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

("DISCRIMINATION GUIDELINE")

Reviewed: March 2026

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

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

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

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

1. What are Prohibited Discrimination and Discriminatory Harassment?

The meanings of the terms "discrimination" and "discriminatory harassment" as they are used in this Guideline are taken from the Ontario Human Rights Code (the "Code"). Under the Code, every person has a right to equal treatment in employment without discrimination because of "race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability." Each of these terms is defined in the Code.

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

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

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

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

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

[1] The Policy on Sexual Violence and Sexual Harassment defines sexual violence as follows: any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, and sexual exploitation. Sexual Violence can occur in any format including in writing, in person, by voice, and/or through the use of technology ("Tech-facilitated Sexual Violence")

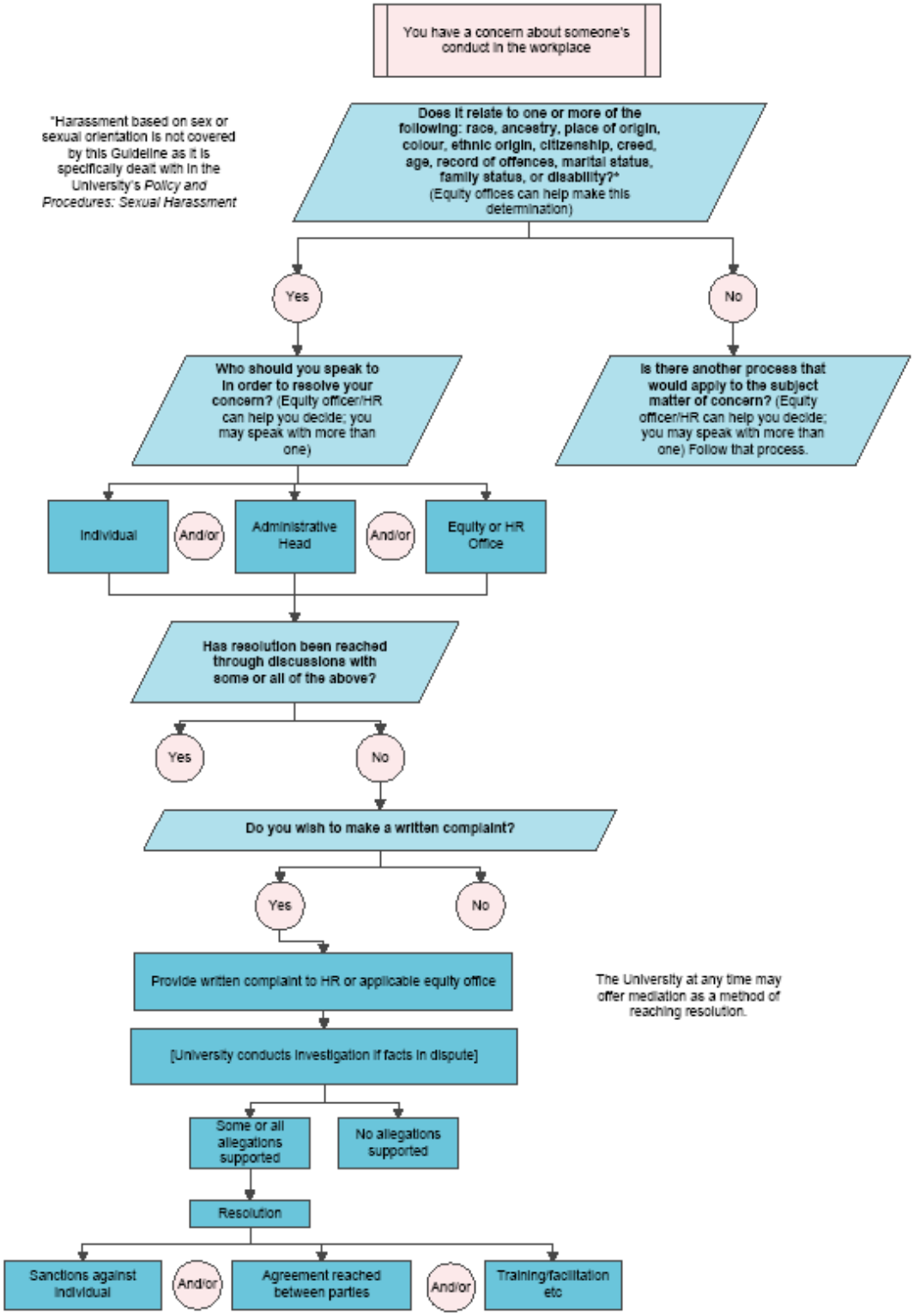
2. What should I do if I have a concern or complaint about discrimination and/or discriminatory harassment?

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

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

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

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


You have a concern about someone's conduct in the workplace
*Harassment based on sex or sexual orientation is not covered by this Guideline as it is specifically dealt with in the University's Policy and Procedures: Sexual Harassment
Does it relate to one or more of the following: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status, or disability?* (Equity offices can help make this determination)
Yes
No
Who should you speak to in order to resolve your concern? (Equity officer/HR can help you decide; you may speak with more than one)
Is there another process that would apply to the subject matter of concern? (Equity officer/HR can help you decide; you may speak with more than one) Follow that process.
Individual
And/or
Administrative Head
And/or
Equity or HR Office
Has resolution been reached through discussions with some or all of the above?
Yes
No
Do you wish to make a written complaint?
Yes
No
Provide written complaint to HR or applicable equity office
The University at any time may offer mediation as a method of reaching resolution.
[University conducts investigation if facts in dispute]
Some or all allegations supported
No allegations supported
Resolution
Sanctions against individual
And/or
Agreement reached between parties
And/or
Training/facilitation etc

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

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

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

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

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

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

If discussion with the individual(s) who you believe engaged in discrimination/harassment does not resolve the issue or if you believe such discussion is not appropriate (*e.g.*, if your concern/complaint is against that administrative office), you are encouraged to discuss your

concern with the administrative officer responsible for the department or division in which your concerns arose, or someone at a more senior level of the department or division. That person may be able to assist in resolving your concern.

2(b) Filing a complaint

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

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

2(c) A University complaint

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

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

If a complaint has been made about you, you have a right to be notified of the fact that the complaint has been made, you will be given sufficient details to enable you to respond to the allegation(s), and you will be given an opportunity to respond. You will in most cases have a

right to identify others who you think should be interviewed. You will also be entitled to produce any other evidence you believe to be relevant.

If you require information or advice at any stage of the complaint process you may access any or all of the following resources: the applicable equity office, your divisional human resources office, or the Employee and Family Assistance Program. If you and the person making the complaint about you are both represented by the same divisional human resources office, you may choose to seek advice from a different divisional HR office. You will be advised in writing of the outcome of the investigation and corrective action, if any, in a timely fashion.
Once you have been notified that a complaint has been made against you, it is advisable to create and keep written notes about the events at issue and maintain relevant written documents.

3. Responsibility for Dealing with Your Concern/Complaint

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

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

Regardless of who has responsibility for the concern/complaint, departments and human resources offices that receive a concern/complaint about issues of discrimination or discriminatory harassment are expected to contact the applicable equity office(s) to discuss the equity considerations before advising you as to what next steps may be.
Ultimately, the department/division will need to be involved in the resolution of any complaint. Accordingly, you need to be aware that a concern/complaint can only proceed with the involvement of administrators in the applicable work unit.

4. Investigating the Concern/Complaint

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

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

As described below with respect to protection of information from disclosure, efforts are made to provide appropriate protection of the confidentiality of information obtained during the investigation process. However, anonymity is not possible. In almost all cases the person(s) against whom allegations of discrimination or discriminatory harassment have been made will need to know who is making the allegations in order to respond, and others will need to know information in order to process and respond to the complaint.

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

5. Resolution of Concern/Complaint:

Potential resolutions of your concern/complaint vary greatly, depending on such factors as the subject matter of the concern/complaint, the part of the University community of which the individuals involved are members (*e.g.,* student, staff, visitor, contractor), and the specific

policies and contracts applicable in the circumstances (*e.g.,* Student Code of Conduct, employment policies, collective agreements, employment contracts and contracts with independent contractors).

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

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

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

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

6. University Commitment

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

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

- If your complaint alleges a violation of this Guideline, you will be advised of the type of investigation that will be undertaken, the scope of the investigation, and the process that will be followed.
- Information obtained by the University and any investigator about an incident or complaint of discrimination/harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law.
- You and other individuals involved in the concern/complaint will be provided with a fair process.
- You and any respondents will be advised in writing in a timely manner of the results of an investigation and any corrective action that has been taken or will be taken as a result of the investigation, although you may not be advised of the details of any sanction against any other party.

7. Dissatisfaction with the Resolution of a Complaint

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

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

8. Application under Ontario Human Rights Code

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

9. Reprisals

There will be no reprisals against persons who, in good faith, bring forward a concern or

complaint or otherwise take action under this Guideline. Reprisals may be the subject of a complaint under this Guideline.

10. Vexatious or Bad Faith Complaints

There may be penalties or sanctions for bringing forward concerns or complaints under this Guideline in bad faith or that are vexatious.

11. Other Processes

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

12. Annual Review

This Guideline will be reviewed at least annually.