



### Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

(Disponible en français)

[tribunalsontario.ca/hrto](http://tribunalsontario.ca/hrto)

## How to Respond to an Application Where You Are Named as a Respondent

Use this form if you have been named as a respondent in a human rights application under section 34 of the *Human Rights Code*.

If you fail to respond to the Application, you may be deemed to have accepted all of the allegations in the Application, and the Tribunal may proceed without further notice to you.

### Before you start:

1. Read the questions and answers below.
2. Download and read the [Respondent's Guide](#) from the Tribunal's website [tribunalsontario.ca/hrto](http://tribunalsontario.ca/hrto).

If you need a paper copy or accessible format contact us at:

Human Rights Tribunal of Ontario	Phone: 416-326-1312	Toll-free: 1-866-598-0322
15 Grosvenor Street, Ground Floor	Fax: 416-326-2199	Toll-free: 1-866-355-6099
Toronto, Ontario M7A 2G6	TTY: 416-326-2027	Toll-free: 1-866-607-1240
	Email: <a href="mailto:hrto.registrar@ontario.ca">hrto.registrar@ontario.ca</a>	
	Website: <a href="http://tribunalsontario.ca/hrto">tribunalsontario.ca/hrto</a>	

The Tribunal has other guides and practice directions to help all parties to an Application understand the process.

Download copies from the Tribunal's website or contact us.

3. Complete each section of the Response form that applies to you. As you fill out each section, refer to the instructions in the [Respondent's Guide](#).

## Questions about Responding to an Application

The following questions and answers are provided for general information. They should not be taken as legal advice or a determination of how the Tribunal will decide any particular application.

### What happens if I fail to complete a Response Form?

You may be deemed to have accepted all the allegations. The Tribunal may deal with the Application without any further

### What is the time limit for responding?

Respondents must file a completed Response form no later than **thirty-five (35) days** after the Tribunal sends them a copy of the Application. The cover letter from the Tribunal gives you the exact date.

### Are there defences to discrimination under the *Human Rights Code*?

Yes, there are some defences and exemptions in the *Code*. Please see the [Respondent's Guide](#). If you believe one of these applies, please explain how when you fill out the Response form.



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#### **Can the Tribunal deal with an application where the facts and issues have been dealt with or are being dealt with in another proceeding?**

The *Code* has special rules depending on what the other proceeding is and at what stage the other proceeding is at. Read the [Respondent's Guide](#) and get legal advice if:

1. You are currently involved in, or were previously involved in a civil action based on the same facts and the applicant asked for a human rights remedy; **or**
2. A complaint was ever filed with the Ontario Human Rights Commission based on the same subject matter; **or**
3. You are currently involved in, or were previously involved in another proceeding (for example, a union grievance based on the same facts.

You must file a Response even if you believe that the Tribunal should defer the the Application or that the Application is outside the jurisdiction of the Tribunal, except where you allege the issues in dispute fall within exclusive federal jurisdiction.

#### **Learn more**

To find out more about human rights in Ontario, visit [www.ohrc.on.ca](http://www.ohrc.on.ca) or phone 1-800-387-9080.



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**Note:** Complete all parts of this form, using the [Respondent's Guide](#) for help. If your form is not complete, the Tribunal may return it to you. At the end of this form, you will be required to read and agree to a declaration that the information in your Response is complete and accurate (if you are a lawyer or legal representative assisting a respondent with this Form 2, please see the **Practice Direction On Electronic Filing of Applications and Responses By Licensed Representatives**).

Respondents must file a completed Response form no later than **thirty-five (35) days** after the Tribunal sends them a copy of the Application. The cover letter from the Tribunal gives you the exact date.

Tribunal File Number	2021-48071-I
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### Contact Information for the Respondent

#### Respondent Contact Information

Please choose the type of Respondent:

☒ Organization Respondent ☐ Individual Respondent

#### 1. Respondent Contact Information - Organization

Contact information for a responding organization, such as a corporation, association, or group. Please complete both this section and Question 3.

##### Full Name of Organization

University of Ontario Institute of Technology

##### Organization Type:

- ☒ Corporation  
☐ Partnership  
☐ Sole proprietorship  
☐ Unincorporated business/organization  
☐ Other (specify):

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### Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

Name of the person within this organization who is authorized to negotiate and bind the organization with respect to this Application.

<b>First (or Given) Name</b> Sara	<b>Last (or Family) Name</b> Gottlieb	<b>Title</b> General Counsel	
<b>Street #</b> [REDACTED]	<b>Street Name</b> [REDACTED]		<b>Apt/Suite</b>
<b>City/Town</b> [REDACTED]	<b>Province</b> [REDACTED]	<b>Postal Code</b> [REDACTED]	<b>Email</b> [REDACTED]
<b>Daytime Phone</b> [REDACTED]	<b>Cell Phone</b>	<b>Fax</b>	<b>TTY</b>

#### What is the best way to send information to you?

(If you check email, you are consenting to delivery of documents by email)

☐ Mail

☒ Email

☐ Fax

Is this Response being filed on behalf of any other respondent?

☐ Yes

☒ No

### 3. Representative Contact Information

Complete this Section only if you are authorizing a lawyer or other Representative to act for you.

☒ I authorize the organization and/or person named below to represent me.

My representative is:

<input checked="" type="checkbox"/> Lawyer	LSUC # 54966V
<input type="checkbox"/> Paralegal	LSUC #

☐ Other- please specify the Nature of Exemption from licensing requirements in the text box below:  
(e.g. Unpaid family member or friend)

For further information, see the Tribunal's Policy on Representation before the HRTO at [tribunalsontario.ca/hрто](http://tribunalsontario.ca/hрто).

**Response to an Application under Section 34 of the *Human Rights Code* (Form 2)****First (or Given) Name**

Jodi

**Last (or Family) Name**

Martin

**Organization (if applicable)****Street #****Street Name****Apt/Suite****City/Town****Province****Postal Code****Email****Daytime Phone****Cell Phone****Fax****TTY****What is the best way to send information to your representative?**

(If you check email, you are consenting to delivery of documents by email)

☐ Mail☒ Email☐ Fax**Contact Information - Additional Respondent(s) and Affected Person(s)**

Please complete this selection if you believe another person or organization should be named as a respondent or given notice as an affected person(s).

**4. Contact Information - Additional Respondent**

If there is another organization or person who is not already named as a respondent on the Application form and who you believe should be named as a respondent, provide their contact information here. See the Tribunal's **Practice Direction on Naming Respondents** for more information on how to correctly name a potential respondent.

Please choose the type of respondent:

☐ Organization Respondent ☐ Individual Respondent**Additional Respondent Contact Information - Organization****Full Name of Organization**



### Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

#### Name of Contact Person from the Organization

<b>First (or Given) Name</b>		<b>Last (or Family) Name</b>		<b>Title</b>	
<b>Street #</b>		<b>Street Name</b>			<b>Apt/Suite</b>
<b>City/Town</b>		<b>Province</b>	<b>Postal Code</b>	<b>Email</b>	
<b>Daytime Phone</b>	<b>Cell Phone</b>		<b>Fax</b>	<b>TTY</b>	

Add Another Respondent

#### 5. Contact Information - Affected Person

If there is any other organization (such as a union or occupational association responsible for collective bargaining) or person who is not already named as an affected person on the Application form and who might be affected by this Application to the Tribunal, provide their contact information here.

Please choose the type of affected person: ☐ Organization ☐ Contact

#### Affected Person Contact Information - Organization

<b>Full Name of Organization</b>		
<b>Name of Contact Person from the Organization</b>		
<b>First (or Given) Name</b>	<b>Last (or Family) Name</b>	<b>Title</b>



### Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

Street #	Street Name	Apt/Suite	
City/Town	Province	Postal Code	Email
Daytime Phone	Cell Phone	Fax	TTY

Add Another Affected Party

### Request for Early Dismissal of the Application

#### 6. Request for Dismissal - without Full Response

Complete this section only if you are requesting that the Tribunal dismiss the Application because one of the four situations below applies. Put an "X" in the box that applies. Please see the [Respondent's Guide](#).

##### I request that the Tribunal dismiss this Application because:

- ☐ A claim based on the same facts has been filed in civil court, requesting a remedy based on the alleged human rights violation. (Attach a copy of the statement of claim and the court decision, if any. Include all your submissions in support of your request to dismiss the Application on this basis. The Tribunal may decide your request based only on your submissions.)
- ☐ A complaint was filed with the Ontario Human Rights Commission based on the same, or substantially the same, facts as this Application. (Attach a copy of the complaint and the decision, if any. Include all your submissions in support of your request to dismiss the Application on this basis. The Tribunal may decide your request based only on your submissions.)
- ☐ The applicant signed a full and final release with respect to the same matter. (Attach a copy of the release. Include all your submissions in support of your request to dismiss the Application on this basis. The Tribunal may decide your request based only on your submissions.)
- ☐ The issues in the Application are within exclusive federal jurisdiction. (Include all your submissions in support of your request to dismiss the Application on this basis. The Tribunal may decide your request based only on your submissions.)

**Note: If you put an "X" in any of the boxes above, go to Question 20. Except in these four situations, or as otherwise directed by the Tribunal, requests to dismiss an Application will not be considered without a complete response.**





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#### 7. Request for Dismissal under s. 45.1 of the Code - with Full Response

Complete this section only if you are requesting that the Tribunal dismiss the Application because another proceeding has in whole or in part appropriately dealt with the substance of the Application. Put an "X" below if you are making this request. Please see the [Respondent's Guide](#).

a) ☐ I request that the Tribunal dismiss the Application because another proceeding has in whole or in part appropriately dealt with the substance of the Application. (Attach a copy of the decision)

b) Please name the other proceeding:

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c) Explain why you believe the other proceeding has in whole or in part appropriately dealt with the substance of the Application.

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**Note: You must complete the entire Response form and attach a copy of the document that started the proceeding and a copy of the decision.**

### Request to Defer the Application

#### 8. Request to Defer

Complete this section only if the facts of the Application are part of another proceeding that is still in progress.

a) Describe the other proceeding:

<input type="checkbox"/> A union grievance	Name of Union:	
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☐ A claim before another board, tribunal or agency

Name a board, tribunal, or agency:

☐ Other

Explain what the other proceeding is:

b) Are you asking the Tribunal to defer (postpone) the Application until the other proceeding is completed?  
(Attach a copy of the document that started the other proceeding)

☐ Yes

☐ No

## Responding to the Allegations in the Application

### 9. Responding to the Allegations

Please summarize the facts and defences that support your Response to this Application. See the [Respondent's Guide](#).

**Please include as part of your response:**

- any submissions you make that the Application is outside the Tribunal's jurisdiction;
- what allegations in the Application you agree with;
- what allegations in the Application you disagree with;
- any additional facts that you intend to rely on; and
- any defences that you intend to rely on.

See Schedule A attached

### 10. Exemptions

Complete this section only if you are relying on one of the exemptions found in the *Code*. See the [Respondent's Guide](#).

a) What exemption in the *Code* do you believe applies to this Application?



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b) Please explain why you believe the exemption applies:

#### 11. Knowledge of the Events

a) When and how did you first become aware of the events described in the Application?

See Schedule A attached.

b) How did you respond and what was the outcome?

See Schedule A attached.

#### 12. Disability and Employment

Complete this section only if the applicant alleges that they experienced discrimination in employment on the ground of disability. See [Respondent's Guide](#).

a) Did you know about the applicant's particular needs before seeing the Application?

☐ Yes

☐ No

b) What are the requirements (essential job duties) of the position in question?



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c) Do you have a written policy, job description or other documentation that describes the requirements of the job?

☐ Yes

☐ No

d) Was the applicant unable to perform the requirements of the job because of their disability?

☐ Yes

☐ No (Go to 13)

**Note: If you said "Yes" to Question 12c, you must attach a copy of the policy, job description or other document that describes the requirements of the job.**

### Questions About Internal Human Rights Policies

#### 13. Internal Human Rights Policies

Complete this section only if the respondent is an organization. Please see the [Respondent's Guide](#).

a) Do you have a policy related to the type of discrimination alleged in the Application?

☒ Yes

☐ No

b) Do you have a complaint process to deal with discrimination and harassment?

☐ Yes

☐ No (Go to 14)

**Note: You must attach a copy of the policy, complaint process, or the document that started the complaint, and the decision, if any.**

### Mediation

#### 14. Choosing Mediation to Resolve the Application

Mediation is one of the ways the Tribunal tries to resolve disputes. It is a less formal process than a hearing. Mediation can only happen if both parties agree to it. A Tribunal Member will be assigned to mediate the Application. The Member will meet with you to talk about your Response. The Member will also meet with the applicant and will try to work out a solution that both sides can accept. If Mediation does not settle all the issues, a hearing will still take place and a different Member will be assigned to hear the case. Mediation is confidential.

Do you agree to try mediation? ☒ Yes



### Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

#### Documents that Support Your Response

##### 15. Important Documents You Have

If you have documents that are important to your Response, list them here. List only the most important. Indicate whether the document is privileged. Please see the [Respondent's Guide](#).

**Note: You are not required to send copies of your documents at this time. However, if you decide to attach copies of the documents you list below to your Response, they will be sent to the other parties to the Application along with your Response.**

Document Name	Why It Is Important To My Response
To be determined	

Add more Documents

##### 16. Important Documents the Applicant Has

If you believe the applicant has documents that are important to your Response, that you do not have, list them here. List only the most important.

Document Name	Why It Is Important To My Response
To be determined	

Add more Documents

##### 17. Important Documents Another Person or Organization Has

If you believe another person or organization has documents that are important to your Response, that you do not have, list them here. List only the most important.

Document Name	Why It Is Important To My Response	Name of Person or Organization Who Has It
To be determined		



### Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

Add more Documents

### Confidential List of Witnesses

#### 18. Witnesses

Please list the witnesses that you intend to rely on in the hearing. **Note:** The Tribunal will not send this list to the applicant. See the [Respondent's Guide](#).

Name of Witness	Why This Witness Is Important To My Response

Add more Witnesses

### Other Important Information

#### 19. Other Important Information the Tribunal Should Know

Is there any other important information you would like to share with the Tribunal?

See Schedule A attached



### Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

#### Checklist of Required Documents

##### 20. Documents from Questions 6 to 13

Put an "X" in the box beside the documents that you are required to send with your Response. Put the Tribunal File Number on each document.

- |                                     |   |
|-------------------------------------|---|
| <input type="checkbox"/>            | Copy of a statement of claim and the Court decision, if any (from Question 6)   |
| <input type="checkbox"/>            | Copy of a complaint filed with the Ontario Human Rights Commission and decision, if any (from Question 6)                           |
| <input type="checkbox"/>            | Copy of a full and final release that the applicant signed dealing with same matter (from Question 6)                               |
| <input type="checkbox"/>            | Submissions in support of a Request for Dismissal without Full Response (under Question 6)  |
| <input type="checkbox"/>            | Copy of a decision from another type of proceeding that appropriately dealt with the substance of the Application (from Question 7) |
| <input type="checkbox"/>            | Copy of a document that started another type of proceeding based on the same facts (from Question 7 & 8)                            |
| <input type="checkbox"/>            | Copy of the policy, job description or other document that describes the requirements of the job (from Question 12)                 |
| <input checked="" type="checkbox"/> | Copy of your organization's policy on discrimination or harassment relevant to this Application (from Question 13)                  |
| <input type="checkbox"/>            | Copy of your organization's complaints process relevant to this Application (from Question 13)                                      |
| <input type="checkbox"/>            | Copy of the applicant's internal complaint (from Question 13)   |
| <input type="checkbox"/>            | Copy of the decision from the internal complaint process (from Question 13)   |



### Response to an Application under Section 34 of the *Human Rights Code* (Form 2)

#### Declaration and Signature

##### 21. Declaration and Signature

**Declaration:**

To the best of my knowledge, the information in my Response is complete and accurate.

**Signature Date (dd/mm/yyyy)**

23/08/2022

☒ Please check this box if you are filing your response electronically. This represents your signature.  
You must fill out the date, above.

#### Accommodation Required

If you require accommodation of *Code* related needs please contact the Registrar at [HRTO.Registrar@ontario.ca](mailto:HRTO.Registrar@ontario.ca) or

Phone: 416-326-1312 Toll-free: 1-866-598-0322

Fax: 416-326-2199 Toll-free: 1-866-355-6099

TTY: 416-326-2027 Toll-free: 1-866-607-1240

#### Collection of Information:

Under the Ontario *Human Rights Code*, the Human Rights Tribunal of Ontario (HRTO) has the right to collect the personal information requested on this form. We use the information to resolve your application. After you file the form, your information may also be available to the public. If you have questions about how the HRTO uses your personal information, contact the HRTO at 416-326-1312 or 1-866-598-0322 (toll-free.)

Submit to HRTO

Print Form

**Note: Only submit your Response once. If the Tribunal receives this Response more than once, it will only accept the first Response Form received.**



## **SCHEDULE A**

### **PART I. OVERVIEW**

1. The applicant, Philip Anisimov, alleges that University of Ontario Institute of Technology has discriminated against him on the basis of creed in the social area of education by denying his request for an exemption under the University's COVID-19 Mandatory Vaccination Directive (the "Vaccination Directive") contrary to the *Human Rights Code* (the "Code").

2. The University denies that it infringed Mr. Anisimov's *Code* rights in the manner in which it considered his request for an exemption under the Vaccination Directive, or in any way at all.

### **PART II. BACKGROUND**

#### **A. Parties**

3. The respondent, properly described as the University of Ontario Institute of Technology (operating as "Ontario Tech University") ("University"), is a public research university located in Oshawa, Ontario. It offers over 53 undergraduate programs and 38 graduate programs across two campuses located in North Oshawa and Downtown Oshawa.

4. The applicant, Mr. Anisimov, is an undergraduate student attending the University's North Oshawa campus. He is enrolled in the Mechanical Engineering undergraduate program in the Faculty of Engineering and Applied Science (the "Faculty").

5. The Faculty is an academic division of the University. The Faculty offers undergraduate degree programs in the following departments: Automotive and Mechatronics Engineering, Electrical, Computer and Software Engineering, Energy and Nuclear Engineering, Mechanical and Manufacturing Engineering. In the 2021-2022 academic year, the Faculty had over 2130 enrolled undergraduate students, with 578 enrolled in Mechanical engineering.

**B. The COVID-19 Pandemic**

6. On March 11, 2020, the World Health Organization declared the novel coronavirus (COVID-19) outbreak a global pandemic. The next day, the provincial government ordered that all publicly funded schools temporarily close in accordance with a recommendation from Ontario's Chief Medical Officer of Health.

7. On March 12, 2020, the University announced that, effective March 13, 2020, all in-person undergraduate courses and most graduate courses would be cancelled so that the University could assess online delivery options, including postponing midterm exams. On March 16, 2020, the University announced that all in-person undergraduate courses and most graduate courses would be delivered by alternative means through the end of the semester. The University also closed most of its recreational facilities and limited access to its buildings across its two campuses.

8. On March 17, 2020, the provincial government declared a state of emergency and issued a stay-at-home order to slow the pace of COVID-19 infection.

9. Over the next few weeks, the University promptly took steps to protect the health and safety of its community, while continuing to deliver on key aspects of its core educational mission. In particular, the University:

- (a) transitioned to emergency remote learning in order to allow its students the opportunity to finish their studies with limited disruptions;
- (b) progressively limited access to its campuses, and effective March 24, 2020, did so in accordance with the mandatory closure of all non-essential workplaces by the provincial government; and
- (c) cancelled all in-person convocation ceremonies for June 2020 graduates.

10. The University does not own any residence buildings. However, Durham College, where students attending the University live in residence, requested that students living in residence return home if able to do so, and allowed those students who could not

return home to remain in residence and continue to receive services. The University communicated Durham College's decision to its students.

11. At all times since the onset of the pandemic, the University's top priority has been the health, safety, and wellbeing of its students, faculty, staff, and extended community. The University's operational decisions in the context of the pandemic have complied with government requirements and followed the recommendations of public health authorities.

12. At the core of its decision-making, the University has always considered health and safety concerns alongside its commitment to academic excellence and to ensuring that the needs of its community members, particularly its students, are otherwise being met. Therefore, since March 2020, the University's stated expectation and plan has been to resume as much on-campus activity, including teaching and learning, as is practicable, sensible, and safe, as soon as possible. This plan recognizes the centrality of in-person learning to the large majority of the University's programs and pedagogy, and the importance of in-person participation to the experience of university life more generally.

13. To that end, the University has regularly assessed how students, faculty, and staff could be safely returned to campus in light of their various interests, the differential impacts of the pandemic on and within each of these groups, and the advice of public health authorities. The University was always committed to in-person learning and released its first return to campus plan on February 24, 2021.

**C. The University was required to implement a mandatory COVID-19 vaccination guideline, and did so to ensure the health and safety of its community**

14. In 2021, vaccination became the leading public health strategy to protect individuals from COVID-19, and to stop the spread of the virus more generally.

15. Starting in or around April 2021, the provincial government initiated the second phase of its COVID-19 vaccination campaign, making vaccines widely available to the public, including to individuals between the ages of 12 and 18 as of May 23, 2021.

16. In connection with the province's vaccine rollout, the University announced that it was planning for a gradual, safe return to campus starting in the fall 2021 term, including for most courses, student services, and co-curricular activities.<sup>1</sup>

17. On June 21, 2021, with the endorsement of local public health authorities, Durham College announced that it would require students living in residences during the 2021-2022 academic year to be vaccinated, and receive their first dose prior to their move-in date and have scheduled their second dose. This included students attending the University and the University communicated this requirement to its students.<sup>2</sup>

18. On July 9, 2021, the provincial government announced that based on the vaccination rate in Ontario, the province would be moving into Step Three of its "Roadmap to Reopen" starting July 16, 2021. In doing so, the government amended O. Reg. 364/20 to lift physical distancing requirements within post-secondary institutions for teaching and instruction.

19. On July 16, 2021, Ontario's Ministry of Colleges and Universities announced that all universities and colleges would be permitted to return to full in-person learning without capacity limits or physical distancing requirements beginning in the fall 2021 term. The Ministry advised that it would release an updated public health measures framework in August. At that time, the provincial government was not requiring universities to implement mandatory vaccination policies.

20. Nevertheless, the University had significant concerns about allowing its community members to congregate in enclosed spaces for extended periods of time, despite the safety measures being implemented by the University across its two campuses in anticipation of the return to in-person learning, such as requiring masks indoors, managing indoor spaces to promote social distancing, improving building ventilation, enhanced cleaning protocols, and rapid testing programs. To further ensure

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<sup>1</sup> Ontario Tech University, "Fall 2021 Planning Information Session Q&A" (May 4, 2021), online: available at [link](#).

<sup>2</sup> Ontario Tech University, "Vaccine requirements for students living in residence this fall" (June 21, 2021), online: available at [link](#).

the health and safety of its community, on August 6, 2021, the University made the decision to mandate vaccination for certain members of its community who would be involved in high-risk campus related activities including individuals participating in varsity athletics and research participants attending campus.<sup>3</sup> This was in addition to those University students living in residence which were already subject to Durham College's mandatory vaccination policy.

21. At around the same time in July 2021, Ontario was experiencing a prolonged surge in COVID-19 cases as a result of the highly contagious *Delta* variant. Due to growing health and safety concerns about returning to campus in these circumstances and in the absence of capacity limits and physical distancing requirements, the Council of Ontario Universities, of which the University is a member, sent a joint letter with Colleges Ontario to the Minister of Colleges and Universities and the Minister of Health requesting a province-wide vaccination policy for the post-secondary sector.<sup>4</sup>

22. On August 17, 2021, the provincial government announced that certain high-risk settings, including post-secondary institutions, would be required to implement vaccination policies.<sup>5</sup> Later that same day, the Chief Medical Officer of Health issued a Directive requiring a mandatory vaccine policy for employees, staff, contractors, volunteers and students in certain health care settings by September 7, 2021.<sup>6</sup>

23. On August 24, 2021, the Council of Ontario Medical Officers of Health, in consultation with the Chief Medical Officer of Health, recommended that Ontario universities mandate vaccination for all in-person activities.<sup>7</sup>

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<sup>3</sup> Ontario Tech University, "Ontario Tech University extends COVID-19 vaccination requirements to varsity athletes" (August 6, 2021), online: available at [link](#).

<sup>4</sup> Ontario's Universities, "Calling for a Province-Wide Vaccine Policy and Safe Pass" (August 6, 2021), online: available at [link](#).

<sup>5</sup> Ontario Ministry of Health, "Ontario Makes Covid-19 Vaccination Policies Mandatory for High-Risk Settings" (August 17, 2021), online: available at [link](#).

<sup>6</sup> Ontario Ministry of Health, "Directive #6 for COVID-19 Vaccination Policy in Health Setting" (August 17, 2021), online: available at [link](#).

<sup>7</sup> Letter from Council of Ontario Medical Officers of Health, "Vaccine Policies at Ontario Universities and Colleges" (August 24, 2021), online: available at [link](#).

24. On August 30, 2021, the Chief Medical Officer of Health issued formal instructions requiring post-secondary education institutions to establish, implement and ensure compliance with a COVID-19 vaccination policy mandating its employees, staff, contractors, volunteers, and students who attend on-campus to provide proof of full vaccination (the “Instructions”).<sup>8</sup> The Instructions are enforceable through subsection 2(2.1) of Schedule 1 and Schedule 4 of Regulation 364/20.

25. The following day, on August 31, 2021, the Ministry of Colleges and Universities released the “Postsecondary Education Health Measures Framework for Fall 2021” as well as a corresponding memo, confirming the Instructions issued by the Chief Medical Officer of Health and providing further guidance about the required vaccine mandate in consultation with the Chief Medical Officer of Health.<sup>9</sup>

26. Concurrently, in August 2021, the provincial government also formally amended O. Reg. 364/20 to increase capacity limits and eliminate entirely the requirement to physically distance in instructional areas in post-secondary educational institutions. As a result, vaccination became the primary tool, in conjunction with masking, by which the University could secure the health and safety of its community.

#### **D. The University’s Vaccination Directive**

27. On August 12, 2021, in line with the Joint Letter sent by the Council of Ontario Universities on August 6, 2020<sup>1</sup>, the University announced the Vaccination Directive, which, among other things, required students to provide proof of full vaccination against COVID-19 in order to be involved in any in-person activities on University premises,

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<sup>8</sup> Ontario Ministry of Health, “Instructions issued by the Office of the Chief Medical Officer of Health” (August 30, 2021), online: available at [link](#).

<sup>9</sup> Ministry of Colleges and Universities, “Postsecondary Education Health Measures Framework for Fall 2021” (August 31, 2021), online: available at [link](#); accompanying memorandum, online: available at [link](#).

including enrollment and participation in any courses designated as “in-person”.<sup>10</sup> The Vaccination Directive was set to become effective on September 1, 2021.<sup>11</sup>

28. The decision was made by the University’s senior leadership, in consultation with medical experts and based on the increasing virulence of the *Delta* variant, rising infection rates in the broader community, as well as the advice from public health authorities that vaccination is the best defence against COVID-19, both for individuals and for the broader community.

29. From September 3 until October 17, 2021, individuals attending at the University in person were required to have:

- uploaded proof of having received a full course of an approved vaccine;
- uploaded a University-approved accommodation letter; or
- provided a self-declaration confirming that they were partially vaccinated and provided proof of a negative rapid test.

Individuals provided this information to the University by using the designated software/mobile application. Only then would individuals be permitted to enter property owned, leased, rented or made available for use by the University.

30. Until October 17, 2021, individuals attending at the University who were partially vaccinated had to proceed immediately to a rapid testing location and receive a rapid test with a negative result prior to entering property owned, leased, rented or made available for use by the University.

31. As of October 17, 2021, individuals who had not received a full course of an approved vaccine, or approved combination of vaccines, were no longer be permitted to enter university property without an approved accommodation plan, or until they

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<sup>10</sup> Ontario Tech University, “Ontario Tech University mandating COVID-19 vaccinations for individuals coming to campus” (August 12, 2021), online: available at [link](#).

<sup>11</sup> Ontario Tech University, “COVID-19 Mandatory Vaccination Directive” (September 1, 2021), online: available at [link](#).



became fully vaccinated. Individuals who had obtained an exemption from mandatory vaccination under the Vaccination Directive would be provided with reasonable accommodations and were expected to comply with any requirements that the University considered necessary to protect community health and safety. These requirements included ongoing rapid antigen testing.

**E. Exemptions from mandatory vaccination under the Vaccination Guideline**

32. The University's Vaccination Directive allowed for two types of exemption requests: exemptions based on medical reasons (as outlined by the College of Physicians and Surgeons of Ontario) and exemptions based on the protected ground of creed within the meaning of the *Code*. The process for requesting an exemption was outlined in the University's Vaccination Directive which also contained a link to the requisite forms.

33. Students seeking to be exempted from the vaccination requirement on the basis of their creed were required to complete the *COVID-19 Vaccination Accommodation Application* form designed for such requests and to submit the form to Student Accessibility Services via email. The form required applicants to identify the Creed/Religion (including denomination) that they belonged to as well as the length of their membership. Applicants were also asked to identify if their creed had prevented them from taking all vaccines in the past or just the COVID-19 vaccines. If the student was opposed to COVID-19 vaccines in particular, the form required them to indicate the specific reasons they were opposed to COVID-19 vaccines in particular and how this opposition was linked to their creed.

34. The University's Student Accessibility Services considered all accommodation requests submitted by students in conjunction with the University's Human Rights Office and the Legal Services Office. The University decided to assign this task to a centralized office so that decisions could be rendered in a timely and consistent manner across categories of applicants and requests, and in recognition of both the significant implications for applicants whose requests were denied and the University's obligations

under the *Code*. The Student Accessibility Services Office was selected for this task because it has experience and expertise in student accommodations.

35. Once it had considered an application, Student Accessibility Services rendered a decision in the form of a letter. The letter notified the student whether their application had been granted or denied and the reasons for the denial.

36. If an applicant whose exemption request had been denied requested additional information about the denial or challenged the denial, Student Accessibility Services reviewed any further information that the applicant provided, and then provided the applicant with written reasons explaining the basis for the University's decision

37. All students who requested a creed-based exemption because of the alleged connection between fetal cells and the vaccines were granted an interim accommodation until the end of the Fall 2021 semester. The University allowed these students to complete their Fall 2021 courses online with the exception of one student who was allowed to attend campus on a single day to complete his lab requirements.

**F. The Applicant's request for an exemption**

38. On August 23, 2021, Mr. Anisimov emailed Student Accessibility Services requesting information regarding how to obtain an exemption from the vaccination mandate. On August 25, 2021, Student Accessibility Services responded to Mr. Anisimov explaining that he needed to complete the *COVID-19 Vaccination Accommodation Application*. The email contained a link to the application.

39. On October 4, 2021, Mr. Anisimov left a voicemail with Student Accessibility Services requesting an appointment to register for services. Student Accessibility Services responded that same day with instructions regarding how to schedule an appointment. Mr. Anisimov then responded a few minutes later with his *COVID-19 Vaccination Accommodation Application*, indicating that he had submitted his application previously but had not received a response. Student Accessibility Services had no record of Mr. Anisimov's application for an exemption prior to October 4, 2021.

40. Mr. Anisimov's application for an exemption was composed of the following three short sentences:

As a Christian, I believe that the body is the temple of God, and He punishes those who do it harm. I am not convinced that this vaccine is safe given the possible side effects. Therefore, I would be violating God's law if I subjected myself to the risk involved in vaccination. Also, all the COVID vaccines use aborted fetal tissue directly or indirectly in their development. According to my faith, taking the vaccine would be cannibalism.

41. Student Accessibility Services reviewed Mr. Anisimov's exemption application and, on October 5, 2021, denied the request due to a lack of detail and an insufficient connection between Mr. Anisimov's request for an exemption to the Vaccination Directive and his creed. Student Accessibility Services noted that Mr. Anisimov had neither provided the information sought, nor did he answer the specific questions identified in the application form. Student Accessibility Services also informed Mr. Anisimov that the COVID-19 vaccines did not contain any human tissue.

42. That same day, Mr. Anisimov responded to the denial of his exemption application with a further submission answering the questions identified in the application form. Mr. Anisimov explained that he would not take the available vaccines because cells from aborted fetuses were used for development, proof-of-concept, and manufacturing of the COVID-19 vaccines. Mr. Anisimov noted that he had been homeschooled for most of his life, and thus had not required proof of vaccination for school. He informed Student Accessibility Services that he had not received any vaccines since the age of six and that of the vaccines which might have used aborted human cells in their development, he had only received the Polio, and the Measles, Mumps, and Rubella vaccine. However, he provided no evidence of this. Mr. Anisimov once again emphasized that he was concerned about the safety of the vaccines.

43. On October 12, 2021, Student Accessibility Services denied Mr. Anisimov's second exemption request on the basis that concerns/objections related to the use of historical cell lines from aborted fetuses in the testing of the Moderna and Pfizer COVID-19 vaccines were too remote to warrant accommodation in the face of a global pandemic that poses an immediate health risk to the University community. In particular, Student Accessibility Services noted that:

- The HEK-293 cells were not used to develop the mRNA vaccines; there is no cell content in the mRNA vaccines and the vaccines were simply tested on the historical cell lines after they were developed.
- Professor Frank Graham, who developed the HEK-293 cell line has said that, to the best of his knowledge, the origin of these cells is unclear, for they could have come either from a therapeutic abortion or a spontaneous miscarriage.
- The HEK-293 cell line was developed in 1973 in the Netherlands – at the time abortion was illegal except in therapeutic cases, i.e. where the life of the expectant mother was at risk.
- There are 66,000 published medical studies using HEK-293 and its derivative cell lines; they were used in the development and testing of thousands of medical treatments including Tylenol, Aspirin, Advil, Aleve, Sudafed, Claritin, Benadryl, Robitussin, Tums, Maalox, Ex-Lax, Pepto-Bismol, Ventolin, among many, many others.
- There appears to be an inconsistency of applying a pro-life/sanctity of life position regarding objections to the use of HEK-293 cells in testing the mRNA vaccines given the immediate risk of unvaccinated individuals contracting and spreading COVID-19, which could result in death – this is why major faith leaders in Canada and around the world overwhelmingly support COVID-19 vaccinations.

44. Following this second denial, on October 15, 2021, Mr. Anisimov provided a third submission in support of his request for an exemption to the Vaccination Directive. Mr. Anisimov stated that the connection between aborted fetus cells and the vaccines was in his opinion not too remote to warrant accommodation. He also downplayed the risk he would pose in the University community if he was not vaccinated, noting that he was willing to take rapid antigen tests and mask when attending on campus. In response to the University's observation that countless medications have used the same cells lines in their development, Mr. Anisimov simply took the position that this was not relevant as

the University did not know Mr. Anisimov's medication history. Mr. Anisimov also took the position that if even the creator of the cell line did not know their origin, Mr. Anisimov was justified in suspecting the cell line and vaccine developers of negligence and/or dishonesty. Mr. Anisimov provided no evidence regarding why he suspected vaccine developers of negligence and dishonesty nor how that would be connected to his religious belief or creed. Overall, Mr. Anisimov spent a substantial amount of time in his third submission arguing that the vaccines were experimental and therefore not safe.

45. On October 18, 2021, Student Accessibility Services responded to Mr. Anisimov's third submission informing him that the University's position remained the same, namely that the connection to abortion was too remote to warrant accommodation in the face of a global pandemic that poses an immediate risk to University members. Mr. Anisimov was informed that the decision was final.

46. At the time of the University's final decision with respect to Mr. Anisimov's exemption request, he was registered in courses with in-person requirements, including three with mandatory in-person final exams. By October 18, 2021, the University's Pandemic Response Team had also sent out a number of reminders to the University community, which includes Mr. Anisimov, that proof of vaccination was required to access campus, and that students who did not get vaccinated, and did not have an exemption, would be deregistered.<sup>12</sup> The University also posted updates regarding its Vaccination Directive on its website.<sup>13</sup>

#### **G. The University grants an Interim Accommodation to Mr. Anisimov**

47. On November 2, 2021, having been denied an exemption on three occasions, and having been notified that he faced deregistration from the University, Mr. Anisimov's counsel contacted the University demanding that Mr. Anisimov be granted a religious

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<sup>12</sup> The Pandemic Response Team sent emails to the University community on both October 4 and October 15, 2021. Mr. Anisimov also received communications from the Registry Office regarding deregistration due to non-compliance with the University's Vaccine Directive on November 9, 2021.

<sup>13</sup> Ontario Tech University, "Latest Updates" (August 12, 2021 to May 25, 2022), online: available at [link](#).

exemption to the Vaccination Directive. Mr. Anisimov's counsel also noted that the COVID-19 vaccine was not a condition for admittance to the University.

48. University legal counsel responded on November 11, 2021, noting that receipt of a COVID-19 vaccine is not a condition of acceptance to the University but is required for individuals accessing campus. Legal counsel also noted that the University remained available to assist Mr. Anisimov in transferring to courses that did not have in-person requirements and to assist him in mitigating/minimizing the impact of his choice not to receive the COVID-19 vaccine. However, the decision regarding his accommodation request was final.

49. As noted above, the University has no record of receiving any request from Mr. Anisimov prior to October 4, 2021. However, given Mr. Anisimov's claim that he had first submitted an exemption application on August 23, 2021, the University provided Mr. Anisimov with an interim accommodation so that he could complete his three in-person exams virtually. Mr. Anisimov was notified of the University's decision to do so on November 17, 2021.

50. The University treated Ms. Anisimov exactly the same as it treated other students who had requested creed-based exemptions on the basis of the alleged connection between the vaccines and fetal cells. That is, Mr. Anisimov was provided with interim accommodations so that he could complete his Fall 2021 courses even though he had not complied with the Vaccination Directive.

51. However, Mr. Anisimov remained ineligible to attend campus in person.

**H. The University disciplines Mr. Anisimov for attending campus in contravention of the Vaccination Directive**

52. On November 17, 2021, it came to the University's attention that Mr. Anisimov had attended in person tutorials and mid-terms during the Fall 2021 semester despite not being vaccinated and not having received an accommodation which allowed him to attend campus.

53. The Office of Campus Safety launched an investigation and Mr. Anisimov was immediately suspended from campus and subject to a trespass order. Mr. Anisimov was informed of these steps by email on November 17, 2021.

54. On November 19, 2021, having been notified of his interim suspension, Mr. Anisimov contacted Student Accessibility Services because the Registrar's Office had unenrolled him from his Fall courses. Student Accessibility Services replied that same day confirming to Mr. Anisimov that they had contacted the Registrar's Office and asked for Mr. Anisimov to be re-enrolled. Student Accessibility Services advised Mr. Anisimov that his re-enrollment should take effect in 24 hours.

55. Mr. Anisimov had actually been unenrolled from his courses as a result of his interim suspension described above. The interim suspension was very short, and Mr. Anisimov was actually informed that same day, November 19, 2021, that his suspension had been lifted and that he was no longer subject to any trespass order.

56. While Campus Safety had initially closed the investigation relatively quickly, it was then reopened in early 2022 as a result of new information. Mr. Anisimov met with Campus Safety on February 4, 2022 and admitted to having attended campus for tutorials and two midterms in Fall 2021 without being vaccinated and without an approved accommodation.

57. On February 10, 2022, the Office of Campus Safety released its investigation report which made the following findings:

- a) During the month of September 2021, Mr. Anisimov attended in person at tutorials held on Thursday afternoons in UP1500 for MECE 4290.
- b) During the week of October 4, 2021, Mr. Anisimov attended in person at a mid-term exam for MECE 4290 which was held in UP1500.
- c) During the week of November 8, 2021, Mr. Anisimov attended in person at a mid-term exam for MECE 4290 which was held in UP1500.
- d) At no time did Mr. Anisimov upload proof of vaccination into the Screening Questionnaire App.



- e) Mr. Anisimov had completed the Screening Questionnaire App only one time, on September 7, 2021. He was directed not to attend campus. Mr. Anisimov did not complete the Screening Questionnaire at any other time prior to entering campus buildings as determined in items a) to c).
- f) At no time during the Fall semester of 2021 was Mr. Anisimov either fully vaccinated or the recipient of an approved accommodation which allowed him to attend on campus under the Vaccination Directive.

58. As a result of the findings in the investigation, Mr. Anisimov had a written warning placed in his file. On May 1, 2022, the University rescinded the trespass order against Mr. Anisimov as a result of the University pausing its proof of vaccination requirements generally.

### **PART III. RESPONSE**

59. The University denies that it infringed Mr. Anisimov's *Code* rights in the manner in which it considered his request for an exemption under the Vaccination Directive, or in any other way. Student Accessibility Services carefully considered the reasons and information Mr. Anisimov submitted in his application for an exemption and in his additional submissions and provided him with prompt and comprehensive reasons for its decision.

60. The University also denies that its decision caused the harms alleged in Mr. Anisimov's application.

61. The denial of Mr. Anisimov's exemption request prevented him from completing any courses designated as "in-person" in the Fall 2021 and Winter 2022 terms. However, it did not prevent him from completing any courses designated as "online".

62. Further, while Mr. Anisimov was enrolled in three courses with in-person requirements in Fall 2021, the University permitted Mr. Anisimov to take his examinations in these courses virtually, and Mr. Anisimov received credits for these courses.

63. The only course that Mr. Anisimov was not able to complete was his year long “capstone” course. One element of that course is an in-person presentation to industry members. The presentation is meant to be interactive and the Faculty reasonably refused Mr. Anisimov’s request to provide his presentation online.

64. Given the above, this application ought to be dismissed in its entirety.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED.**

Doc 4379071

## **ATTACHMENTS**

### **TAB**

- 1 Accommodation Policy - Office of the University Secretary and General Counsel
- 2 Respectful Campus Policy - Office of the University Secretary and General Counsel

Doc 4379071



# Accommodation Policy

Classification number	LCG 1149
Framework category	Legal, Compliance and Governance
Approving authority	Board of Governors
Policy owner	University Secretary and General Counsel
Approval date	April 22, 2021
Review date	April 2024

## Purpose

1. The purpose of this Policy is to:
  - Commit the University to a barrier-free and inclusive campus environment; and,
  - Demonstrate compliance with the obligations and responsibilities, required of the University under its Respectful Campus Policy and by the *Ontario Human Rights Code* (“*the Code*”), the *Accessibility for Ontarians with Disabilities Act* (AODA), and the *Workplace Safety and Insurance Act*.

## Definitions

2. For the purposes of this Policy the following definitions apply:

“**Accommodation Measures**” are adaptations or adjustments that are required to enable full participation. Accommodation Measures may include, but are not limited to:

- Human support services such as sign language interpreters, readers, etc.
- Technical aids and assistive devices
- Workstation and/or office modifications
- Flexible or alternative work/assignment schedules
- Temporary re-assignments

**“Barriers”** include attitudes (stereotypes or prejudices), designs, policies, practices and rules that prevent full participation of individuals or groups on the basis of a protected Ground

**“Creed”** is not defined in the Code, but courts and tribunals often refer to creed as religious beliefs and/or practices. As creed is not clearly defined, the following characteristics have been relied on when considering whether a belief system is a creed under the Code:

- It is sincerely, freely, and deeply held
- Is integrally linked to a person’s identity, self-definition, and fulfilment
- Is a particular and comprehensive, overarching system of belief that governs one’s conduct and practices
- Addresses ultimate questions of human existence, including ideas about life, purpose, death, and the existence or non-existence of a creator and/or a higher or different order of existence
- Has some nexus/connection to an organization or community that professes a shared system of belief.

**“Disability”** is defined in the Code as:

- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical coordination, 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;
- a condition of mental impairment or a development disability;
- a learning disability, or dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act*.

**“Duty to Accommodate”** refers to the obligation to eliminate the disadvantage, to the point of undue hardship, caused by barriers that exclude individuals or groups protected under the Code from participating in all aspects of their employment, academic endeavors, or use of facilities and housing on campus. Failure to meet the Duty to Accommodate is a form of discrimination.

**“Family Status”** is defined in the Code as the status of being in a parent and child relationship. It includes any relationship that is equivalent to the care, responsibilities and commitment of a parent to a child. An adult child who is responsible for the care of a parent (e.g., providing elder care) is also in a relationship that is included in the definition of family status. In order to trigger a Family Status accommodation, the child/parent must be under the supervision or control of the University Member, there must be an essential need or legal obligation that flows from the relationship and the impact must create real disadvantages to the parental-child relationship and the responsibilities that flow from it (i.e. it is not trivial, insubstantial or merely a negative impact).

**“Functional Limitations”** refer to the specific effect(s) an individual’s code related needs/obligations impact their ability to access services, facilities and housing and or perform the essential requirements of their academic or employment pursuits. For example, an employee is unable to lift objects greater than 10 pounds due to a disability, or a student will be late for class because they are a single parent and need to drop off their child to daycare at a specific time.

**“Gender Identity & Gender Expression”** are not defined in the Code. Gender Identity is the gender that people identify with or how they perceive themselves, which may be different from their birth-assigned sex. Gender identity is linked to a sense of self, the sense of being woman, man, both, neither or anywhere along the gender spectrum (non-binary). Gender Expression is the way people communicate or express their gender identity publicly; often through behaviour and physical appearance, e.g., dressing, the length and style of hair, or by emphasizing, de-emphasizing or changing physical characteristics. Chosen names and preferred pronouns are also ways in which people express gender. Gender Identity and Gender Expression are completely separate from sexual orientation.

Accommodations on the ground of gender identity or gender expression may be sought relating to:

- Pronouns
- Name and Gender title changes
- Transitioning
- Gender affirming surgery
- Washroom Access
- Locker Room/Change Facilities

**“Interim Accommodations”** are temporary Accommodation Measures that are implemented on a good-faith basis while an accommodation request is under review and are typically reserved for complex cases that may require more time or specialist input to determine



whether Accommodation is required and/or to identify and choose appropriate long-term Accommodation Measures.

**"Person(s) of Authority"** includes any person who has charge of a workplace, authority over another Employee or authority in the administration of education. Anyone who supervises an Employee at Ontario Tech University is a Person of Authority. For the purposes of this policy, Faculty members, and Faculty Leadership (e.g. Deans, Associates Deans, etc.) are also considered Persons of Authority vis-à-vis their relationship to students.

**"Protected Ground(s)"** are the grounds contained in the Ontario Human Rights Code under which individuals are protected against discrimination and harassment. All University Members are protected under the following Grounds: "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." Employees are additionally protected under the ground "record of offences."

**"Sex (Including Pregnancy)"** is not specifically defined in the Code, but is considered to be related to a person's biological sex, male or female. Special needs and circumstances that may be experienced as a result of pregnancy are also included within the definition of sex. Special needs can relate to circumstances arising from:

- breastfeeding
- miscarriage or stillbirth
- abortion
- conditions which result directly or indirectly from an abortion/miscarriage or stillbirth
- fertility treatments/ other interventions to get pregnant
- medical complications resulting from pregnancy
- recovery from childbirth
- postpartum depression

**"Undue Hardship"** refers to the scope in which an organization's Duty to Accommodate extends. In most cases, organizations must take all reasonable steps to determine if an individual can be accommodated. However, the Duty to Accommodate does not extend to cases in which Undue Hardship can be demonstrated. The three factors under the Code that can be considered in determining undue hardship are, Cost, Outside Sources of Funding and Health and Safety requirements.

**"University Member"** means any individual who:

- is employed by the University or holds an appointment with the University, including paid, unpaid and/or honorific appointments (**"Employee"**);

- is registered as a student, in accordance with the academic regulations of the University (“**Student**”); and/or,
- Is otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

## Scope and authority

3. The University Secretary and General Counsel is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation and application of this Policy.
4. This Policy applies to all University Members in all aspects of their engagement with the University.
5. This Policy does not override or diminish the rights provided to Employees under applicable Collective Agreements. Collective Agreements will supersede this Policy to the extent there is a conflict.

## Policy

6. Ontario Tech University is committed to promoting an environment where everyone has an equal opportunity to contribute to their fullest potential and where all are treated with sensitivity, fairness and respect. The University recognizes its duty to accommodate to the point of undue hardship and commits itself to accommodation that reflects the principles of dignity, privacy, individualization and inclusion.
7. Ontario Tech University is committed to fully exploring all requests for accommodation in good faith, and to providing reasonable accommodation when the need for accommodation has been established unless the accommodation would alter a bona fide occupational or academic requirement and/or undue hardship can be demonstrated.
8. Ontario Tech University will consider on a case-by-case basis whether Interim Accommodations can be implemented during the exploration of accommodation requests.
9. Where there are multiple ways to provide accommodation without incurring Undue Hardship, the University reserves the right to accommodate in the manner most consistent with the University’s operational and academic requirements.
10. **The Duty to Accommodate: General Principles**  
The University’s approach to providing accommodations will be based on the following principles:

- a. **Individualization:** Accommodation is assessed and delivered on an individual basis for persons who make their needs known. Each request must be considered individually in order to meet the specific circumstances of the individual seeking accommodation.
- b. **Dignity:** Requests for accommodation must be dealt with in a respectful and timely manner so individuals can fully participate in all aspects of employment, academic endeavors and in the use of facilities and housing.
- c. **Privacy:** individuals must be accommodated in ways that respect their right to privacy. Information relating to specific requests for accommodation will be treated as confidential and will only be used for the purpose of assessing and implementing accommodation options and solutions. The consideration of accommodation requests and the search for reasonable accommodation measures will involve the person requiring the accommodation and a Person of Authority. Consultations with third parties with specialized expertise in the development of the accommodation plan may also be required (e.g. the Human Rights Office, Student Accessibility Services and Human Resources).
- d. **Inclusion:** The University is committed to ensuring its programs, policies, practices, facilities, services, communications and systems are designed intentionally to foster the full integration of diverse individuals and groups protected under the Code. Periodic proactive reviews of existing policies, rules, practices and procedures to identify and eliminate barriers to access and inclusion can also promote a more inclusive campus while helping to minimize the need for individualized accommodations.

## 11. **Making a Request for Accommodation**

Although accommodation requests are most commonly made on the grounds of Disability, Family Status, Creed, Sex (more specifically related to pregnancy) and Gender Identity & Gender Expression, requests for accommodation can be made based upon any Protected Ground.

It is typically the responsibility of the University Member to make their Protected Ground-related needs known. Reach out to a relevant Person of Authority for information and assistance and/or to commence the accommodation process. [Note: The University has specialized procedures for Students (<https://usgc.ontariotechu.ca/policy/policy-library/policies/legal-compliance-and-governance/procedures-for-academic-accommodation-for-students-with-disabilities.php>) and Employees

(<https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/procedures-for-accommodating-employees-and-job-applicants-with-disabilities.php>) related to making disability-related accommodation requests.]

A detailed, written account of your Code-related needs will assist the Person of Authority to understand your situation and will likely expedite the accommodation process. If appropriate and available, provide supporting documentation that verifies the need for accommodation (e.g. a medical form, a child's daycare schedule or a custody agreement). Those requesting accommodation should focus on the Functional Limitations that are impacting their ability to work, participate academically or access other services, facilities or housing, and should avoid requesting specific Accommodation Measures at the outset.

Any University Member may book a consultation meeting with The Human Rights Office for additional information related to this policy instrument or for advice related to their specific circumstances.

## **12. Receiving a Request for Accommodation**

Except in relation to disability-related requests, Persons of Authority will determine whether appropriate Functional Limitations have been identified in consultation with experts as necessary, and if not, will ask the requester to identify appropriate Functional Limitations. Once the functional limitations are identified, the Person of Authority will determine whether the need for accommodation has been verified.

If there is evidence to support the need for accommodation, the Person of Authority will identify and select appropriate accommodation measures in consultation with the individual seeking accommodation. If, on the other hand, the assessment concludes that accommodation is not required, the Person of Authority will advise the individual in writing.

Persons of Authority are encouraged to consult with the Human Rights Office for advice and assistance. In any event, if the Person of Authority concludes that accommodation is not required, they must consult with the Human Rights Office prior to informing the individual.

## **13. Dispute Resolution**

The University has Dispute Resolution procedures to handle allegations of discrimination. University Members who have concerns about the manner in which their request for accommodation has been handled should consult the Respectful Campus Policy and related procedures.

## **ROLES AND RESPONSIBILITIES**

### **14. All University Members**

- 14.1 Are responsible for familiarizing themselves with this Policy
- 14.2 Will build and maintain positive and productive relationships and demonstrate Respect in their interactions; and,
- 14.3 Will engage the accommodation process in good-faith and in a cooperative manner, which includes making their needs known in a timely fashion, providing additional information about their individualized needs when requested and being open to all reasonable Accommodation Measures.

15. **Persons of Authority**

- 15.1 Are responsible for ensuring University Members under their authority are aware of this Policy and its associated procedures;
- 15.2 Will respond to requests for Accommodation in good faith, in accordance with related Ontario Tech University policies and procedures, and in consultation with relevant stakeholders;
- 15.3 Will handle requests for accommodation on the ground of “Disability” consistent with applicable procedures for Students and Employees;
- 15.4 Will process requests for accommodation related to all other Protected Grounds pursuant to requirements under this policy, ensuring the University meets its Duty to Accommodate up to the point of undue hardship; and,
- 15.5 Will cooperate with relevant stakeholders in the process of identifying and implementing reasonable Accommodation Measures.

16. **Human Rights Office**

- 16.1 Is responsible for the interpretation and administrative direction of this policy and its associated policies and procedures to ensure their compliance with regulatory requirements;
- 16.2 Will assist University Members to understand their rights and obligations under this policy and provide advice and/or direction; and,
- 16.3 Will assist Persons of Authority to assess requests for accommodation and explore reasonable Accommodation Measures.

17. **Human Resources**

- 17.1 Is responsible for administering the “Procedures for Accommodating Employees and Job Applicants with Disabilities;” and,

17.2 Will assist Persons of Authority to implement Accommodation Measures in the workplace.

18. **Student Life**

18.1 Is responsible for administering the “Procedures for Academic Accommodation for Students with Disabilities;” and,

18.2 Will assist Persons of Authority to implement Accommodation Measures for students.

## **Monitoring and review**

19. This Policy will be reviewed as necessary and at least every three years. The University Secretary and General Counsel, or successor thereof, is responsible to monitor and review this Policy.

## **Relevant legislation**

20. Human Rights Code, R.S.O. 1990, c. H.19

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005

Workplace Safety and Insurance Act

## **Related policies, procedures & documents**

21. Respectful Campus Policy

Accessibility Policy

Procedures for Accommodating Employees and Job Applicants with Disabilities

Procedures for Academic Accommodation for Students with Disabilities

Ontario Human Rights Commission (Policies and Guidelines)

([http://www.ohrc.on.ca/en/our\\_work/policies\\_guidelines](http://www.ohrc.on.ca/en/our_work/policies_guidelines))



# Respectful Campus Policy

Classification number	LCG 1107
Framework category	Legal, Compliance and Governance
Approving authority	Board of Governors
Policy owner	University Secretary and General Counsel
Approval date	April 22, 2021
Review date	April 2024

## Purpose

1. The Respectful Campus Policy (the “Policy”) outlines Ontario Tech University’s commitment to promote and sustain a respectful and inclusive campus in accordance with the Ontario Human Rights Code (the “Code”), the Accessibility for Ontarians with Disabilities Act, and the Occupational Health and Safety Act (OHSA). The purpose of the Policy is to ensure the campus community is familiar with their various rights, roles, responsibilities and obligations as they relate to preventing and responding to all forms of Harassment and Discrimination.

## Definitions

2. For the purposes of this Policy and associated procedures, the following definitions apply:  
“**Barriers**” include attitudes (stereotypes or prejudices), policies, practices, rules and designs that prevent full participation of individuals or groups on the basis of a Protected Ground.

“**Complainant**” refers to an individual who has filed a Report regarding an alleged breach of this policy.

“**Discrimination**” is a distinction, without lawful justification, whether intentional or not, which has the effect of denying benefits to, or otherwise disadvantaging, an individual on the basis of a Protected Ground (defined below). Discrimination may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging one or more groups of people.



**"Discriminatory Harassment"** means engaging in a course of vexatious comment or conduct based on any Protected Ground, that is known or ought reasonably to be known to be unwelcome. Discriminatory Harassment may include, for example, taunting or mocking someone's race, ridiculing an individual's disability or targeting others with sexual, gender-based or homophobic slurs.

**"Disrespect"** is behavior that falls short of Harassment, but nevertheless has harmful impacts on the campus environment, e.g. rude, inconsiderate and passive aggressive behavior. Disrespect, if left unaddressed, can escalate to Harassment or Discrimination.

**"Duty to Accommodate"** refers to the obligation to eliminate the disadvantage, to the point of undue hardship, caused by barriers that exclude individuals or groups protected under the Code from participating in all aspects of their employment, academic endeavors, or use of facilities and housing on campus. Failure to meet the Duty to Accommodate is a form of discrimination. For more on the Duty to Accommodate see the University's Accommodation Policy.

**"Employee"** means job applicants and individuals performing services directly on the University's behalf, including administrative staff members, Faculty, volunteers and contract employees. Students who are employed during the course of their studies, are "Employees" for the purposes of this Policy when they are engaged in employment activities, but not otherwise.

**"Faculty"** includes a Faculty Member at Ontario Tech University, and includes those with both limited term and indefinite term appointments, as well as those with paid, unpaid and honorific appointments. For greater certainty, "Faculty" also includes visiting scholars and emeritus professors.

**"Harassment"** is the term used in this policy instrument to represent all forms of harassment: Discriminatory Harassment, Workplace Harassment and Sexual Harassment.

For greater certainty, Harassment is objectionable and unwanted behaviour that is verbally abusive, vexatious or hostile, that is without reasonable justification, and that creates a hostile or intimidating environment for working, learning or living. Harassment may be intentional or unintentional. While harassment usually consists of repeated acts, a single serious incident that has a lasting harmful effect may also constitute harassment.

Harassing behaviour includes, but is not limited to cumulative demeaning or intimidating comments, gestures or conduct; verbal aggression or yelling; bullying; threats to a person's employment or educational status, person or property; persistent comments or conduct, including ostracism or exclusion of a person, that undermines an individual's self-esteem so as to compromise their ability to achieve work or study goals; abuse of power, authority or

position; sabotage of a person's work; humiliating initiation practices; hazing; calling someone derogatory names; spreading of malicious rumours or lies; or making malicious or vexatious complaints about a person.

Harassment does not include the exercise of appropriate managerial or supervisory direction, including performance management and the imposition of discipline; constructive criticism; respectful expression of differences of opinions; reasonable changes to assignments or duties; correction of inappropriate behaviour; interpersonal conflict; instructional techniques such as irony, conjecture, and refutation, or assigning readings or other instructional materials that advocate controversial positions; and single incidents of thoughtless, petty or foolish words or acts that cause fleeting harm.

**"JHSC"** means the Joint Health & Safety Committee(s) at Ontario Tech University.

**"Mediation"** is a structured process in which parties in dispute are assisted by a third-party to engage in dialogue and attempt to arrive at a mutually agreeable resolution. Mediation is a voluntary process and can only proceed if all parties involved agree to participate.

**"Microaggression"** means a comment or action that negatively targets a group based on a Protected Ground (e.g. a racist, sexist or homophobic comment). Microaggressions may be intentional or accidental, but are nonetheless harmful and stigmatizing to a certain group of people. If allowed to go unchallenged, Microaggressions may escalate to Harassment and/or Discrimination

**"Person(s) of Authority"** include, for the purposes of this policy and related procedures, any person who has charge of a workplace, authority over another Employee or authority in the administration of education, including supervisors, managers, senior management and Faculty leadership (e.g. Deans, Associates Deans, etc.).

**"Poisoned Environment"** is a form of indirect Discriminatory Harassment. It occurs when comments or conduct (including comments or conduct that are condoned or allowed to continue when brought to the attention of a Person of Authority), ridicule or demean a person or group based upon a Protected Ground. The comments or conduct need not be directed at a specific person, and may be from any person, regardless of position or status.

**"Protected Ground(s)"** are the grounds contained in the Ontario Human Rights Code under which individuals are protected against discrimination and harassment. All University Members are protected under the following Grounds: "race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status and disability." Employees are additionally protected under the ground "record of offences."

**"Report"** refers to information about Harassment and/or Discrimination that is reported under the applicable procedures.

**"Reprisal"** includes retaliation, coercion, dismissal, threats or intimidation of anyone who in good faith: raises complaints or concerns, exercises their rights, or participates in a remedial process under this Policy.

**"Respect"** is a standard of interpersonal communication and behaviour characterized by self-restraint and consideration for others.

**"Respondent"** refers to anyone who is alleged to have engaged in behaviours of Harassment and/or Discrimination or who is the subject of a report regarding a breach of this policy.

**"Sexual Harassment"** means,

- 2.1 engaging in a course of vexatious comment or conduct 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
- 2.2 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 and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual Harassment includes but is not limited to, sexually suggestive or obscene remarks or gestures, negative stereotypical comments based on gender, sex or sexual orientation, gender identity and gender expression.

**"University Member"** means any individual who:

- is employed by the University or holds an appointment with the University, including paid, unpaid and/or honorific appointments (**"Employee"**);
- is registered as a student, in accordance with the academic regulations of the University (**"Student"**); and/or
- Is otherwise subject to University policies by virtue of the requirements of a specific policy (e.g. Booking and Use of University Space) and/or the terms of an agreement or contract.

**"Workplace"** means any place where Employees engage in any facet of employment activity (e.g. recruitment, training, evaluation and development), including employment activities online, outside the normal place of work, and employment activities that occur outside of normal working hours.

**"Workplace Harassment"** means,

- 2.1 engaging in a course of vexatious comment or conduct against an Employee in a workplace that is known or ought reasonably to be known to be unwelcome, and/or
- 2.2 Workplace Sexual Harassment - defined as Sexual Harassment against an Employee in the workplace.

## Scope and authority

- 3. The University Secretary and General Counsel is the Policy Owner. The Policy Owner is responsible for overseeing the implementation, administration, interpretation and application of this Policy.
- 4. The Policy Owner will ensure the Policy is reviewed as often as is necessary, and in any event, at least annually, in consultation with all appropriate departments and the JHSC(s), and in accordance with the University's Policy Framework and relevant Collective Agreements.
- 5. This Policy applies to all University Members in all aspects of their engagement with the University.
- 6. Ontario Tech University has a [Student Sexual Violence Policy](https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/student-sexual-violence-policy-and-procedures.php) (<https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/student-sexual-violence-policy-and-procedures.php>), which sets out a framework for ensuring that students who experience sexual violence are directed to appropriate supports and services and that includes a set of procedures that are completely student-driven; meaning students decide if they want to file a formal report or to participate in informal or formal resolution options. Sexual Harassment, as defined under this policy is also defined as Student Sexual Violence when perpetrated by or against a student. In the event that a student alleges sexual violence against an Employee or an employee alleges sexual harassment by a student, all of the rights, roles, responsibilities and obligations established under the Student Sexual Violence Policy will apply to the Student and this Policy and its related procedures will be applied to Employees.
- 7. This Policy and its corresponding Procedures do not override or diminish the rights provided to Employees under applicable Collective Agreements, including the right to academic freedom afforded to Faculty. Collective Agreements will supersede this Policy to the extent there is a conflict.
- 8. This Policy does not preclude University Members from pursuing resolution through external resources and processes, including those offered by the Human Rights Legal Support Centre, the Human Rights Tribunal of Ontario and the Ontario Labour Relations Board.

# Policy

9. The University promotes a campus environment that is equitable, inclusive and accessible, and does not tolerate, ignore or condone Discrimination or Harassment by or against anyone.
10. The University is committed to providing a campus environment in which all University Members are treated with dignity, and to fostering a climate of understanding and mutual respect. Excellence in the university community is fostered by promoting the freest possible exchange of information, ideas, beliefs and opinions in diverse forms, and it necessarily includes dissemination and discussion of controversial topics and unpopular points of view. However, Freedom of expression (<https://usgc.ontariotechu.ca/policy/freedom-of-expression-policy.php>) and freedom of inquiry must be exercised responsibly, in ways that demonstrate active concern and respect for others, including their ability to participate meaningfully in the exchange of information, ideas, beliefs and opinions (refer to the University's Freedom of Expression Policy (<https://usgc.ontariotechu.ca/policy/freedom-of-expression-policy.php>)).
11. The University will maintain a respectful campus environment in which the human dignity of each individual is valued, and the diverse perspectives, ideas and experiences of all members of the community are able to flourish. While misunderstandings and conflicts will occur in a complex, demanding and diverse campus environment where collaboration is essential to success, early and informal approaches to resolution should be sought whenever possible and appropriate.
12. To promote a respectful campus environment:
  - 12.1 The University will ensure that procedures are in place for the prevention of, and response to Harassment, Discrimination and other breaches of this policy.
  - 12.2 The University will provide information, instruction and assistance to University Members with respect to Harassment and Discrimination.
  - 12.3 The University will provide Persons of Authority with information and instruction that will enable them to recognize, assess and address Harassment and Discrimination, and to understand how to respond appropriately when such incidents are alleged. The University will also provide Persons of Authority with information and instruction that will enable them to effectively and quickly address disrespectful behavior, Microaggressions and any other behaviours that negatively impact group cohesion.
  - 12.4 Any University Member who believes they have been harassed or discriminated against, or have witnessed Harassment or Discrimination, is expected to make good faith efforts to resolve their concerns depending on the circumstances, and/or Report the situation in a timely manner.

- 12.5 The University will administer the processes set out in applicable procedures responding to Reports fairly and promptly, with adequate regard to the unique circumstances of each particular case, and in a manner that prioritizes the dignity and privacy of individuals involved.
- 12.6 Where applicable and appropriate, the University will make available informal dispute resolution processes such as Mediation in an attempt to resolve disputes and underlying conflict at the heart of a Report.
- 12.7 The University will inform and update Complainants, Respondents and relevant Persons of Authority (as appropriate) about the status of dispute resolution processes as they progress.
- 12.8 University Members are protected against Reprisal for submitting a Report in good faith, or for participating in a related dispute resolution process. A University Member who believes they have been penalized for submitting a Report in good faith, or for participating in a related investigation, may pursue the allegation of Reprisal by submitting a Report, and/or may pursue a Reprisal complaint through external processes.
- 12.9 Reprisal protection does not apply to a University Member who submits a Report that is determined to be frivolous or vexatious, or who exhibits bad faith and/or refuses to cooperate in the course of an investigation; each of which are considered breaches of this policy.
- 12.10 The University will respect the privacy of individuals involved in Reports and investigations, ensuring information about a Report is not disclosed, except to the extent necessary to investigate, take corrective action, implement measures to protect the health and safety of University Members and/or restore the learning/work environment, or as otherwise required by law.
- 12.11 Personal Information collected under this Policy will be used only for the purposes of administering this Policy, and will be disclosed only on a need-to-know basis, to the extent disclosure is required to fulfill the University's legal obligations under the *Human Rights Code*, the *Occupational Health & Safety Act*, and any other applicable law and/or legal obligations, including any applicable collective agreement. Subject to applicable law, Personal Information collected, used and disclosed under this Policy will otherwise be kept confidential, and will be stored and disposed of in accordance with *Freedom of Information and Protection of Privacy Act* and Ontario Tech University's *Records Management Policy*.
- 12.12 University Members who engage in Harassment and/or Discrimination, Reprisal or other breaches of this policy will be held accountable and may be subject to disciplinary measures, up to and including termination of employment or academic expulsion.

## **ROLES AND RESPONSIBILITIES**

### **13. All University Members**

- 13.1 Have a shared responsibility for maintaining a respectful environment that is free from Harassment and Discrimination.
- 13.2 Are responsible for familiarizing themselves with this Policy and related procedures;
- 13.3 Will refrain from engaging in Harassment, Discrimination, acts of Reprisal or other breaches of this policy.
- 13.4 Will build and maintain positive and productive relationships and demonstrate Respect in their interactions.
- 13.5 Will work cooperatively and constructively to resolve conflicts they encounter and seek assistance from a Person of Authority, as appropriate, regarding any escalating conflict they are unable to resolve themselves.
- 13.6 Will complete all required Discrimination and Harassment instruction and training within established timelines
- 13.7 Will exercise rights under this Policy in good faith using prescribed channels. For more information on reporting Harassment and Discrimination, refer to the procedures for Employees [\[link\]](#) and Students [\[link\]](#).
- 13.8 Will participate in and cooperate with the Reporting Process and/or any related investigation, including respecting confidentiality obligations.
- 13.9 Will comply with the corrective measures imposed by the University under this Policy, subject to relevant collective agreements and other appeal rights.

### **14. Persons of Authority**

Persons of Authority are responsible for supporting Ontario Tech University in its duty to create and maintain a respectful environment that is free from Harassment and Discrimination. Therefore, Persons of Authority have additional obligations in addition to the expectations for all University Members (above). Persons of Authority:

- 14.1 Will cultivate a respectful and inclusive environment where people feel safe to raise concerns;
- 14.2 Will ensure expected standards under this Policy are adhered to, including addressing and resolving Microaggressions and other disrespectful behavior should they occur;
- 14.3 Will lead by example, acting with Respect and modelling positive relationship building and constructive conflict resolution skills in dealings with all University Members, and in particular, those under their authority;
- 14.4 Are responsible for ensuring University Members under their authority are aware of this Policy and its associated procedures;

- 14.5 Will avoid the appearance of favoritism and unfairness by following and promoting adherence to evidence-based decision-making and the principles of non-Discrimination outlined in this Policy;
- 14.6 Will consider seriously each incident, concern or Report brought forward by taking immediate action to stop any Discrimination, Harassment or other inappropriate behavior, whether the subject of a formal complaint or not, by following policies and procedures to the extent necessary to ensure compliance (note: A Person of Authority cannot agree “to do nothing,” even when that is requested by a University Member);
- 14.7 Will inform the Human Rights Office about all activities related to Discrimination and Harassment or other concerns and Reports related to this Policy; and,
- 14.8 Will cooperate with the Human Rights Office to implement recommendations and restore areas under their authority that have been disrupted by alleged or actual Policy violations, or complaint resolution processes.

## 15. **Human Rights Office**

- 15.1 The Human Rights Office Is responsible for the interpretation and administrative direction of this policy and its associated policies and procedures to ensure their compliance with regulatory requirements and will take primary responsibility for updating related procedures applicable to Employees and Students, ensuring that all related procedures are reviewed as often as is necessary in consultation with all appropriate departments.
- 15.2 The Human Rights Office will oversee dispute resolution processes, determine needs and engage specialist support, as necessary, for investigation, fact finding, Mediation or other interventions required to restore the campus to a positive and productive environment, including:
  - a. receiving and responding to Reports from all University Members while ensuring Reports are responded to appropriately using informal and formal dispute resolution methods in a timely and equitable manner, as outlined in this Policy and in related procedures;
  - b. ensuring the appropriate departments and/or individuals are advised of a Report, where appropriate; and,
  - c. ensuring the outcome of an investigation under this Policy, is communicated in writing to Complainant(s), Respondent(s) and relevant Persons of Authority to support corrective and restorative measures.
- 15.3 The Human Rights Office is also responsible for:
  - a. ensuring that copies of this Policy and related procedures are posted on a University website; and,



- b. Submitting an Annual Report to the Board of Governors about statistics and trends in human rights complaint activities and other program initiatives

## 16. **Human Resources**

16.1 Human Resources is responsible for the following compliance obligations under the *Occupational Health & Safety Act*

- a. providing Employees with appropriate information and instruction with respect to Workplace Harassment, including notifying them of this Policy and its related procedures;
- b. ensuring all Persons of Authority are provided with information and instruction that will enable them to recognize, assess and address Workplace Harassment in their respective workplaces, and will ensure Persons of Authority are aware of this Policy and related procedures;
- c. ensuring that copies of this Policy and employment-related procedures are posted on the established health and safety bulletin boards where it is likely to come to the attention of Employees; and,
- d. ensuring the corrective actions taken as a result of an investigation (if any), are communicated in writing to Complainant(s) and Respondent(s) who are Employees;

16.2 Human Resources is also responsible for:

- a. providing Employees and Persons of Authority with appropriate information and instruction with respect to Discrimination and Discriminatory Harassment, including notifying them of this Policy and its related procedures;
- b. Assisting Persons of Authority, in consultation with the Human Rights Office, to address Microaggressions and other disrespectful behaviors that occur in the employment context; and,
- c. Assisting Persons of Authority to implement corrective and restorative measures in areas under their authority that have been disrupted by alleged or actual Policy violations, or complaint resolution processes.

## 17. **Student Life**

17.1 Student Life is responsible for:

- a. Providing Students with appropriate information with respect to Discriminatory Harassment and Discrimination, including notifying them of this Policy and its related procedures; and,

- b. Assisting Persons of Authority, in consultation with Human Resources and/or the Human Rights Office, to address Microaggressions and other disrespectful behaviors that occur in the academic or on-campus housing context.

## Monitoring and review

18. This Policy will be reviewed as necessary and at least every year. The University Secretary and General Counsel, or successor thereof, is responsible to monitor and review this Policy.

## Relevant legislation

19. Human Rights Code, R.S.O. 1990, c. H.19

Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005

Occupational Health and Safety Act, R.S.O. 1990, c O.1, as amended

Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c F. 31

## Related policies, procedures & documents

20. 20.1 Academic Accommodation for Students with Disabilities [[Procedures \(https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/procedures-for-academic-accommodation-for-students-with-disabilities.php\)](https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/procedures-for-academic-accommodation-for-students-with-disabilities.php)]

Access to Information and Protection of Privacy Policy

Accessibility [[Policy \(https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/accessibility-policy.php\)](https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/accessibility-policy.php)]

Accessible Customer Service [[Policy \(https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/accessible-customer-service-policy.php\)](https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/accessible-customer-service-policy.php)]

Accommodation for Employees and Job Applicants with Disabilities [[Procedures \(https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/procedures-for-accommodating-employees-and-job-applicants-with-disabilities.php\)](https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/procedures-for-accommodating-employees-and-job-applicants-with-disabilities.php)]

Change of Gender [[Policy \(https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/change-of-gender-policy.php\)](https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/change-of-gender-policy.php)]

Exempt Academic Staff [Policy]

Exempt Academic Staff Employment (Deans, Associate Deans and Teaching Staff  
Governors [Procedures]

Freedom of Expression [Policy]

Limited Term Academic Associates [Procedures]

Emergency Management Plan and Procedures

Fair Processes Policy

Non-Academic Staff Policies

Student Sexual Violence Policy and Procedures

Procedures to Prevent and Address Discrimination and Harassment by or Against  
Employees

Procedures to Prevent and Address Discrimination and Harassment by or Against Students

Records Management Policy

Joint Health and Safety Committee Terms of Reference

Occupational Health and Safety Management System

Student Conduct Policy

Medical Cannabis Use by Students [Procedures  
(<https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/procedure-for-on-campus-medical-cannabis-use-by-students.php>)]

Service Animals [Procedures]

Use of Memory Aids by Students with Disabilities [Directives  
(<https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/directive-for-use-of-memory-aids-by-students-with-disabilities.php>)]

Use of Audio Recording of Lectures by Students with Disabilities [Directives  
(<https://usgc.ontariotechu.ca/policy/policy-library/policies/legal,-compliance-and-governance/directive-for-use-of-audio-recording-of-lectures-by-students-with-disabilities.php>)]

Procedures for Accommodating Employees and Job Applicants with Disabilities

Procedures for Academic Accommodation for Students with Disabilities