.

T. Zoric said that the second issue that she is involved in is the Asbestos Review Panel. She met with the panel for one hour on March 11. UTFA was among a dozen university groups, including CUPE 3902 and Steelworkers. All but a small number represented the position of employer. UTFA is working with CUPE and Steelworkers to guard against bad practices. T. Zoric said that on April 27 the panel gave itself extended guidelines. If the panel does not come back in the fall, we will be ready with a press release as we want to make sure that all groups at UofT are well served. This is important to the well-being of our members, students, and staff.

T. Zoric said that UTFA is suggesting that, instead of every workplace having a health and safety committee, we have an umbrella committee to discuss deeper issues across all three campuses.

T. Zoric said that we are also looking at the teaching effectiveness guidelines at the divisional level. She said that it is important for Council members to take this issue seriously and to look at their own internal teaching effectiveness policies. Once policy language is in place, we cannot allow the employer to violate it.

T. Zoric asked any members who find problems to contact K. Banning, H. Nowak, or herself.

13. Other Business

S. Prudham, seconded by J. Jenkins, moved that

Council hold an election to fill a Member-at-Large position at the September or October Council meeting.

Carried.

a. Next meeting of Council

TBA

14. Adjournment

W. Kemble, seconded by J. Jenkins, moved that:

the meeting adjourn.

Carried.

The meeting adjourned at 5:40 p.m.

Chris Penn
Administrative Assistant

Attachment 1

How appointment of the 2018-2019 Executive Committee will proceed:

1. Uncontested positions, excluding members-at-large

The slate of nominees to uncontested positions, excluding members-at-large, will be appointed by a show of hands.

2. Contested positions

Nominees for the three contested positions will be elected by secret ballot, using ballots that will be distributed at the beginning of the meeting.

For each position, immediately after both candidates have delivered their statements and taken questions, ballots will be completed and collected for counting.

The outcomes of these three elections will be announced after all three sets of ballots have been counted.

3. Members-at-large

The UTFA Constitution states:

7.2 At least two of the members-at-large on the Executive Committee must be elected from the existing elected or appointed members of Council. If a majority of the members appointed to the Executive Committee aside from the members-at-large are also members of UTFA Council by representing a constituency, Council may appoint a third member-at-large from the UTFA membership who is not a member of Council. The appointment of members-at-large will take place after the appointment of other members of the Executive Committee, where necessary to give effect to this provision.

One of the nominees for member-at-large, Ken MacDonald, is not a member of Council by virtue of representing a constituency and is therefore ineligible for the position of member-at-large at the June 13 meeting of Council.

There are two paths by which Ken can be added as a member-at-large later:

a. Ken becomes an elected representative of his constituency. Once he is a member of Council again Council can appoint him to the Executive as a member-at-large;

or

b. Council may appoint Ken as the third member-at-large if “a majority of members appointed to the Executive Committee aside from the members-at-large,” in this case six, “are also members of UTFA Council by virtue of representing a constituency.” After items 1 and 2, as set out above, are conducted, there will not be six such members on the Executive Committee: three continuing members represent constituencies, as does one candidate for a contested position, which gives a total of three or four, depending on the outcome of the vote. This could, however, rise to six over the summer. If it does, then Council could decide to appoint Ken as a member-at-large from the membership.

Accordingly, the only nominee for member-at-large who is eligible to be appointed at this time is Matthew Allen, who does represent a constituency on Council.

The eligible nominee for member-at-large will be appointed by a show of hands.

Council Summary
UTFA Executive Minutes

Thursday, May 24, 2018 – 1:00 p.m. – 3:00 p.m.
UTFA Boardroom
Chair – C. Messenger

-
- Present:** K. Banning, A. Braun, C. Evans, L. Florence, R. Gillis, C. Messenger (Chair), K. Scheaffer, A. Taleghani, M. Tavakoli-Targhi, T. Zoric
- Also Present:** M. Horban (Business Officer), H. Nowak (General Counsel), R. Schmelzer (Grievance Assistant and Notes)
- Regrets:** K. MacDonald, H. Sonne de Torrens, K. Weaver

C. Messenger called the meeting to order at 1:10 p.m.

1. Approval of the agenda Approved as amended.
2. Minutes of the previous meeting
 - a. May 3, 2018 *
 - i. Executive minutes
 - ii. Council summary

Approved as distributed.

3. Business arising (not elsewhere on the agenda)
 - a. Action List *

Several items were removed from the action list.

4. Order of the Day: 2019 Worldviews Conference on Media and Higher Education (M. Rosenfeld and Cheryl Athersych - OCUFA) (30 min)

M. Rosenfeld gave a brief overview of the event.

The conference will take place at UofT in June 2019. This is the third such conference that OCUFA is organizing. OCUFA will work closely on it with UofT and OISE. The conference will bring together education and media, journalists, public intellectuals, and students to discuss democracy at risk.

Several subthemes will be developed, such as: implications and future directions for technological change in higher education and the media; democratization and recognition of voices of women and

racialized minorities; academic freedom and freedom of the press in a post-truth world; changing power structures; and changing media trends. Workshops will examine trends in media collaboration.

The conference is global, with outreach to academics in Asia and South America. It's not academic in format but designed for interviews, panels, café conversations, and other ways of exchanging views. There will be installations, story tellers, a partnership with TIFF to explore how Hollywood portrays academia, and exploration through documentary film in partnership with HotDocs. The program will likely extend over two and a half days.

OCUFA has received a \$40,000 grant from one sponsor and additional support from others, including Goldblatt Partners, and is reaching out to other foundations. The goal is to raise \$150,000, to help pay for travel and accommodations as well as journalism fellowships for speakers from the Global South.

M. Rosenfeld took questions. Topics addressed in the questions included:

- countries from which speakers are attending: India, China, Ghana, Nigeria, South America
- eligibility for and amount of journalism fellowships: people with responsibilities in local publications would be eligible, and the amount will depend on sponsors
- venues, including at the Munk School: C. Messenger offered to help with finding space on campus
- the balance, in conference participation, between the mainstream and alternative media, international and local: the goal will be to have a diverse range of participants, who will be identified with help from University World News among others
- addressing issues such as corporatization, truth in the media, identity politics, and the impact of these issues on teaching: examples of suitable speakers were discussed

Several members expressed their appreciation to OCUFA for organizing this conference.

5. Report of the President (25 min)

a. Executive Director Hiring Update

A. Braun, seconded by T. Zoric, moved that the meeting go in camera.

Carried.

T. Zoric, seconded by L. Florence, moved to return to the regular meeting.

Carried.

b. Executive Retreat – Friday, September 14, 2018, all day

C. Messenger noted that the Retreat will again be held at the Old Mill.

c. Gender Salary Update

C. Messenger said that work continues and meetings will take place throughout the summer.

d. Other matters

M. Tavakoli-Targhi, seconded by K. Banning, moved that the meeting go in camera for a discussion on negotiations.

Carried.

K. Scheaffer, seconded by A. Braun, moved to return to the regular meeting.

Carried.

6. Report of the Chair of the Teaching Stream Committee (10 min)

a. Promotion Workshop for the Teaching Stream

K. Banning reported that the workshop was a success and noted in particular a new practice of inviting more senior members to meet with more junior ones.

K. Banning then spoke about the issue of divisional guidelines. She said that the present guidelines undermine various agreements and policies, to the detriment of the careers and lives of the members.

It was noted in discussion that in the face of problematic guidelines, it is important for the members to become engaged and to identify where those guidelines should be challenged.

b. Other matters

There were no other matters.

7. Report of the Chair of the Appointments Committee (10 min)

C..Evans reported on two events that took place in April and May, the tenure workshop and the “Part-Time Appointments” panel and conference. Attendance at the panel and conference was better than expected and participants were very enthusiastic.

In discussion, other groups that could participate were identified, including contract faculty and librarians.

C. Evans, seconded by A. Taleghani, moved that:

an event be held again in 2019 to support those with part-time appointments.

Carried.

C. Evans then spoke about another future event, a workshop led by Dr. Amy D’Aprix titled “Aging Well: Things to Think About, Plan For, and Talk About to Maximize Your Quality of Life.” It will be held on Thursday, January 24, 2019, 3:00 p.m. to 5:00 p.m. in the Upper Dining Room at the Faculty Club, and will be followed by a reception in the adjacent space from 5:00 p.m. to 7:00 p.m.

8. Report of the Treasurer (5 min)

L. Florence reported that UTFA’s financial situation is good.

M. Tavakoli-Targhi, seconded by A. Braun, moved that the meeting go in camera.

Carried.

C. Evans, seconded by A. Braun, moved to return to the regular meeting.

Carried.

9. Other Business

K. Scheaffer announced that on June 18 there will be a meeting on the Librarians Policy at Simcoe Hall and that a meeting of the Librarians Committee will be scheduled shortly.

- a. Next scheduled Executive Committee meeting
Thursday, June 21, 2018
Time TBA

- b. Next scheduled Council Meeting
Wednesday, June 13, 2018
3:00 – 5:00 p.m.
Room 205, Claude T. Bissell Building
140 St. George Street (building across from and attached to the Robarts Library)
- c. Adjournment

L. Florence, seconded by R. Gillis, moved that:
the meeting adjourn.

Carried.

The meeting adjourned at 2:50 p.m.

Rucsandra Schmelzer
Grievance Assistant



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Council Summary UTFA Executive Minutes

Thursday, June 21, 2018 – 11:00 a.m. – 12:30 p.m.

UTFA Boardroom

Chair – C. Messenger

Present: A. Braun, C. Evans, L. Florence, R. Gillis, K. MacDonald, C. Messenger, K. Scheaffer, H. Sonne de Torrens, A. Taleghani, T. Zoric, K. Weaver

Also Present: M. Horban (Business Officer), H. Nowak (General Counsel), S. Olexson (Counsel), R. Schmelzer (Administrative Assistant and Notes)

Regrets: K. Banning, M. Tavakoli-Targhi

C. Messenger called the meeting to order at 11:10 am.

1. Approval of the agenda: Approved as distributed.
2. Minutes of the previous meeting: The minutes and Council summary of the May 3, 2018 meeting were approved as amended.
3. Business arising (not elsewhere on the agenda)
 - a. Action List: Several items were removed from the action list.
4. Report of the President (35 - 40 min)
 - a. Executive Retreat – Friday September 14, 2018, all day. (The agenda will be developed over the summer in small-group meetings and then approved at our first Executive meeting, which will pre-date the Retreat.)

C. Messenger noted plans for the Executive retreat, including small-group meetings in the summer to generate ideas for the agenda.

- b. Pension Update

K. Weaver seconded by A. Taleghani moved that:

the meeting go in camera

Carried.

- c. Executive Director Hire Update

The meeting continued in camera.

- d. Part-time policy update (Admin cancelled scheduled meeting)

The meeting continued in camera.

- e. Gender Salary update: S. Olexson

The meeting continued in camera.

- f. OCUFA request for sponsorship for Worldviews conference: to be put before Council in September

T. Zoric seconded by R. Gillis moved to:

return to the regular meeting.

Carried.

C. Messenger noted that it will be up to Council to vote on how much funding UTFA might provide, and recommended giving Council as much background information as possible.

- g. Other matters

C. Messenger congratulated those newly appointed to the Executive and thanked those who were leaving—K. MacDonald, K. Weaver, and (in absentia) M. Tavakoli-Targhi, presenting them with pens.

5. Report of the Chair of the Retired Members Committee (15 min)

K. Weaver noted some future developments. G. Macdonald, who has much UTFA experience, is coming in as chair on July 1. E. Barbeau and E. Fillion have filed their nominations for another term on Council, and M. A. Guttman is returning for another year. K. Weaver said that he is currently serving on the Senior College board of management, with G. Macdonald, and that Senior College is in the final stages of approving a strategic plan.

C. Messenger suggested that faculty and librarians should be advised in writing that they are members of Senior College. K. Weaver said that it is left to them to get in touch to find out what is happening.

K. Weaver reported that P. Russell has finished the manuscript of his history of Senior College, to be published by Canadian Scholars. It is ready to be indexed. K. Weaver hopes that it will contain photos. It will provide a better understanding of the relationship with UTFA and also touches on the contributions of the Canadian and American national associations for retired academics

K. Weaver also reported on the CURAC conference that he attended. He noted that the CURAC conference will be held at Guelph in 2020 and McGill in 2021, and discussed the possibility of bringing the conference to Toronto. P. Russell is keen for this to happen and has been approaching other institutions for sponsorship. K. Weaver has made a proposal to H. Atwood and C. Messenger for making a joint effort to explore local factors and possibilities. C. Messenger listed a number of constraints limiting any involvement by UTFA.

K. Weaver then spoke about AROHE, of which UTFA is also a member. He was approached to be a member of the board in order to bring to it an international perspective. He will be representing UTFA in this capacity starting this fall.

K. Weaver ended his report by thanking UTFA for entrusting him with various responsibilities over the years: serving on a wide variety of committees (three terms in different positions on the Executive Committee, during different presidencies), and serving on the ad hoc CAUT committee and as an UTFA

representative on the CAUT librarians committee. He ended by saying that it was an honour to serve UTFA and he wished all member of the Executive the very best.

The members applauded to show their appreciation.

C. Messenger thanked K. Weaver on behalf of Council and Executive

6. Report of the Chair of the Librarians Committee (5 min)

K. Scheaffer reported that there had been a side table meeting at which much progress was made. The two parties found some common ground and therefore she was quite pleased with the outcome

C. Evans, seconded by K. Weaver, moved that:

The meeting go in camera

R. Gillis, seconded by T. Zoric, moved to:

return to regular meeting.

Carried.

7. Other Business

There was a general agreement that a posting for an Executive Director will get out on Monday, June 25.

a. Next scheduled Executive Committee meeting
TBD (before September 14)

b. **Executive Retreat**
Friday, September 14, from 9:00 a.m. to 5:00 p.m.
Location: The Old Mill.

All attendees will be invited to stay for dinner. Please indicate to Chris Penn whether you will do so and whether you have any dietary requirements.

c. Next scheduled Council Meeting
TBD. *Please remember to give your completed timetables to Chris Penn.*

d. Adjournment

L. Florence, seconded by R. Gillis, moved that:

the meeting adjourn.

Carried.

The meeting adjourned at 12:30 p.m.

Rucsandra Schmelzer
Grievance Assistant



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UTFA Executive Committee
Retreat Agenda
Friday, September 14, 2018
Humber Room – Old Mill
9:30 a.m. – 5:45 p.m.

NOTE: No motions will be passed at the Retreat. Formal minutes will not be taken; however, action items will be noted for follow up.

AGENDA:

8:30 a.m. – Breakfast

9:30 a.m. – Meeting begins

10:45 a.m. – Morning break

12:30 – 12:45 p.m. – Buffet lunch is served

12:45 p.m. – Meeting continues

3:30 p.m. – Afternoon break

6:00 p.m. – Dinner in the Terrace Room

9:30 a.m. – 9:45 a.m.

Welcome – C. Messenger

Chair for item 1: Matthew Allen

9:45 – 10:00 a.m.

1. Orientation of Executive members: Marta Horban and Chris Penn

ACTION:

Chair for item 2: Keith Adamson

10:00 – 10:45 a.m.

2. Report of the Treasurer – (Louis Florence)
 - a. Budget and spending at UTFa
 - b. CAUT Strike Fund

ACTION:

10:45 – 11:00 a.m. – Break

Chair for item 3: Roy Gillis

11:00 – 11:15 a.m.

3. Gender Salary Update (Terezia Zoric)

ACTION:

Chair for item 4: Kathleen Scheaffer

11:15 – 11:45 a.m.

4. University and External Affairs
 - a. Student Bursary Awards (Roy Gillis)
 - b. Donations Policy (Roy Gillis and Louis Florence)
 - c. Tri-campus survey
 - d. Meeting with UTSC student V-P
 - e. Upcoming Rally on Fair Wages
 - f. OCUFA Report on Contract Faculty
 - g. Ideas for supporting student scholarships
 - h. Members needed for University and External Affairs Committee

ACTION:

Chair for item 5: Jody Macdonald

11:45 a.m. – 12:30 p.m.

5. Upcoming salaries/benefits/workload/policy negotiations:
 - a. Recent Settlements (Kathleen Scheaffer)
 - b. PTR (Cynthia Messenger and Terezia Zoric)
 - c. Policies for Librarians Negotiations (Kathleen Scheaffer)
 - d. Workload Policy (Terezia Zoric)
 - e. Part-time Appointments Policy Negotiations (Cynthia Messenger)

ACTION:

12:30 p.m. – 12:45 p.m. – Break and Working Lunch

Chair for item 6: Azita Taleghani

12:45 – 1:30 p.m.

6. Issues being worked on by Terezia Zoric and the Grievance Portfolio
 - a. Overview of Active Files in Grievance Portfolio (Terezia Zoric)
 - b. Sexual Violence Policy (Terezia Zoric)
 - c. Divisional Guidelines (Kass Banning)

ACTION:

Chair for items 7 and 8: Cynthia Messenger

1:30 – 1:45 p.m.

7. Asbestos Update (Terezia Zoric)

ACTION:

2:00 – 2:45 p.m.

8. Pension Update (Hugh Mackenzie and Clio Godkewitsch)

ACTION:

Chair for item 9: Terezia Zoric

2:45 p.m. – 3:30 p.m.

9. Office of the President
- a. Constitution and Bylaws
 - b. Civility Guidelines
 - c. Heather Boon and Release Funds
 - d. Executive Director Hiring
 - e. Incorporation

ACTION:

3:30 p.m. – 3:45 p.m. - Break

Chair for item 10: Claude Evans

3:45 – 4:00 p.m.

10. Outreach and Communications at UTFA: Cynthia Messenger (Leading Discussion)

ACTION:

Chair for item 11: Harriet Sonne de Torrens

4:00 – 5:00 p.m.

11. Kaplan Arbitration Report and SETs (Helen Nowak)

ACTION:

Chair for items 12 and 13: Cynthia Messenger

5:00 – 5:15 p.m.

12. In camera guidelines/Council minutes

ACTION:

5:15– 5:45 p.m.

13. Other Matters

ACTION:

6:00 p.m. – Dinner in the Terrace Room

To: Principals & Deans

From: Susan McCahan, Vice-Provost, Academic Programs and Vice-Provost, Innovations in Undergraduate Education

Date: September 13, 2018

Re: **Course Evaluation Validation Study**

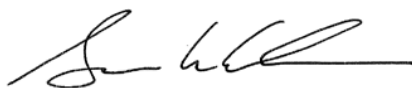
Under the leadership of my Office, the Centre for Teaching Support & Innovation (CTSI) has completed a study of the University's course evaluation framework. The study was focused on the framework's institutional items that are intended to evaluate University-wide teaching and learning priorities from the perspective of students. The validation study examined surveys completed in the 2015-16 and 2016-17 academic years in the University's four largest undergraduate divisions. This study is part of ongoing quality assurance processes to monitor the institutional course evaluation framework.

Read the full report: [University of Toronto's Cascaded Course Evaluation Framework: Validation Study of the Institutional Composite Mean \(ICM\).](#)

The Cascaded Course Evaluation Framework was adopted in 2012 upon the recommendation of a Provostial committee that consulted broadly with the University community. That committee identified institutional teaching and learning priorities that form the foundation of the framework's standardized items at the institutional level. The framework continues to be implemented across the institution, with a majority of Faculties now using the online system.

The recent study, conducted and overseen by experts in education and measurement, supports the validity and reliability of the composite formed by five of the institution-level items present on all surveys in the framework. Termed the Institutional Composite Mean (ICM), the five items together provide an evaluation of students' experiences of teaching and learning at the University of Toronto.

The study supports informed use and interpretation of the scores. The University commits to ongoing inquiry regarding student evaluation of teaching, and it is our hope that this study will foster nuanced discussion around the use of course evaluation data at the University of Toronto.



Professor Susan McCahan
Vice-Provost, Academic Programs and
Vice-Provost, Innovations in Undergraduate Education
University of Toronto



Ontario Confederation of University Faculty Associations
Union des Associations des Professeurs des Universités de l'Ontario

Briefing note:

Student questionnaires on courses and teaching

It is a common practice at universities to have students complete end-of-term questionnaires about their courses and instructors. Sometimes called *student evaluations of teaching* (SETs) or *student questionnaires on courses and teaching* (SQCTs), these are often used to make decisions about faculty tenure and promotion without an appreciation of their limitations. These questionnaires could be good for capturing the student experience, but responses are inherently influenced by factors outside of the professor's control, including the subject being taught, class size, and the professor's gender, race, or accent. Further, the comment sections in these anonymous questionnaires can and have been vehicles of harassment.

Ontario's faculty understand the value of student feedback, but the manner in which this feedback is sought, and the ends to which it is used are problematic. The goal of student questionnaires should be to inform the understanding of the teaching and learning experience, not to punish faculty for their class size, instructional innovations, gender, or skin colour.

To consider these issues, the Ontario Confederation of University Faculty Associations (OCUFA) has set up a working group with experts in methodology, research ethics, and human rights. The group has been tasked with developing a deeper understanding of how student questionnaires are currently being used at Ontario's universities, defining the limitations of these questionnaires, and developing proposals for ensuring that these questionnaires are used appropriately. The working group is expected to release its report and recommendations later this year. What follows is a summary of the group's findings so far.

Student questionnaire results are skewed by factors outside of faculty control

When completing a questionnaire, students are influenced not just by their impression of their professor's instruction, but by their more general experiences in the class, program, and institution. So many factors influence the classroom experience that it is very difficult to determine whether ratings are the result of faculty performance or other contributing factors. For instance, students in larger classes, lectures early in the morning, or more difficult upper year courses are more likely to give low ratings than those in smaller classes, mid-day lectures, or easier first-year courses. In fact, in multiple large studies it has been shown that instructors who help students achieve higher outcomes in future learning receive relatively poor ratings compared with instructors of the same course whose students later attained lower academic outcomes.

Student questionnaire results are skewed by systemic discrimination and bias

Systemic discrimination based on gender, skin colour, and accent is a very real issue on Ontario's campuses, and one of the places it manifests itself is in student questionnaire results. Research conducted in several countries over the past two decades has shown that women, people of colour, and those with accents receive lower evaluation ratings than their white male peers – regardless of ability. This discrimination and bias even plays out on the basis of course content, with classes about gender and racial issues more likely to receive lower ratings.

Student questionnaires facilitate anonymous harassment

Course evaluation questionnaires are composed of mostly multiple-choice questions. As such, they provide a very limited type of feedback. Accordingly, many such questionnaires include room for comments, allowing students to address topics not captured in the multiple-choice section. Unfortunately, as these questionnaires are anonymous, the comment section has become a means by which many faculty are being subjected to racial and sexual harassment. In the absence of effective precautions, moving the questionnaires online only facilitates this kind of threatening behaviour.

Student questionnaire results can compromise educational quality

Student questionnaires can provide important feedback about the student experience in a course, but not necessarily about a faculty member's teaching performance. Determining whether a professor is conducting class according to student expectations is not the same as assessing how well students are learning in that class nor whether effective instructional methods have been used. Innovation in the classroom often results in lower SQCT scores even when it improves learning outcomes. If the employment status of faculty is tied to the results of these questionnaires, professors are incentivized to gain favour with their students and make course work less rigorous. That compromises the integrity of courses. Contract faculty are especially vulnerable in this scenario, as many have to reapply for their jobs each term, and the results of these questionnaires could be used to determine whether they are hired again.

Student questionnaire results should not be used to determine university funding levels

With the Ontario government's intention to expand the portion of provincial funding based on performance indicators in later rounds of Strategic Mandate Agreements (SMA), it is important to be clear that student questionnaire ratings have no more place in allocating funding than they do in setting tuition fees, as proposed in the UK. The aggregation of ratings would compound the effect of biases and would not provide reliable indicators of program quality or respect qualitative differences between programs or institutions. It would ultimately penalize universities for achieving faculty diversity, instructional innovation, and true challenge and long-term learning for students.

Conclusion

Student feedback is important, but the purpose of student questionnaires on courses and teaching should be to help faculty develop their teaching, not to undermine their standing as employees, subject them to harassment, or punish them for factors outside of their control.

Item 7f: Executive motion on broader Constitutional change

The Executive Committee recommends to Council that:

Council reconsider the timeline for broader constitutional change and put off the discussion until the next academic year at the latest.

Item 7g: Executive motions on Constitutional Review of Executive committee appointments process

a. The Executive Committee recommends to Council that:

Council be asked to remove the exclusion of the parenthetical phrasing in the second paragraph of the motion and that Council reconsider distribution of membership as outlined in the second paragraph in the June motion.

b. The Executive Committee recommends to Council that:

Council consider the following names to be on the Committee to Review Bylaws on the Executive Committee appointments process:

Tenure Stream: Adria Giacca, Stephen Rupp, Roy Gillis

Teaching Stream: Terezia Zoric

Part-time Lecturer: Matthew Allen

Retired Member: Kent Weaver

Note that the President will also serve on this committee.

Revised June 10, 2018.

Motion to UTFA Council

June 13, 2018

Constitutional Review Committee

UTFA Council Directives

As stipulated in the By-Laws and Constitution UTFA Council is responsible for establishing election and nomination guidelines:

Constitution: “9.1.iii. Council, by regulation, shall establish guidelines for conduct of the election.”

By-Laws : “10:10. Council, by regulation, shall establish guidelines for conduct of the Executive Committee appointments.”

By-Laws : “10.6. The Nominating Committee provides an important communication and feedback mechanism supplementing the work of Council and the Executive Committee and, as a result, the Nominating Committee is encouraged to make suggestions relating to the work of the Nominating Committee, to be considered by Council the following year (e.g. through a Constitutional Review Committee).”

Preamble

Whereas, 2018 was an election year for the concluding 2-year terms of the UTFA president and several positions on Executive, which resulted in an unworkable time frame for Nominating Committee procedures as outlined in the bylaws 10.2, 10.7 and 10.9;

Whereas, the same scenario will be repeated in 2020 due to an unworkable time frame and the absence of procedures and guidelines;

Whereas, previous Nomination Committees wrote reports dating back to 2011 with suggested amendments and which have not been pursued or acted upon;

Whereas, it is the responsibility of UTFA Council as per the By-Law 10.10 and Constitution 9.1.iii. to ensure workable procedures for elections and appointments;

Whereas, in fairness to all UTFA members who participate in the election and/or nomination process and to the members we represent, the following motion is proposed.

(see next page for REVISED MOTION)

Revised June 10, 2018.

Revised Motion

It is moved that the University of Toronto Faculty Association (UTFA) Council form a *Constitutional Review Committee* whose purpose is to review and, as necessary, propose amendments to the time frame and process for electing the UTFA President and for nominating and electing the members of the UTFA Executive Committee.

The membership of the *Constitutional Review Committee* will consist of six UTFA Council members, three tenure stream, one teaching stream faculty, one librarian and one retiree selected by UTFA Council from UTFA Council members (excluding members of the UTFA Executive Committee).

Recommendations of the *Constitutional Review Committee* should be reported to the UTFA Council no later than the December 2018 UTFA Council meeting to ensure that those recommendations approved by the UTFA Council can be considered at the 2019 UTFA Annual General Meeting.

UNIVERSITY OF TORONTO FACULTY ASSOCIATION

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED JUNE 30, 2018

	2018	2017
REVENUE		
Membership fees (note 7)	\$ 3,318,470	\$ 3,150,380
Operating subsidies (note 8)	786,820	173,406
Investment income loss (note 9)	<u>207,913</u>	<u>286,795</u>
	<u>4,313,203</u>	<u>3,610,581</u>
EXPENSES		
Legal, audit and consulting	1,486,579	1,071,724
Staffing and related	1,141,968	918,896
Canadian Association of University Teachers fees	463,226	436,771
Ontario Confederation of University Faculty Association fees	458,586	430,373
Rent (note 8)	195,262	139,267
Stipends	101,768	105,526
Office and general	99,677	62,551
Member services and meetings	53,732	73,087
Committee expenses	34,569	41,983
Special projects	33,278	32,357
Conferences and training	30,046	33,592
Office equipment	23,807	20,938
Tuition scholarships and awards	21,447	13,100
Donations and contributions	15,698	47,600
Outreach and communications	11,996	19,365
Insurance	8,995	9,032
Library	3,205	4,893
Amortization	<u>115,359</u>	<u>108,188</u>
	<u>4,299,198</u>	<u>3,569,243</u>
EXCESS OF REVENUE OVER EXPENSES FOR THE YEAR	<u>\$ 14,005</u>	<u>\$ 41,338</u>

see accompanying notes



ENVIRONMENTAL HEALTH AND SAFETY

Dear JHSC Co-Chairs,

Re: Workplace Harassment Program Revisions

Under the Occupational Health and Safety Act (the "Act"), the University is required to develop and maintain a written program to implement a policy with respect to workplace harassment. Recent amendments to the Act through Bill 132 required the University to integrate a new legislated definition of "workplace sexual harassment".

The University has a written program regarding workplace harassment that it regards as satisfying the requirements of the Act, including those changes introduced by Bill 132. This program is contained in two separate guidelines: the Human Resources Guideline on Civil Conduct (the "Civility Guideline") and the Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment (the "Discrimination Guideline").

The University conducts periodic reviews of those Guidelines with a view to making improvements and amendments, where appropriate. We write to you today in your capacity as chairs of Joint Health and Safety Committees at the University for any feedback you may have regarding proposed revisions to the Civility Guideline and Discrimination Guideline (enclosed).

We kindly ask you to provide any feedback on the enclosed Guidelines in writing by no later than August 14, 2018.

Please contact Gina Trubiani, Director Occupational Health and Safety-EHS (gina.trubiani@utoronto.ca) in the event you have any questions.

Yours truly,
Environmental Health and Safety

HUMAN RESOURCES GUIDELINE ON WORKPLACE HARASSMENT AND CIVIL CONDUCT ("CIVILITY GUIDELINE")

Updated DATE, 2018

This Guideline sets out the expectations of the University, through its Vice-President, Human Resources & Equity on behalf of the President, regarding the standard of civil conduct that it expects and requires all employees to maintain in dealings with each other. It is intended to guide central and divisional Human Resources Offices throughout the University as they respond to situations where the standard of civility does not appear to be maintained, and also to assist them work with managers and others in communicating expectations.

This Guideline constitutes part of a Workplace Harassment Program as required by the Occupational Health and Safety Act. The University's Workplace Harassment Program also includes another document called the Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment, which deals with allegations of workplace harassment that are based upon the prohibited grounds set out in the Human Rights Code (the "Code").¹

In the case of any inconsistency between a collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.

Introduction and Definitions

This Guideline describes what constitutes civil and uncivil conduct 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. The University will not condone uncivil conduct.

Workplace harassment constitutes uncivil conduct within the meaning of this Guideline. Workplace harassment is defined in the *Occupational Health and Safety Act* 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.

¹ The grounds listed under the *Human Rights Code* are: 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, and disability

“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 Guideline applies to all employees of the University of Toronto while in the course of their duties or at work-related events, whether on or off University property. For clarity, this Guideline also applies to communications in whole or part through electronic means, such as e-mail, web postings, text messaging and other forms of electronic behaviour.

If your allegations relate to uncivil conduct that is not sexual harassment and is not based upon any other prohibited ground under the Code your allegations fall within the scope of this Guideline.

If your allegations relate to conduct that is based upon prohibited grounds under the Code, please refer to the *Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment* (“Discrimination Guideline”).

If your allegations relate to conduct based upon sex, sexual orientation, gender identity or gender expression, including workplace sexual harassment, please also refer to the University’s Policy on Sexual Violence and Sexual Harassment:

<http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2016/12/p1215-poshsv-2016-2017pol.pdf>

Examples of Civil and Uncivil Conduct

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. We must also appreciate that all members of the University community have a right to freedom of speech and expression, in accordance with the University’s Policy on Freedom of Speech. The Guideline is not intended to infringe on academic freedom including the academic freedoms and responsibilities articulated in article 5 of the Memorandum of Agreement between the University and its faculty members and librarians. Instead, this Guideline describes the conduct expected of all members of the

University community including 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. Generally, these behaviours will only be in breach of this Guideline if they are part of a pattern of conduct, as opposed to isolated events. Depending upon the context, some of these examples may also constitute workplace violence within the meaning of the University of Toronto Policy with respect to Workplace Violence and related Workplace Violence Program.

- 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 online, 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 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
- Evaluative 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 with a Concern/Complaint about workplace conduct

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

If discussion with the person in question does not resolve the issue or if such discussion is not appropriate, you are encouraged to discuss concerns regarding uncivil behaviour with the administrative officer responsible for the department or division in which the behaviour is alleged to have occurred. If this is not appropriate (for example, if your concern/complaint is against the administrative officer responsible for the department or division in which your concerns arose), you may wish to speak to someone at a more senior level of the department or division or a human resources representative. Administrators in the department/division should seek advice in a confidential way from their human resources office and/or an equity office to assist in determining the appropriate course of action.

If you require assistance in raising a complaint, you are encouraged to discuss the issue with the manager/director of any human resources office, whether or not it is the human resources office for your own division. The human resources manager/director can assist you in determining 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.

If the behaviour that you are concerned about relates to a ground of discrimination under the Ontario Human Rights Code, you should consult the Human Resources Guideline on Complaints Regarding Prohibited Discrimination and Discriminatory Harassment. Similarly, if the behaviour that you are concerned about relates to sex, sexual orientation, gender identity or gender expression, you should also consult the Policy on Sexual Violence and Sexual Harassment. If you require assistance in determining where your complaint falls, you may wish to speak with a human resources manager/director or one of the equity offices listed at

www.equity.utoronto.ca.

The University makes the following commitments:

- Your concerns will be heard.
- You will be given assistance in determining whether 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 you wish to pursue a complaint.
- You will be told of other resources that might be of assistance to you in the circumstances.
- You will be told who will have primary responsibility for the complaint if you decide to go forward with it. You will be advised if at any stage responsibility for the complaint is transferred to another party.
- 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.
- Information obtained by the University and any investigator 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 respondent(s) 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.

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).

Responsibility for a Complaint

Primary responsibility for your complaint will rest with one office. That office will be responsible for tracking your complaint until its resolution. Responsibility for your complaint will initially rest with the office to which you directed the complaint. However, it may ultimately be transferred to another office, such as the division/department in which the complaint arose, an equity office, or your human resources department. If the University is of the view that your complaint more appropriately falls within an existing procedure, responsibility for your complaint will be in accordance with that procedure.

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.

Both the complainant and respondent will be kept informed regarding which office has primary responsibility for processing the complaint.

Regardless of who has responsibility for the complaint, departments and human resources offices that receive complaints about uncivil conduct are expected to contact the applicable equity office to discuss the equity considerations, if any, before advising you as to what next steps may be. Departments are also expected to contact their human resources office.

Ultimately, the department/division will 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/division.

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, anonymity is 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 appropriate.

Informal Resolution

In many cases, concerns of uncivil conduct will be resolved through discussions between the parties with the assistance of a manager.

Resolution of Complaint:

Resolutions to complaints involving uncivil conduct 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, Sexual 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.

Dissatisfaction 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 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 and/or your union representative, if applicable.

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

Unless otherwise required by law, in the event that the same facts giving rise to the concern/complaint under this Guideline are also raised through another process, the University reserves the right to put the process under this Guideline on hold, or choose to proceed under the other process instead. .

Annual review

This Guideline will be reviewed at least annually.

DRAFT

GUIDELINE FOR EMPLOYEES ON CONCERNS AND COMPLAINTS REGARDING PROHIBITED DISCRIMINATION AND DISCRIMINATORY HARASSMENT (DISCRIMINATION GUIDELINE)

Updated DATE, 2018

The University is committed to upholding the Ontario Human Rights Code and the Occupational Health and Safety Act. This Guideline describes what constitutes prohibited discrimination and discriminatory harassment and sets out a process for employees who are concerned that they have experienced discrimination and/or discriminatory harassment.

This Guideline supplements the existing Statement on Prohibited Discrimination and Discriminatory Harassment found on the Governing Council website at: <http://www.governingcouncil.utoronto.ca/policies.htm>, and also constitutes a Workplace Harassment Program as required by the Occupational Health and Safety Act. The University's Workplace Harassment Program also includes another document called the Human Resources Guideline on Workplace Harassment and Civil Conduct ("Civility Guideline"), which deals with allegations of uncivil conduct and workplace harassment that are not based upon the prohibited grounds set out in the Human Rights Code.

This Guideline applies to all employees of the University of Toronto while in the course of their duties or at work-related events, whether on or off University property. For clarity, this Guideline also applies to communications in whole or part through electronic means, such as e-mail, web postings, text messaging and other forms of electronic behaviour.

In the case of any inconsistency between a collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.

1. What are Prohibited Discrimination and Discriminatory Harassment?

The meanings of the terms "discrimination" and "discriminatory harassment" as they are used in this Guideline are taken from the Ontario Human Rights Code (the "Code"). Under the 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." Each of these terms is defined in the Code.

Under the Code, every person who is an employee also has the right to freedom from harassment in the workplace by the employer or a person working for or on behalf of the employer, or by another employee because of any of the prohibited grounds listed above. Harassment is defined in the Code as "engaging in a course of vexatious comment or conduct

that is known or ought reasonably to be known to be unwelcome” and that is based upon one of the prohibited grounds. A similar definition of harassment is set out in the *Occupational Health and Safety Act* (“OHSA”).

Sexual harassment, including workplace sexual harassment, is also covered by the University’s Policy on Sexual Violence and Sexual Harassment:

<http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2016/12/p1215-poshsv-2016-2017pol.pdf>.

If your allegations relate to harassment based on sex, sexual orientation, gender identity or gender expression, or otherwise fall within the definition of Sexual Violence,¹ you may go directly to the Sexual Violence Prevention and Support Centre to make a disclosure or report, and/or to seek support. You may also choose to discuss your concern with human resources and/or an equity officer as set out in this Guideline before or instead of going to the Sexual Violence Prevention and Support Centre; such discussion may constitute a disclosure within the meaning of the Policy on Sexual Harassment and Sexual Violence. In most circumstances, the University will only be able to act on a complaint that falls under the Policy on Sexual Violence and Sexual Harassment (e.g., by conducting an investigation) if a Report has been filed under that Policy. Any process under the Policy on Sexual Violence and Sexual Harassment that is undertaken to address allegations by employees of sexual harassment (including workplace sexual harassment) will meet the requirements set out in this this Guideline.

Harassment by students at the University is also prohibited by the *Code of Student Conduct*. Harassment by employees is also prohibited under their terms and conditions of employment. Some employees are covered by collective agreements that deal with the subject of discrimination and discriminatory harassment. In the case of any inconsistency between the collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.

If you are concerned about conduct that is not based on one of the prohibited grounds of discrimination listed above, your concern may be more appropriately dealt with under the process outlined in the *Human Resources Guideline on Civil Conduct* (“Civility Guideline”). Under the Civility Guideline, you may access the same offices/resources listed under this Guideline to discuss the matter and find possible ways to resolve your concern.

2. What should I do if I have a concern or complaint about discrimination and/or discriminatory harassment?

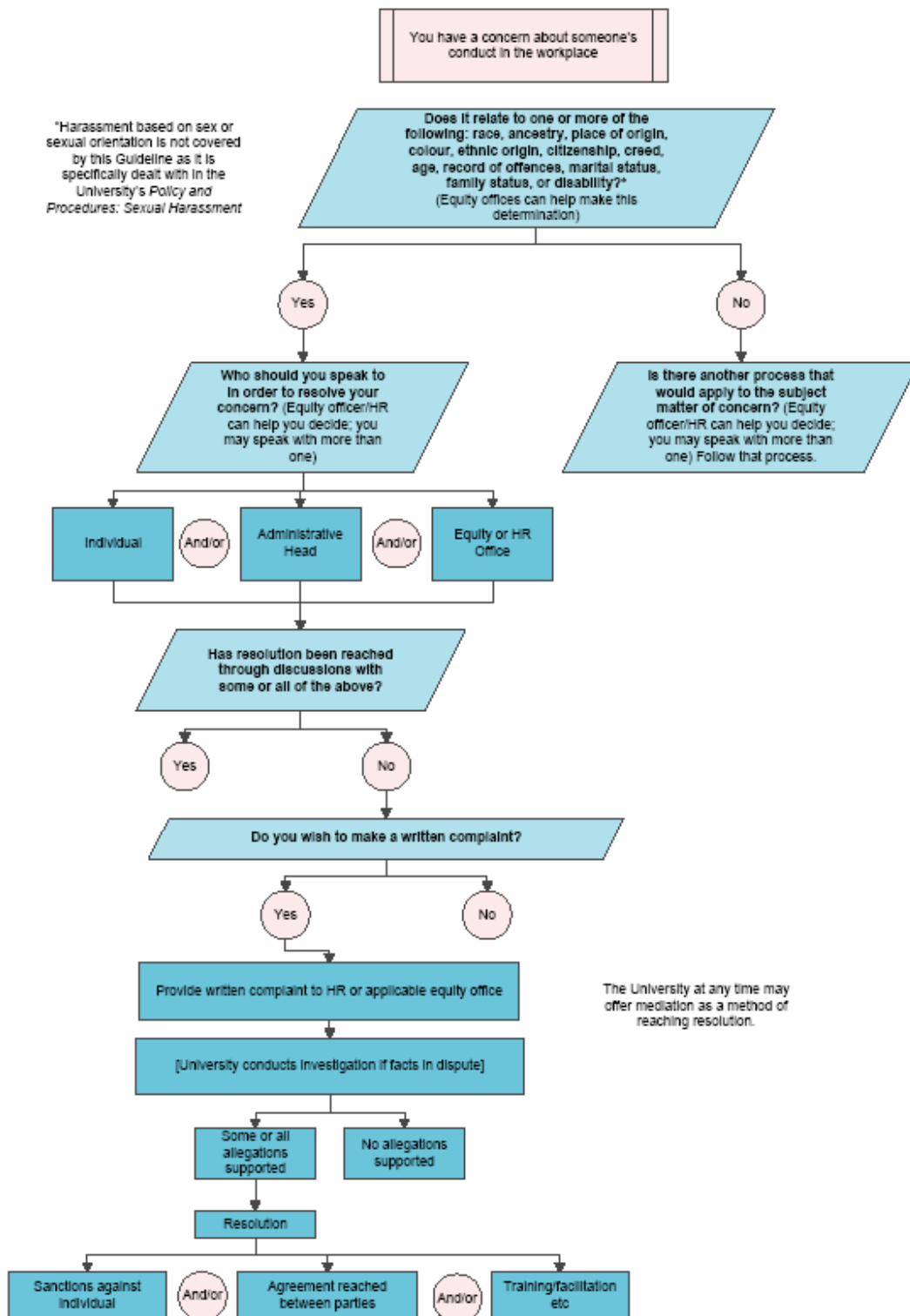
¹ The Policy on Sexual Violence and Sexual Harassment defines sexual violence as follows: any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

This Guideline uses the terms “concern” and “complaint” to refer to two separate but often sequential ways in which issues may be raised for resolution. The term “concern” means something you are raising in an informal way, often in the hopes of reaching early resolution. The term “complaint” refers to a more formal, written expression of a concern that has not been resolved at an early stage. A concern may or may not develop into a complaint. However, an issue that becomes a complaint should in almost every case have been raised first as a concern.

You should raise your concern as early as possible. Delays in raising a concern may hinder the parties’ ability to effectively resolve the matter.

When you begin developing a concern, it is recommended that you keep notes of specific incidents, including when and where they occurred and the parties involved, the identities of any witnesses, as well as relevant documents.

There are a variety of resources for dealing with concerns and complaints that are set out in more detail further below. On the next page is a flow chart that provides an overview of the available options and resources.



2(a) Where to go if you have a concern

Concerns about discrimination and discriminatory harassment may be resolved informally, as outlined in this section. In order for a concern to be resolved, it will usually have to be raised with the individual(s) who you believe engaged in discrimination/harassment. In appropriate cases, you should speak to that person yourself. That person may simply not be aware of how his/her behaviour is affecting you or others and should be given an early opportunity to change his/her behaviour. Thus an informal resolution will usually involve some type of discussion (ideally direct but possibly indirect) between you and the individual(s) who you believe engaged in discriminatory/harassing conduct.

Before and during such discussions you may consult with an equity officer and/or your human resources department. In some cases senior administrators in the applicable University department may also be involved in reaching an informal resolution. If the informal efforts described in this section do not resolve your concern, you may wish to file a complaint as described in the next section of this Guideline.

When you first become concerned about the conduct of another member of the University community, one key resource that you may wish to consult is an equity office. You can consult with an equity office throughout the stages described in this Guideline. The University's equity offices are staffed by officers who have expertise in different equity areas, and who can help you figure out whether your concern falls under this Guideline or another process, what steps to take to resolve your concern, and how to express your concern. You may meet confidentially with the equity offices without making any commitment to pursuing the concern (although, as noted below, the University may decide to pursue issues raised in your concern even if you choose not to file a formal complaint). The equity offices that deal with complaints based on prohibited grounds under the Code are listed at www.equity.utoronto.ca.

Another place from which you could seek advice at any stage of the processes set out in this Guideline is your human resources office.

If your concern involves a concern for your safety, you should contact the Community Safety Office at 416-978-1485.

If discussion with the individual(s) who you believe engaged in discrimination/harassment does not resolve the issue or if you believe such discussion is not appropriate (*e.g.*, if your concern/complaint is against that administrative office), you are encouraged to discuss your concern with the administrative officer responsible for the department or division in which your concerns arose, or someone at a more senior level of the department or division. That person may be able to assist in resolving your concern.

2(b) Filing a complaint

If your concern has not been resolved informally despite you meeting with one or more of the offices/individuals described in the section above, you have the option of filing a formal complaint. This involves setting your complaint in writing and delivering it to an equity office or your human resources office. At that point, your complaint will be recorded and tracked by the University until it is resolved. You should file your complaint as soon as possible (if you have attempted informal resolution and that has not been successful, you should file your complaint as soon as possible after the informal efforts at resolution have concluded). Failure to file a complaint in a timely manner may affect the University's ability to proceed.

A written complaint must specify the individual(s) who you believe engaged in discrimination/harassment, and details of the conduct that gave rise to your complaint and the remedy requested. It should include a description, dates and location of events or situations. It should also include the name of any witnesses. The written complaint must be in sufficient detail for the appropriate University officers (usually senior administrators in consultation with others including human resources and equity officers) to make decisions including the type and scope of investigation that is appropriate, and what other steps should be taken to resolve the situation. The person handling your complaint may contact you to clarify or obtain additional details on your complaint and/or to narrow the issues where appropriate.

2(c) A University complaint

In exceptional circumstances, the University may decide to pursue issues that you have raised as either a concern or complaint, even if you choose not to pursue them. For example, this might be the case if several people have raised similar concerns in one department, suggesting that there is a broader issue that the University needs to address beyond your particular concerns.

2(d) If a complaint has been made against you

If a complaint has been made about you, you have a right to be notified of the fact that the complaint has been made, you will be given sufficient details to enable you to respond to the allegation(s), and you will be given an opportunity to respond. You will in most cases have a right to identify others who you think should be interviewed. You will also be entitled to produce any other evidence you believe to be relevant.

If you require information or advice at any stage of the complaint process you may access any or all of the following resources: the applicable equity office, your divisional human resources office, or the Employee and Family Assistance Program. If you and the person making the complaint about you are both represented by the same divisional human resources office, you may choose to seek advice from a different divisional HR office. You will be advised in writing of the outcome of the investigation and corrective action, if any, in a timely fashion.

Once you have been notified that a complaint has been made against you, it is advisable to create and keep written notes about the events at issue and maintain relevant written documents.

3. Responsibility for Dealing with Your Concern/Complaint

Primary responsibility for dealing with your concern/complaint will rest with one office, and you will be informed at all times of which office has responsibility. That office will be responsible for tracking your concern/complaint until its resolution. Responsibility for your concern/complaint will initially rest with the office to which you directed the concern or complaint. However, the University may ultimately transfer responsibility to another office, such as the division/department in which the complaint arose, or another equity office, or the human resources department. If the University is of the view that your concern/complaint more appropriately falls within a different procedure than that set out in this Guideline, responsibility for your concern/complaint will be in accordance with that procedure.

The fact that one particular office has responsibility for your complaint does not prevent you from discussing the matter with the other offices that may be involved. For example, you may always seek advice from an equity office even if it does not have responsibility for your concern/complaint.

Regardless of who has responsibility for the concern/complaint, departments and human resources offices that receive a concern/complaint about issues of discrimination or discriminatory harassment are expected to contact the applicable equity office(s) to discuss the equity considerations before advising you as to what next steps may be.

Ultimately, the department/division will need to be involved in the resolution of any complaint. Accordingly, you need to be aware that a concern/complaint can only proceed with the involvement of administrators in the applicable work unit.

4. Investigating the Concern/Complaint

The decision of what type of investigation is required, and the scope of that investigation will be made by the University, usually by senior administrators in consultation with others including HR and equity officers.

The specific process followed in an investigation will depend upon contextual factors such as the subject-matter of the concern/complaint, the complexity of the complaint, and the parties involved. For purposes of this Guideline it is important to understand that the term “investigation” applies to any inquiries designed to ascertain relevant facts. This could mean anything from the equity officer asking questions of you and the party against whom your complaint is made, to a larger scale investigation that could involve many witnesses and

documents. The scope of the investigation in any particular case depends on factors such as the type and scope of the allegations, the number of parties who are alleged to be involved and the relationship of those parties to the University. The scope also depends upon whether the investigation involves a concern or a complaint. Generally, at the concern stage the equity officer, human resources office or administrator may make some inquiries, but a larger scale investigation would not occur unless the concern were to progress to a written complaint that warrants such an investigation in the University's assessment. All employees are expected to cooperate with an investigation under this Guideline.

As described below 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, anonymity is not possible. In almost all cases the person(s) against whom allegations of discrimination or discriminatory harassment have been made will need to know who is making the allegations in order to respond, and others will need to know information in order to process and respond to the complaint.

Both the complainant and the person(s) against whom a complaint is made will be entitled to invite one support person to accompany them to investigation interviews. This person may be a representative from the employee's union. The support person's role will be limited to support and that person will not be permitted to speak on behalf of the person being interviewed.

5. Resolution of Concern/Complaint:

Potential resolutions of your concern/complaint vary greatly, depending on such factors as the subject matter of the concern/complaint, the part of the University community of which the individuals involved are members (*e.g.*, student, staff, visitor, contractor), and the specific policies and contracts applicable in the circumstances (*e.g.*, Student Code of Conduct, employment policies, collective agreements, employment contracts and contracts with independent contractors).

You will be advised of whether your concern/complaint is found to be substantiated or not. If it is found to be unsubstantiated it will be dismissed.

Generally speaking, if a concern/complaint is found to be substantiated, steps will be taken to address the conduct that has occurred and to prevent recurrence. For example, there may be sanctions against, or remedial action involving the individual(s) who engaged in act(s) of discrimination or discriminatory harassment. The resolution will be monitored as appropriate.

Whether or not the concern/complaint is found to be substantiated, the University may request or require that one or more of the parties participate in processes including the following: training, coaching, or facilitation.

At any time during the processes described in this Guideline the University may offer mediation as a method of reaching resolution. Mediation will be conducted by an appropriate individual selected by the University from inside or outside the University.

6. University Commitment

In respect of your concern/complaint, the University makes the following commitments:

- Your issues will be heard and taken seriously.
- You will be given assistance to determine whether your concern/complaint should be processed under this Guideline or whether some other process is more appropriate.
- If your concern/complaint does not fall under this Guideline, you will be given advice regarding how you might pursue it or assistance in resolving it.
- You will be given assistance in determining the next step you may wish to take to resolve your concern/complaint.
- You will be advised of the next step(s) that the University plans to take in order to move your concern/complaint toward resolution.
- You will be told of other resources that might be of assistance to you in the circumstances.
- You will be told which office at the University will have primary responsibility for handling your concern/complaint. You will be advised if at any stage responsibility for your matter is transferred to another office.
- 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.
- Information obtained by the University and any investigator about an incident or complaint of discrimination/harassment, 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.
- You and other individuals involved in the concern/complaint will be provided with a fair process.
- You and any respondents 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.

7. Dissatisfaction with the Resolution of a Complaint

The available channels if you are not satisfied with the resolution of a complaint depend on the policies, contracts or other documents that govern your relationship with the University and the relationship to the University of others involved. For example, a unionized or confidential employee may file a grievance in accordance with the applicable collective agreement/employment policy. Employees in the professional/managerial or Research Associate groups may use the applicable Problem Resolution policies. Members of UTFA may file a grievance. You should speak with the office that had responsibility for your concern/complaint to determine what avenues are available in your circumstances.

The Office of the Ombudsperson is also available to provide assistance in certain circumstances. Information on the scope of the Office of the Ombudsperson and how to contact the Office is available online at <http://www.utoronto.ca/ombudsperson/>.

8. Application under Ontario Human Rights Code

At any stage of this Guideline members of the University community retain the right to bring an application directly to the Human Rights Tribunal of Ontario in accordance with the provisions of the Code.

9. Reprisals

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

10. 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.

11. Other Processes

Unless otherwise required by law, in the event that the same facts giving rise to the concern/complaint under this Guideline are also raised through another process, the University reserves the right to put the process under this Guideline on hold, or choose to proceed under the other process instead. .

12. Annual Review

This Guideline will be reviewed at least annually.

HUMAN RESOURCES GUIDELINE ON WORKPLACE HARASSMENT AND CIVIL CONDUCT ("CIVILITY GUIDELINE")

Updated ~~September~~
~~8, 2016~~ DATE, 2018

This Guideline sets out the expectations of the University, through its Vice-President, Human Resources & Equity, on behalf of the President, regarding the standard of civil conduct that it ~~trusts that~~ expects and requires all employees ~~will to~~ maintain in ~~their~~ dealings with each other. It is intended to guide central and divisional Human Resources Offices throughout the University as they respond to situations where ~~it is felt that~~ the standard of civility ~~has does~~ not ~~been appear to~~ be maintained, and also to assist them ~~as they~~ work with managers and others in communicating expectations.

This Guideline constitutes part of a Workplace Harassment Program as required by the Occupational Health and Safety Act. The University's Workplace Harassment Program also includes another document called the Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment, which deals with allegations of workplace harassment that are based upon the prohibited grounds set out in the Human Rights Code, ~~including workplace sexual harassment.~~ (the "Code").¹

In the case of any inconsistency between a collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.

Introduction and Definitions

This Guideline describes what constitutes civil and uncivil conduct 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. The University will not condone uncivil conduct.

Workplace harassment constitutes uncivil conduct within the meaning of this Guideline. Workplace harassment is defined in the *Occupational Health and Safety Act* 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; ~~("harcèlement au travail").~~

¹ The grounds listed under the Human Rights Code are: 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, and disability

“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. ~~and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;~~

~~Allegations of Workplace Sexual Harassment should be brought under~~
This Guideline applies to all employees of the University of Toronto while in the course of their duties or at work-related events, whether on or off University property. For clarity, this Guideline also applies to communications in whole or part through electronic means, such as e-mail, web postings, text messaging and other forms of electronic behaviour.

If your allegations relate to uncivil conduct that is not sexual harassment and is not based upon any other prohibited ground under the Code your allegations fall within the scope of this Guideline.

If your allegations relate to conduct that is based upon prohibited grounds under the Code, please refer to the *Guideline for Employees on Concerns and Complaints Regarding Prohibited Discrimination and Discriminatory Harassment*. ~~Allegations of workplace harassment that are not workplace sexual harassment or based on any other ground prohibited by the Human Rights Code should be brought under the *Human Resources Guideline on Civil Conduct*. (“Discrimination Guideline”).~~

If your allegations relate to conduct based upon sex, sexual orientation, gender identity or gender expression, including workplace sexual harassment, please also refer to the University’s Policy on Sexual Violence and Sexual Harassment:
<http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2016/12/p1215-poshsv-2016-2017pol.pdf>

Examples of Civil and Uncivil Conduct

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. We must also appreciate that all members of the University community have a right to freedom of speech and expression, in accordance with the University's Policy on Freedom of Speech. The Guideline is not intended to infringe on academic freedom including the academic freedoms and responsibilities articulated in article 5 of the Memorandum of Agreement ~~with~~ between the University and its faculty members and librarians, ~~but rather to describe. Instead, this Guideline describes the~~ conduct expected of all members of the ~~community even when exercising their academic freedom.~~ University community including 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. Generally, these behaviours will only be in breach of this Guideline if they are part of a pattern of conduct, as opposed to isolated events. Depending upon the context, some of these examples may also constitute workplace violence within the meaning of the University of Toronto Policy with respect to Workplace Violence and related Workplace Violence Program.

- 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 online, 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
- Evaluative 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

~~This Guideline does not apply to concerns of discrimination or discriminatory harassment that are dealt with under the Policy on Discrimination and Discriminatory Harassment, the Policy and Procedures: Sexual Harassment, or the Guidelines on Complaints Regarding Prohibited Discrimination and Discriminatory Harassment, although concepts of civility underlie each of these Policies/Guidelines.~~

Where to Go ~~if you have~~with a Concern/Complaint about workplace conduct

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

If discussion with the person in question does not resolve the issue or if ~~for some reason~~, such discussion is not appropriate, you are encouraged to discuss concerns regarding uncivil behaviour with the administrative officer responsible for the department or division in which the incident/behaviour is alleged to have occurred. If ~~for some reason~~, this is not appropriate (for example, if your concern/complaint is against the administrative officer responsible for the department or division in which your concerns arose), you may wish to speak to someone at a more senior level of the department or division or a human resources representative.

Administrators in the department/division should seek advice in a confidential way from their human resources office and/or an equity office to assist in determining the appropriate course of action.

If you require assistance in raising a complaint, you are encouraged to discuss the issue with the manager/director of any human resources office, whether or not it is the ~~HR~~[human resources](#) office for your own division. The ~~HR~~[human resources](#) manager/director 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.

If the behaviour that you are concerned about relates to a ground of discrimination under the Ontario Human Rights Code, you should consult the Human Resources Guideline on Complaints Regarding Prohibited Discrimination and Discriminatory Harassment. ~~If you require assistance~~[Similarly, if the behaviour that you are concerned about relates to sex, sexual orientation, gender identity or gender expression, you should also consult the Policy on Sexual Violence and Sexual Harassment. If you require assistance](#) in determining where your complaint falls, you may wish to speak with a human resources manager/director or one of the equity offices listed at www.equity.utoronto.ca.

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.
- You will be told who will have primary responsibility for the complaint if you decide to go forward with it. You will be advised if at any stage responsibility for the complaint is transferred to another party.
- 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.
- Information obtained by the University and any investigator 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 ~~individuals who you have said engaged in uncivil conduct~~ respondent(s) 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.

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).

Responsibility for a Complaint

Primary responsibility for your complaint will rest with one office. That office will be responsible for tracking your complaint until its resolution. Responsibility for your complaint will initially rest with the office to which you directed the complaint. However, it may ultimately be transferred to another office, such as the division/department in which the complaint arose, an equity office, or your human resources department. If the University is of the view that your complaint more appropriately falls within an existing procedure, responsibility for your complaint will be in accordance with that procedure.

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.

Both the complainant and respondent will be kept informed regarding which office has primary

responsibility for processing the complaint.

Regardless of who has responsibility for the complaint, departments and human resources offices that receive complaints about uncivil conduct are expected to contact the applicable equity office to discuss the equity considerations, if any, before advising you as to what next steps may be. Departments are also expected to contact their human resources office.

Ultimately, the department/division will 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/division.

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, anonymity is 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~~[full-scale](#), complex inquiry. Often, informal inquiries and discussion, with the views of the parties being solicited and assessed, will be ~~sufficient~~[appropriate](#).

Informal Resolution

In many cases, ~~matters~~[concerns](#) of uncivil conduct will be resolved through discussions between the parties with the assistance of a manager.

Resolution of Complaint:

Resolutions to complaints involving uncivil conduct 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, Sexual 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~~ Dissatisfaction 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 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 and/or your union representative, if applicable.

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 Unless otherwise required by law, in the event that the same facts giving rise to the concern/complaint under this Guideline are also raised through another process, the University reserves the right to not proceed under this Guideline or to stop any put the 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 Human Rights Code or any on hold, or choose to proceed under the other legal process instead.~~

Annual review

This Guideline will be reviewed at least annually.

GUIDELINE FOR EMPLOYEES ON CONCERNS AND COMPLAINTS REGARDING PROHIBITED DISCRIMINATION AND DISCRIMINATORY HARASSMENT

(DISCRIMINATION GUIDELINE)

Updated ~~September 8,~~
~~2016~~DATE, 2018

The University is committed to upholding the Ontario Human Rights Code and the Occupational Health and Safety Act. This Guideline describes what constitutes prohibited discrimination and discriminatory harassment and sets out a process for employees who are concerned that they have experienced discrimination and/or discriminatory harassment.

This Guideline supplements the existing Statement on Prohibited Discrimination and Discriminatory Harassment found on the Governing Council website at:

<http://www.governingcouncil.utoronto.ca/policies.htm>, and also constitutes a Workplace Harassment Program as required by the Occupational Health and Safety Act. The University's Workplace Harassment Program also includes another document called the Human Resources Guideline on [Workplace Harassment and Civil Conduct](#), ("[Civility Guideline](#)"), which deals with allegations of [uncivil conduct and](#) workplace harassment that are not based upon the prohibited grounds set out in the Human Rights Code. ~~Allegations of workplace sexual harassment will be addressed under this Guideline.~~

This Guideline applies to all employees of the University of Toronto while in the course of their duties or at work-related events, whether on or off University property. [For clarity, this Guideline also applies to communications in whole or part through electronic means, such as e-mail, web postings, text messaging and other forms of electronic behaviour.](#)

[In the case of any inconsistency between a collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.](#)

1. What are Prohibited Discrimination and Discriminatory Harassment?

The meanings of the terms "discrimination" and "discriminatory harassment" as they are used in this Guideline are taken from the Ontario Human Rights Code (the "Code"). Under the 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." Each of these terms is defined in the Code. ~~(See Appendix "A" for relevant Code provisions).~~

Under the Code, every person who is an employee also has the right to freedom from harassment in the workplace by the employer or a person working for or on behalf of the

employer, or by another employee because of any of the prohibited grounds listed above. Harassment is defined in the Code as “engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome” and that is based upon one of the prohibited grounds. A similar definition of harassment is set out in the *Occupational Health and Safety Act* (“OHSA”). ~~(See Appendix “B” for relevant OHSA provisions).~~

Sexual harassment, including workplace sexual harassment, is also covered by the University’s Policy on Sexual Violence and Sexual Harassment:
<http://www.governingcouncil.lamp4.utoronto.ca/wp-content/uploads/2016/12/p1215-poshsv-2016-2017pol.pdf>. If your allegations relate to harassment based on sex, sexual orientation, gender identity or gender expression, or otherwise fall within the definition of Sexual Violence,¹ you may go directly to the Sexual Violence Prevention and Support Centre to make a disclosure or report, and/or to seek support. You may also choose to discuss your concern with human resources and/or an equity officer as set out in this Guideline before or instead of going to the Sexual Violence Prevention and Support Centre; such discussion may constitute a disclosure within the meaning of the Policy on Sexual Harassment and Sexual Violence. In most circumstances, the University will only be able to act on a complaint that falls under the Policy on Sexual Violence and Sexual Harassment (e.g., by conducting an investigation) if a Report has been filed under that Policy. Any process under the Policy on Sexual Violence and Sexual Harassment that is undertaken to address allegations by employees of sexual harassment (including workplace sexual harassment) will meet the requirements set out in this this Guideline.

Harassment by students at the University is also prohibited by the *Code of Student Conduct*. Harassment by employees is also prohibited under their terms and conditions of employment. Some employees are covered by collective agreements that deal with the subject of discrimination and discriminatory harassment. In the case of any inconsistency between the collective agreement and this Guideline, the collective agreement provisions govern to the extent of the inconsistency.

If you are concerned about conduct that is not based on one of the prohibited grounds of discrimination listed above, your concern may be more appropriately dealt with under the process outlined in the *Human Resources Guideline on Civil Conduct* (“Civility ~~Guidelines~~Guideline”). Under the Civility ~~Guidelines~~Guideline, you may access the same offices/resources listed under this Guideline to discuss the matter and find possible ways to resolve your concern.

2. What should I do if I have a concern or complaint about discrimination and/or discriminatory harassment?

¹ The Policy on Sexual Violence and Sexual Harassment defines sexual violence as follows: 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.

This Guideline uses the terms “concern” and “complaint” to refer to two separate but often sequential ways in which issues may be raised for resolution. The term “concern” means something you are raising in an informal way, often in the hopes of reaching early resolution. The term “complaint” refers to a more formal, written expression of a concern that has not been resolved at an early stage. A concern may or may not develop into a complaint. However, an issue that becomes a complaint should in almost every case have been raised first as a concern.

You should raise your concern as early as possible. Delays in raising a concern may hinder the parties’ ability to effectively resolve the matter.

When you begin developing a concern, it is recommended that you keep notes of specific incidents, including when and where they occurred and the parties involved, [the identities of any witnesses](#), as well as relevant documents.

There are a variety of resources for dealing with concerns and complaints that are set out in more detail further below. On the next page is a flow chart that provides an overview of the available options and resources.

[see charts – couldn't translate to word]

2(a) Where to go if you have a concern

Concerns about discrimination and discriminatory harassment may be resolved informally, as outlined in this section. In order for a concern to be resolved, it will usually have to be raised with the individual(s) who you believe engaged in discrimination/harassment. In appropriate cases, you should speak to that person yourself. That person may simply not be aware of how his/her behaviour is affecting you or others and should be given an early opportunity to change his/her behaviour. Thus an informal resolution will usually involve some type of discussion (ideally direct but possibly indirect) between you and the individual(s) who you believe engaged in discriminatory/harassing conduct.

Before and during such discussions you may consult with an equity officer and/or your human resources department. In some cases senior administrators in the applicable University department may also be involved in reaching an informal resolution. If the informal efforts described in this section do not resolve your concern, you may wish to file a complaint as described in the next section of this Guideline.

When you first become concerned about the conduct of another member of the University community, one key resource that you may wish to consult is an equity office. You can consult with an equity office throughout the stages described in this Guideline. The University's equity offices are staffed by officers who have expertise in different equity areas, [and](#) who can help you figure out ~~such things as~~ whether your concern falls under this Guideline or another process, what steps to take to resolve your concern, and how to express your concern. You may meet confidentially with the equity offices without making any commitment to pursuing the concern (although, as noted below, the University may decide to pursue issues raised in your concern even if you choose not to ~~pursue it as~~ [file](#) a formal complaint). The equity offices that deal with complaints based on prohibited grounds under the Code are listed at www.equity.utoronto.ca.

Another place ~~that you could begin and~~ from which you could seek advice at any stage of the processes set out in this Guideline is your human resources office.

If your concern involves a concern for your safety, you should contact the Community Safety Office at 416-978-1485.

If discussion with the individual(s) who you believe engaged in discrimination/harassment does not resolve the issue or if ~~for some reason~~, you believe such discussion is not appropriate, [\(e.g., if your concern/complaint is against that administrative office\)](#), you are encouraged to discuss your concern with the administrative officer responsible for the department or division in which ~~your concerns arose, or someone at a more senior level of the department or division~~

~~(for example, if your concern/complaint is against the administrative officer responsible for the department or division in which your concerns arose). That person may be able to assist in resolving your concern.~~ your concerns arose, or someone at a more senior level of the department or division. That person may be able to assist in resolving your concern.

2(b) Filing a complaint

If your concern has not been resolved informally despite you meeting with one or more of the offices/individuals described in the section above, you have the option of filing a formal complaint. This involves setting your complaint in writing and delivering it to an equity office or your human resources office. At that point, your complaint will be recorded and tracked by the University until it is resolved. You should file your complaint as soon as possible (if you have attempted informal resolution and that has not been successful, you should file your complaint as soon as possible after the informal efforts at resolution have concluded). Failure to file a complaint in a timely manner may affect the University's ability to proceed.

A written complaint must specify the individual(s) who you believe engaged in discrimination/harassment, and details of the conduct that gave rise to your complaint and the remedy requested. It should include a description, dates and location of events or situations. It should also include the name of any witnesses. The written complaint must be in sufficient detail for the appropriate University officers (usually senior administrators in consultation with others including ~~HR~~human resources and equity officers) to make decisions including the type and scope of investigation that is appropriate, and what other steps should be taken to resolve the situation. The person handling your complaint may contact you to clarify or obtain additional details on your complaint and/or to narrow the issues where appropriate.

2(c) A University ~~Complaint~~complaint

In exceptional circumstances, the University may decide to pursue issues that you have raised as either a concern or complaint, even if you choose not to pursue them. For example, this might be the case if several people have raised similar concerns in one department, suggesting that there is a broader issue that the University needs to address beyond your particular concerns.

2(d) If a complaint has been made against you

If a complaint has been made about you, you have a right to be notified of the fact that the complaint has been made, you will be given sufficient details to enable you to respond to the allegation(s), and you will be given an opportunity to respond. You will in most cases have a right to identify others who you think should be interviewed. You will also be entitled to produce any other evidence you believe to be relevant.

If you require information or advice at any stage of the complaint process you may access any or all of the following resources: the applicable equity office, your divisional human resources office, or the Employee and Family Assistance Program. If you and the person making the complaint about you are both represented by the same divisional human resources office, you may choose to seek advice from a different divisional HR office. You will be advised in writing of the outcome of the investigation and corrective action, if any, in a timely fashion.

Once you have been notified that a complaint has been made against you, it is advisable to create and keep written notes about the events at issue and maintain relevant written documents.

3. Responsibility for Dealing with Your Concern/Complaint

Primary responsibility for dealing with your concern/complaint will rest with one office, and you will be informed at all times of which office has responsibility. That office will be responsible for tracking your concern/complaint until its resolution. Responsibility for your concern/complaint will initially rest with the office to which you directed the concern or complaint. However, the University may ultimately transfer responsibility to another office, such as the division/department in which the complaint arose, or another equity office, or the human resources department. If the University is of the view that your concern/complaint more appropriately falls within a different procedure than that set out in this Guideline, responsibility for your concern/complaint will be in accordance with that procedure.

The fact that one particular office has responsibility for your complaint does not prevent you from discussing the matter with the other offices that may be involved. For example, you may always seek advice from an equity office even if it does not have responsibility for your concern/complaint.

Regardless of who has responsibility for the concern/complaint, departments and human resources offices that receive a concern/complaint about issues of discrimination or discriminatory harassment are expected to contact the applicable equity office(s) to discuss the equity considerations before advising you as to what next steps may be.

Ultimately, the department/division will need to be involved in the resolution of any complaint. Accordingly, you need to be aware that a concern/complaint can only proceed with the involvement of administrators in the applicable work unit.

4. Investigating the Concern/Complaint

The decision of what type of investigation is required, and the scope of that investigation will be made by the University, usually by senior administrators in consultation with others including HR and equity officers.

~~If a decision is made by the University to investigate a concern/complaint, the~~The specific process ~~that is~~ followed in an investigation will depend upon contextual factors such as the subject-matter of the concern/complaint, the complexity of the complaint, and the parties involved. For purposes of this Guideline it is important to understand that the term “investigation” applies to any inquiries designed to ascertain relevant facts. This could mean anything from the equity officer asking ~~some~~ questions of you and the party against whom your complaint is made, to a larger scale investigation that could involve many witnesses and documents. The scope of the investigation in any particular case depends on factors such as the type and scope of the allegations, the number of parties who are alleged to be involved and the relationship of those parties to the University. The scope also depends upon whether the investigation involves a concern or a complaint. Generally, at the concern stage the equity officer, human resources office or administrator may make some inquiries, but a larger scale investigation would not occur unless the concern were to progress to a written complaint that ~~the University feels~~ warrants such an investigation in the University’s assessment. All employees are expected to cooperate with an investigation under this Guideline.

As described below 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, anonymity is not possible. In almost all cases the person(s) against whom allegations of discrimination or discriminatory harassment have been made will need to know who is making the allegations in order to respond, and others will need to know information in order to process and respond to the complaint.

Both the complainant and the person(s) against whom a complaint is made will be entitled to invite one support person to accompany them to investigation interviews. This person may be a representative from the employee’s union. The support person’s role will be limited to support and that person will not be permitted to speak on behalf of the person being interviewed.

5. Resolution of Concern/Complaint:

Potential resolutions of your concern/complaint vary greatly, depending on such factors as the subject matter of the concern/complaint, the part of the University community of which the individuals involved are members (*e.g.*, student, staff, visitor, contractor), and the specific policies and contracts applicable in the circumstances (*e.g.*, Student Code of Conduct, employment policies, collective agreements, employment contracts and contracts with independent contractors).

You will be advised of whether your concern/complaint is found to be substantiated or not. If it is found to be unsubstantiated it will be dismissed.

Generally speaking, if a concern/complaint is found to be substantiated, steps will be taken to

address the conduct that has occurred and to prevent recurrence. For example, there may be sanctions against, or remedial action involving the individual(s) who engaged in act(s) of discrimination or discriminatory harassment. The resolution will be monitored as appropriate.

Whether or not the concern/complaint is found to be substantiated, the University may request or require that one or more of the parties participate in processes including the following: training, coaching, or facilitation.

At any time during the processes described in this Guideline the University may offer mediation as a method of reaching resolution. Mediation will be conducted by an appropriate individual selected by the University from inside or outside the University.

6. University Commitment

In respect of your concern/complaint, the University makes the following commitments:

- Your issues will be heard and taken seriously.
- You will be given assistance to determine whether ~~or not~~ your concern/complaint should be processed under this Guideline or whether some other process is more appropriate.
- If your concern/complaint does not fall under this Guideline, you will be given advice regarding how you might pursue it or assistance in resolving it.
- You will be given assistance in determining the next step you may wish to take to resolve your concern/complaint.
- You will be advised of the next step(s) that the University plans to take in order to move your concern/complaint toward resolution.
- You will be told of other resources that might be of assistance to you in the circumstances.
- You will be told which office at the University will have primary responsibility for handling your concern/complaint. You will be advised if at any stage responsibility for your matter is transferred to another office.
- 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.
- Information obtained by the University and any investigator about an incident or complaint of discrimination/harassment, 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.
- You and other individuals involved in the concern/complaint will be provided with a

fair process.

- You and any ~~individuals who you have said engaged in discriminatory/harassing conduct~~ respondents 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.

7. ~~If you are not satisfied~~ Dissatisfaction with the ~~resolution~~ Resolution of a ~~complaint~~ Complaint

The available channels if you are not satisfied with the resolution of a complaint depend on the policies, contracts or other documents that govern your relationship with the University and the relationship to the University of others involved. For example, a unionized or confidential employee may file a grievance in accordance with the applicable collective agreement/employment policy. Employees in the professional/managerial or Research Associate groups may use the applicable Problem Resolution policies. Members of UTFA may file a grievance. You should speak with the office that had responsibility for your concern/complaint to determine what avenues are available in your circumstances.

The Office of the Ombudsperson is also available to provide assistance in certain circumstances. Information on the scope of the Office of the Ombudsperson and how to contact the Office is available online at <http://www.utoronto.ca/ombudsperson/>.

8. Application under Ontario Human Rights Code

At any stage of this Guideline members of the University community retain the right to bring an application directly to the Human Rights Tribunal of Ontario in accordance with the provisions of the Code.

9. Reprisals

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

10. Vexatious or ~~bad faith complaints~~ 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.

11. Other ~~processes~~ Processes

~~The~~ Unless otherwise required by law, in the event that the same facts giving rise to the

concern/complaint under this Guideline are also raised through another process, the University reserves the right to not proceed under this Guideline or to stop any put the 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 Human Rights Code, or any on hold, or choose to proceed under the other legal process instead.

12. Annual ~~review~~ Review

This Guideline will be reviewed at least annually.

Appendix "A"

Human Rights Code

(June 2016)

Employment

~~5. (1) Every person has a right to equal treatment with respect to 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. R.S.O. 1990, c. H.19, s. 5 (1); 1999, c. 6, s. 28 (5); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (5); 2012, c. 7, s. 4 (1).~~

Harassment in employment

~~(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability. R.S.O. 1990, c. H.19, s. 5 (2); 1999, c. 6, s. 28 (6); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (6); 2012, c. 7, s. 4 (2).~~

Sexual harassment

Harassment because of sex in workplaces

~~7. (2) Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee. R.S.O. 1990, c. H.19, s. 7 (2); 2012, c. 7, s. 6 (2).~~

Sexual solicitation by a person in position to confer benefit, etc.

~~(3) Every person has a right to be free from,~~

~~(a) a 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; or~~

~~(b) 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.~~

Reprisals

~~8. Every person has a right to claim and enforce his or her rights under this Act, to institute and participate in proceedings under this Act and to refuse to infringe a right of another person under this Act, without reprisal or threat of reprisal for so doing.~~

Definitions

~~10. (1)~~

~~“age” means an age that is 18 years or more; (“âge”)~~

~~“disability” means,~~

~~(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,~~

~~(b) a condition of mental impairment or a developmental disability,~~

~~(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,~~

~~(d) a mental disorder, or~~

~~(e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997; (“handicap”)~~

~~“equal” means subject to all requirements, qualifications and considerations that are not a prohibited ground of discrimination; (“égal”)~~

~~“family status” means the status of being in a parent and child relationship; (“état familial”)~~

~~“harassment” means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome; (“harcèlement”)~~

~~“marital status” means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage; (“état matrimonial”)~~

~~“record of offences” means a conviction for,~~

~~(a) an offence in respect of which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or~~

~~(b) an offence in respect of any provincial enactment; (“casier judiciaire”)~~

Appendix "B"

Occupational Health and Safety Act

~~"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;~~