



## **ANTI-VIOLENCE, ANTI-HARASSMENT AND NON-DISCRIMINATION POLICY**

V 1.0 Approved by the APUO Executive Committee – January 11, 2018

V 1.5 Approved by the APUO Board of Directors – October 30, 2018

1. The Association of Professors of the University of Ottawa (APUO) is committed to maintaining a work environment that is free from violence, harassment, sexual harassment and/or discrimination. Harassing or discriminatory behaviour undermines an individual's right to dignity at work and her/his right to participate fully and equally in the work of APUO as well as undermines the purposes and goals of our Association.
2. This policy covers all APUO staff, officers, volunteers and Members only while they are performing APUO duties or receiving APUO services.
3. It is understood, however, that as members of the university community, APUO members subject to this policy may also be subject to other existing harassment policies.
4. No violence, harassment or discrimination of or by APUO staff, elected officers, APUO volunteers, or APUO Members will be tolerated in the course of performing APUO duties or receiving APUO services. This includes but is not limited to meetings on and off APUO and University of Ottawa premises, mediations, arbitrations, conferences, events and all forms of communications.
5. Violence, violent behaviour and threats of violence are all prohibited. If an individual feels that the threat of or incidence of violence will occur imminently, or has been the victim of or witness to workplace violence they may call Protection Services at (613) 562-5411.
6. Harassment can include, but is not limited to, any vexatious comment or conduct against someone that is known or ought reasonably to be known to be unwelcome. It also includes harassment on the prohibited grounds identified under the *Ontario Human Rights Code*, as well as sexual, workplace and personal harassment.
7. Sexual harassment may include the following examples:
  - a) sexual solicitation or unwanted sexual attention from a person who knows or ought reasonably to know that such attention is unwanted;
  - b) implied or expressed promise of reward for complying with a sexually oriented request;
  - c) implied or expressed threat of reprisal or actual reprisal for refusing to comply with a sexually oriented request or sexual attention;
  - d) comments or jokes based on sex or gender norms, behaviour, or sexuality;
  - e) a sexual relationship that constitutes an abuse of power in a relationship of authority; or

- f) a sexually oriented comment or behaviour that may reasonably be perceived to create a negative psychological and emotional environment for work or study (“poisoned environment” due to sexual jokes, comments, images, etc.).
8. Workplace harassment, which includes psychological harassment, may involve vexatious behaviour in the form of unwanted conduct, verbal comments, actions or gestures, that affect an APUO staff member, elected officer, APUO volunteer or APUO member’s dignity or psychological or physical integrity, and that has the potential to contribute to a harmful work environment for the APUO staff member, elected officer, APUO volunteer or APUO member.
9. Personal harassment includes verbal, physical and psychological forms of harassment. Examples covered under this Policy may include, but are not limited to, occurrence or use of:
  - a) slurs, insults and name-calling;
  - b) circulating or posting offensive or derogatory pictures or documents;
  - c) public humiliation; or
  - d) exclusion from union activities or functions; or
  - e) threats and intimidation.
10. Discrimination is the act of treating an individual or group differently and/or unfairly on the basis of any prohibited ground as defined by the *Ontario Human Rights Code*.
11. If APUO staff, elected officers, APUO volunteers or APUO Members believe they are subject to harassment or discrimination, they may, **in no particular order**:
  - a) Communicate with the person or people involved that the behaviour is unwelcome. They can do so on their own or with the assistance of another party. The communication may be verbal or in writing.
  - b) Contact the APUO Administrative Director, or the APUO President who will either investigate the matter or refer it to an outside investigator. If the person believes that the Administrative Director and President may be in a conflict of interest, they may contact the APUO Ombusperson.
12. There may be times when a staff person, elected officer, APUO volunteer or APUO member should be temporarily physically or otherwise distanced from those responsible for the unwelcome behaviour in order to stabilize the situation pending a final outcome of the complaint. Such arrangements shall be made in collaboration with either the APUO Administrative Director and/or the APUO President, taking into consideration the nature of the complaint and the feasibility of the temporary measure.
13. The investigation of each complaint will be handled either by the parties referred to in 11 b) or by a third party external investigator in a confidential and timely manner.
14. Resolutions could include apology, warning, reprimand, suspension and possible discharge or expulsion from Association duties (APUO Members). Additional actions may be pursued including legal remedies if necessary.
15. Where discipline or a substantive remedy of an APUO member (such as reprimand, suspension, discharge or expulsion from APUO duties) is involved, the APUO Standing Committee on Harassment and Discrimination shall make the final decision, having considered the recommendation of the APUO Executive Committee.

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16. APUO is committed to accommodating the needs of staff, elected officers, APUO volunteers and APUO Members in accordance with the *Occupational Health and Safety Act*, the *Ontario Human Rights Code* and the *APUO Policy Statement on Accessibility Standards for Customer Service* (6 December 2017), unless to do so would cause undue hardship on the Association. Requests for accommodation should be made in writing to the APUO Administrative Director and/or APUO President. A written request should indicate the reason(s) for the request, provide sufficient supporting information, and identify the specific needs. APUO may require further information. Failure to respond to requests for further information in a timely manner may delay the accommodation request.
17. All APUO staff, elected officers, APUO volunteers and APUO Members should be familiar with this policy. This policy should be kept up to date in English and French.
18. Confidentiality and Privacy:
  - a) The Association understands that it is in the interests of all parties to keep matters arising under this Policy confidential. Rumours and innuendo destroy the integrity of the fact-finding process and the principles of early resolution.
  - b) APUO staff, elected officers, APUO volunteers, and APUO Members will maintain confidentiality subject to the requirements of a fair process or as otherwise required by law.

## PROCEDURES FOR HANDLING COMPLAINTS

The purpose of these procedures is to provide a fair, accessible and expeditious process to deal with complaints relating to violence, harassment, and/or discrimination.

1. **Confidentiality** All complaints regarding an alleged incident of violence, harassment, sexual harassment and/or discrimination will be treated in a confidential manner. All individuals involved in a complaint, mediation related to a complaint, a report or an investigation must keep the matter confidential in order to safeguard individuals against unsubstantiated allegations, to protect the rights of those involved (including witnesses) in the allegation, and to preserve the integrity of the investigation.
2. **Informal Process** The informal resolution process described in this subsection is voluntary. The Administrative Director and/or the APUO President will review the complaint and the outcome(s) sought. Every effort will be made to assist the parties including:
  - referral to suitable services or resources available at the University or in the community;
  - providing information to the complainant on how they can directly intervene in the situation on their own behalf;
  - communication with the person involved to inform that person of the alleged harassment, sexual harassment and/or discrimination that such conduct is unwelcome and must cease;
  - informal processes such as mediation, facilitated dialogue, coaching or group intervention;
  - initiating a confidential report or incident; or filing a formal complaint.
  - 2.1 Information disclosed during the informal process is without prejudice and cannot be used during subsequent steps of the complaint process. Any person engaged in resolving an informal process of a complaint may not be called to testify in a subsequent proceeding in relation to information disclosed during mediation, unless ordered or compelled by a court, tribunal or arbitrator.
3. **Mediation** The Complainant or Respondent may request mediation by making a written request to the Administrative Director or APUO President within fifteen (15) working days of the date that the complaint was received by the Respondent. If the parties agree to mediation, proceedings will begin in a timely matter within fifteen (15) working days following the request.
  - 3.1 Mediation is voluntary and no negative inference will be made if any party decides not to participate. Mediation proceedings are confidential and without prejudice.
  - 3.2 If a complaint names an elected APUO member as Complainant or Respondent, a third party external Mediator will be assigned.
  - 3.3 If mediation does not result in a settlement, the Mediator will notify the Administrative Director and APUO President within ten (10) working days of the mediation if the Complainant requests a formal investigation.
  - 3.4 If mediation results in settlement, the Mediator will forward the signed and dated minutes of settlement to the Administrative Director and/or the APUO President to review for approval within ten (10) days of the date of settlement.

- 3.5 Where a settlement is approved, the complaint process is deemed concluded.
  - 3.6 Where a settlement is not approved, either the Administrative Director and/ or APUO President will notify the parties with reasons within ten (10) days of the decision. The parties may work with the Administrative Director and/or APUO President to agree to the revised settlement terms as soon as possible but no later than fifteen (15) working days after notification that the settlement was not approved. In the event that the parties are unable to reach agreement, the parties may initiate a formal process.
  - 3.7 In the event that the terms of settlement are breached, the parties may submit a formal, written complaint to the Administrative Director and/or APUO President within twenty (20) working days of the breach. The complaint must include the specific terms of settlement breached and a copy of the settlement alleged to have been breached. The Administrative Director and/or APUO President will deliver the complaint to the affected party. The other party may submit a response within fifteen (15) working days after the breach complaint was delivered. The complaint shall proceed directly to the formal process.
4. **Formal Process** If the parties are unable to resolve the matter via the informal process, a written complaint can be filed within twelve (12) months of the last incident or from the date of the single severe incident, unless there are extenuating circumstances, such as prolonged sick leave.
- 4.1 If it appears that the time required to follow the informal process will be more than the twelve (12) month time limit as prescribed for filing a formal complaint, the person has an option to proceed with filing the written complaint or requesting that the written complaint be held in abeyance while continuing to pursue the informal process. This will protect her right to later avail herself of the formal process if needed.
  - 4.2 Either the Administrative Director and/or APUO President will provide guidance on how to file a complaint and response, but the onus remains on the complainant to provide sufficient information and to be as precise and detailed as possible in order to allow the respondent to understand the allegations and respond to them.
  - 4.3 In particular, complaints should include:
    - the nature of the complaint including dates, places, and parties;
    - all relevant behaviour and conduct;
    - all relevant witnesses;
    - all relevant supporting documentation; and
    - the remedy sought.
  - 4.4 Upon receipt of the complaint, the Administrative Director and/or APUO President acknowledges receipt in writing, notifies the respondent and provides a copy of the complaint to the respondent within five (5) working days of receiving the complaint.
  - 4.5 The respondent shall respond in writing to the formal complaint within ten (10) working days from the date the formal complaint was sent to the respondent. If a response is provided, the

complainant can file a reply within (10) working days. If the respondent does not provide a written response, the complaint will proceed to assessment in the absence of a response.

- 4.6 A response will set out the Respondent's position on the allegations set out in the complaint and will include:
- a list of relevant dates, places and parties;
  - relevant behaviour and conduct;
  - relevant supporting documentation; and
  - a list of witnesses.

4.7 Once the parties have had the opportunity to file and respond to the complaint and reply, the Administrative Director and/or APUO President will conduct an assessment to determine if the complaint falls within the scope of harassment and/or discrimination. If a complaint names an elected APUO officer as a complainant or respondent, the Administrative Director and/or APUO President will forward all materials to a third party external investigator who conduct an assessment to determine if the complaint falls within the scope of harassment and/or discrimination.

4.8 If it does not fall within the scope of harassment, violence and / or discrimination, the matter is concluded

4.9 A complainant may withdraw a complaint at any time by means of a written request to either the Administrative Director and/or APUO President without fear of reprisal.

5. **Appointing an external investigator** External investigators can be hired by APUO and should be done within 15 working days after having received the respondent's response and/or the complainant's reply, if any. The investigator shall be bilingual where the parties require it. The mandate and scope of the investigation will be determined by APUO.

5.1 After the investigation is complete, the complainant and respondent shall receive copies of the investigation report. If an act of harassment, violence and / or discrimination has been committed, the APUO Executive Committee and President shall make a recommendation on how to proceed and what penalties shall be applied, based on the recommendation(s) of the investigator, to the APUO Standing Committee on Harassment and Discrimination. The recommendation(s) for remedy, corrective action or sanction could include, but are not limited to, a warning, reprimand, apology, education or training, removal from office, and bar on running for office for a specified time amongst others.

6. **Expenses:** All costs related to the investigation of complaints will be borne by the APUO and shall be consistent with APUO policies and practices.

## **APUO STANDING COMMITTEE ON DISCIPLINE**

The purpose of this committee is to make a final decision regarding a complaint, a response (if any), and the investigation report concerning a harassment and/or discrimination complaint, and impose disciplinary options (if any), while maintaining confidentiality safeguards for all persons involved in the matter.

- 1. Composition** The Standing Committee on Discipline, hereinafter the “SCD”, will be composed of five (5) APUO Board of Director members.
- 2. Structure of the SCD** At its first meeting of the academic year, the committee shall elect from among its elected members a chair. At its first meeting of the academic year, the committee shall elect from among its elected members a secretary who shall be responsible for the recording of minutes. Quorum for the SCD meetings shall consist of three (3) elected members. Whenever a member of the SCD so requests, the vote shall be by secret ballot. Elected officers of the Executive Committee are not eligible to be elected to the SCD.
- 3. Election of SCD Members** Elections shall be by postal ballot or at the second last meeting of the academic year of the Board of Directors. Members elected to the SCD shall be appointed for a staggered term of two years. A term may be renewable only once, for a total term of four (4) years.
- 4. Training** Training will be provided to every new member at the beginning of their term.