

## Summary of Feedback from the University Community

During the first round of consultations on the revised Harassment and Discrimination Prevention and Response Policy and its Complaint and Reporting procedures, we heard from staff, students and faculty across the university regarding what they liked about the direction of these documents, and also their suggestions for improvement. We are grateful for the time that our fellow community members took to share their views with the Working Group. These suggestions have been considered in the development of updated drafts of the Policy and its procedures. These drafts are now open for further comment during this second and final round of broad public consultation.

Many individuals also took the time to share their personal experiences of having participated in processes of the university to address unwanted conduct. Understanding these experiences contributed to some of the changes that we have made. Some of these comments did not directly relate to the terms of the draft documents, but were informative about how the new policy and its procedures ought to be implemented, which we are beginning to think about as we move closer to final approval. We also heard about the educational needs of our community to better understand how processes under the Policy will work and where the university should focus its efforts on training, educating and assisting members of the university in enhancing their understanding of harassment, discrimination and reprisal, and making appropriate and effective responses to it.

The Working Group wishes to express its gratitude to those who chose to share their personal experiences with issues of harassment and discrimination at the university. We appreciate that these matters can be sensitive and painful. Your willingness to contribute to the betterment of the university for all is appreciated and we thank you for your bravery.

The following is a summary of what we heard during the first round of consultation regarding proposed changes to the proposed Harassment and Discrimination Prevention and Response Policy, and its associated Complaint and Reporting Procedures. It is only a summary and generally it captures areas where multiple points of feedback were received about similar issues and where key changes are proposed. A number of organizational changes and clarifications to language or provisions within the Policy and the procedures have been made that are not expressly addressed below. As stated above, feedback on experiences or recommendations that are best suited for training, education and implementation has been captured and will be referred to an implementation team, which will be established following approval of the Policy and procedures. All feedback received was made available to every member of the Working Group and fully considered in development of the draft documents for the second and final round of broad consultation.

Bargaining Units have requested express reference to their availability for support, and to clarify their roles in processes under the policy.

A new link to the list of bargaining units and associations has been added to section 3.2 and section 3.3 has been inserted to articulate the role of unions under the policy. Section 4.1 has been clarified as a list of official university resources that provide support on behalf of the university to address concerns about what offices should be found there. A definition of Support Person has been added that expressly includes union representation and the provision to have both a support person and an advisor present during interviews has been made.

The University Council on Anti-Racism and Equity (UCARE) suggested directly addressing issues related to harassment and discrimination on the basis of religion within the Policy.

The Office of Faith and Spiritual Life has been added as an official resource for advice and support under Section 4.1 of the Policy. Contextual discussions of Anti-Semitism and Islamophobia have been added to Appendix 2 at the request of UCARE.

Questions were asked about the origin of the reference in the Complaint Procedure to complaints being made within one year of incidents and how strictly such a limit would be observed. Comments were also received about the impact of trauma on individuals and the factors that can contribute to delays in bringing concerns about Harassment and Discrimination forward.

It is desirable for individuals to bring forward concerns about harassment and discrimination at the earliest reasonable opportunity. This allows the university to address these matters as soon as possible and work to reduce harm and impact. Generally, the Ontario Human Rights Code requires complaints of harassment and discrimination on code grounds to be brought forward to the Ontario Human Rights Tribunal within one year. However, complaints may be made outside of this timeframe where the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay. The language in the draft policy indicated that complaints would normally be made within the one year time frame, with the intention that the Assessment Team would be permitted to accept older complaints where appropriate. To increase clarity, section 5 of the Complaint Procedure and section 7 of the Reporting Procedure have been amended to state that concerns would normally come forward under this timeframe, but that delay will not be a bar to proceeding where the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay. The Assessment Team will be guided by the decisions of the Ontario Human Rights Tribunal and the advice of the Ontario Human Rights Commission in considering such matters, and will use a trauma-informed approach.

Clarification was sought about the role of the offices listed for the provision of support and advice from the university, and the formal intake process.

A new section 4.4 has been added to clarify that various offices may assist individuals with crafting formal complaints or reports, but they are not required to approach these offices. All formal complaints and reports are to be made directly to the University Secretary. This also addresses questions about situations where individuals have a conflict with, or complaint about, one of the offices listed within section 4.1.

Concerns were expressed about the 48 hour advance timeframe for requesting accommodations in interview processes where 48 hours notice of interviews has not been provided.

Section 29 (e) of the Complaint Procedure has been amended to provide that no interviews can proceed until required accommodations have been provided.

Several concerns were raised from graduate students about the applicability of the policy to them and experiences that they had when attempting to raise issues historically.

No changes to the policy were necessary as a result of these comments, but because these concerns were heard a number of times, it is important to provide a response to the community. Under the current policies there may be gaps, real and perceived, in respect of the policies applicable to graduate students who wish to express concerns, particularly about faculty or staff. This matter is addressed by the establishment of one policy with application to all members of the university community. Differential approaches to these issues experienced across academic departments within the university should no longer occur with the implementation of the 'one window' approach for intake of all complaints of harassment or discrimination across the university. Issues of education and training are being referred to the implementation phase with clear recommendations for education and awareness, working expressly with the School of Graduate Studies and the Society of Graduate and Professional Students.

During consultation with the Senate, it was suggested that the policy lead with a values-based statement as the motivation for desiring to address concerns about harassment and discrimination within our community.

Additional language in this regard has been added to section 2 of the policy.

The addition of timelines for responses to complaints and reports was requested.

Again, although no changes to the draft have been made as a result of this suggestion, because it was raised by several people a response is desirable. Investigations of harassment and discrimination are highly nuanced and dependent on many factors. While all parties to formal processes under this policy desire clarity about process and want to see these matters resolved as expeditiously as possible, providing timelines at the policy level, even recommended ones, is not a best practice. This can create

unreasonable or unrealistic expectations leading to disappointment and frustration. All parties to a process under the draft Policy have the right to understand the process for their matter and to be kept regularly updated about it, including information about how long they might expect it to take, and to be updated when this changes. This is an important subject, and the Working Group has flagged this issue for education and training during implementation of the Policy. This includes setting standards for investigators, including addressing expressed desires for written clarity about process in notices of investigation, and consistency and appropriateness of the use of confidentiality agreements, including limiting their scope and duration.

Concerns were expressed about the apparent discretion that various offices had in bringing forward formal reports under the Policy, particularly when matters of systemic discrimination came to their attention.

Language has been changed throughout section 11 of the Policy to provide that offices should normally make reports of these matters, recognizing that there may be other policies or processes within the university that may address these matters more directly. The Human Rights and Equity Office, and the Office of the University Ombudsperson have retained their discretion in this regard in accordance with the recommendations of the Principal's Implementation Committee on Racism, Diversity and Inclusion (PICRDI).

Questions were asked about early resolution under the policy and the ability of complainants to require formal policy responses.

Changes have been made to section 15 of the Complaint Process to make it clear that early or alternative resolution can only be pursued where all parties are willing and the university believes it to be appropriate in the circumstances.

Clarity around what kind of reporting the community would receive was requested

An understanding of the number and nature of complaints and reports received under the new policy will be important to identify trends, assess efficacy, and contribute to our efforts to both better understand concerns that arise at the university and contribute to our efforts to make positive change. Formal complaints received under the policy will be one way to assess our environment, but we recognize that there are other avenues available to individuals who seek counsel, support and advice about addressing concerning conduct. During the implementation phase we will be reviewing best practices and looking to work with the Human Rights and Equity Office, the Office of the Ombudsperson, Human Resources, Faculty Relations and Student Affairs to develop effective reporting to our community.