

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

Approved by the APUO Executive Committee: February 1, 2022

Approved by the APUO Board of Directors: February 10, 2022

PURPOSE

The Association of Professors of the University of Ottawa, hereinafter referred to as “the APUO”, is committed to maintaining a work environment that is free from violence, harassment, and discrimination. Harassing or discriminatory behaviour undermines a person's right to dignity at work and their right to participate fully and equally in the work of APUO, as well as it undermines the goals of our Association.

SCOPE

This Policy applies to APUO staff, APUO members and volunteers, hereinafter referred to as “APUO Representatives”, while they are performing APUO-related duties, attending APUO-related activities, and functions, hereinafter referred to “APUO duties”, whether the incident takes place on University of Ottawa premises, off-campus, at any location or event related to APUO duties, including but not limited to, meetings, conferences, conventions, social functions, picketing demonstrations, travel, and electronic communications.

It is understood, however, that as members of the university community, APUO Representatives subject to this Policy may also be subject to other existing anti-violence, anti-harassment, and/or non-discrimination policies, legislation, and regulations.

RIGHTS AND RESPONSABILITIES

All APUO Representatives have a right to:

- a) violence-free, harassment-free, and discrimination-free workplace;
- b) file a complaint when the workplace is not free from violence, harassment, and/or discrimination;
- c) procedural fairness during formal and informal complaint resolution process;
- d) confidentiality.

All APUO Representatives are responsible for:

- a) maintaining and promoting an environment that is free from violence, harassment, and discrimination;
- b) treating other APUO Representatives with respect;
- c) speaking up when violence, harassment, and/or discrimination occurs;
- d) being familiar with this Policy and the Procedure for Handling Complaints of Violence, Harassment and Discrimination outlined in *Appendix A*;

- e) reporting the incident of violence, harassment, and/or discrimination to the appropriate person;
- f) cooperate with any efforts to investigate and resolve matters arising under this Policy.

The APUO Administrative Director and the APUO President are responsible for:

- a) enforcing this Policy;
- b) acting as a resource for APUO Representatives who require general or specific information on violence, harassment, and/or discrimination;
- c) taking appropriate actions when they have knowledge of violence, harassment, and/or discrimination;
- d) treating allegations of violence, harassment, and/or discrimination seriously, speedily, and confidentially;
- e) documenting details of concerns, actions taken, outcomes, and remedies;
- f) assisting Parties to informally address and resolve concerns, when possible;
- g) assisting Parties to informally address and resolve concerns with the assistance of an external Mediator;
- h) assisting Parties to formally address and resolve concerns with the assistance of an external Investigator;
- i) ensuring that any agreed upon restorative or corrective measures are implemented;
- j) coordinating the delivery of appropriate training to the APUO Administrative Director, the APUO President, and to members who sit on the APUO Standing Committee on Discipline, hereinafter referred to as “SCD”;
- k) ensuring that APUO staff and APUO Members who sit on the SCD are aware of procedures pertaining to violence, harassment, and discrimination, and the avenues of recourse.

The APUO Administrative Director and the APUO President are not responsible for:

- a) initiating a complaint procedure on behalf of an affected Party;
- b) serving as advocates for or against a Complainant or Respondent in matters under this Policy.

DEFINITIONS

For the purpose of this Policy, the following definitions shall apply:

Violence under the *Occupational Health and Safety Act* may include but is not limited to:

- a) exercise of physical force that causes or could cause physical injury;
- b) attempt to exercise physical force that could cause physical injury;
- c) statement or behaviour that a reasonable person would interpret as a threat.

Harassment may include but is not limited to any vexatious comment or conduct against someone that is known or ought reasonably to be known to be unwelcome. It also includes harassment on the prohibited grounds identified under the *Ontario Human Rights Code*¹, such as sexual, workplace and personal harassment. Harassment may involve repeated forms of

¹ <https://www.ohrc.on.ca/en/students%E2%80%99-handouts/fact-sheet-1-ontario-human-rights-code>

unwanted and unwarranted behaviour, a single incident of behaviour or a behaviour, when viewed individually, may not seem offensive, however, it is the synergy and repetitive characteristic of the behaviours that produce harmful effects amounting to harassment.

The following examples generally do not constitute harassment:

- a) exclusion of a person for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient performance of the job;
- b) normal exercise of management rights;
- c) criticism about the work mistake and not the person;
- d) counselling a person on her/his performance appraisal when done in a non-discriminatory and respectful manner;
- e) taking corrective or disciplinary measures when justified.

Sexual harassment may include but is not limited to:

- a) sexual solicitation or unwanted sexual attention from a person who knows or ought reasonably to know that such attention is unwanted;
- b) implied or expressed promise of reward for complying with a sexually oriented request;
- c) implied or expressed threat of reprisal or actual reprisal for refusing to comply with a sexually oriented request or sexual attention;
- d) comments or jokes based on sex or gender norms, behaviour, or sexuality;
- e) a sexual relationship that constitutes an abuse of power in a relationship of authority;
- f) a sexually oriented comment or behaviour that may reasonably be perceived to create a negative psychological and emotional environment for work (e.g. “poisoned environment” due to sexual jokes, comments, images, etc.).

Workplace harassment may include but is not limited to:

- a) vexatious behaviour in the form of unwanted and/or repeated conduct, verbal comments, actions, gestures that have the potential to contribute to a harmful work environment and that affects dignity, psychological and/or physical integrity of a person;
- b) unwanted and/or repeated conduct, verbal comments, actions, gestures that are known or should be known to be offensive, embarrassing, humiliating, or demeaning. It can include behaviour that intimidates, isolates, or discriminates against a person or a group of persons.

Personal harassment may include but is not limited to:

- a) slurs, insults and name-calling;
- b) circulating or posting offensive or derogatory pictures or documents;
- c) public humiliation;
- d) exclusion from union activities or functions for no reason;
- e) threats and intimidation.

Discrimination is the act of treating an individual or group differently and/or unfairly on the basis of any prohibited ground as defined by the *Ontario Human Rights Code*², such as gender

² <https://www.ohrc.on.ca/en/students%E2%80%99-handouts/fact-sheet-1-ontario-human-rights-code>

identity or gender expression, race, ethnicity, language, class, financial status, sexual orientation, disability or different abilities, age. It may include, but is not limited to: an act, behaviour or practice, whether intended or unintended, that has the purpose or effect of imposing burdens, obligations, disadvantages, or preferences on a person or group of persons which are not imposed on others.

Complaint is a statement of facts alleged by a Complainant seeking recourse pursuant to this Policy.

Complainant is a person who believes that she/he has experienced violence, harassment, and/or discrimination and who seeks recourse pursuant to this Policy.

Respondent is a person against whom an allegation of violence, harassment, and/or discrimination has been made pursuant to this Policy.

Support person is a person of the individual's choice who acts in a supportive role but is not an active participant in the process (e.g. friend, elder, parent, religious advisor, or partner). The Support person can provide encouragement or other emotional or moral support. The Support person's role is not to act or speak on behalf of the APUO Representative. The Support person must not be a witness or otherwise involved in the process, and must agree in writing to maintain confidentiality of the process in which the Support person is involved.

POLICY STATEMENT

No violence, harassment, and discrimination of or by APUO Representatives will be tolerated. If a person feels that the threat of or incidence of violence will occur imminently, or has been the victim of or witness to workplace violence, they may call Protection Services at (613) 562-5411, or the Police.

Any APUO Representative may file a complaint using the process detailed in the APUO Procedure for Handling Complaints of Violence, Harassment and Discrimination.

APUO is committed to maintaining an environment that promotes the understanding and respect for dignity of the person and one that is free from violence, harassment, and discrimination.

APUO will provide and maintain a fair and timely process for reporting, investigating complaints of violence, harassment, and/or discrimination, and determining consequences through Procedure for Handling Complaints of Violence, Harassment and Discrimination developed under this Policy.

An APUO Representative may file or withdraw a complaint of violence, harassment, and/or discrimination pursuant to this Policy and its Procedure without fear of reprisal or threat, except where the APUO has determined the complaint to be frivolous or vexatious. In such cases, the APUO will take appropriate preventative and corrective action and will, where warranted, hold persons responsible.

Any person against whom an allegation of violence, harassment, and/or discrimination has been made will be presumed innocent unless a formal decision to the contrary is reached under the terms of this Policy.

If any discipline or substantive remedy of APUO Representatives (such as reprimand, suspension, discharge, or expulsion from APUO duties) is involved, the SCD will make the final decision.

TIME LIMITS

A complaint must be submitted within twelve (12) months of the incident(s). The twelve (12) months' time limit to file a complaint is calculated from the date of occurrence of the last repeated incident or from the date of the single severe incident of violence, harassment, and/or discrimination, unless there are extenuating circumstances where a complaint may otherwise have been deemed to be filed outside of the time limit, such as a sick leave.

CONFIDENTIALITY

The APUO understands that it is in the interests of all Parties to keep matters arising under this Policy confidential in order to safeguard persons against unsubstantiated allegations, to protect the rights of those involved (including witnesses) in the allegation, and to preserve the integrity of the complaint procedures.

The confidentiality of the Complainant and Respondent regarding an alleged incident of violence, harassment, and/or discrimination pursuant to this Policy will be respected by all those who are involved, who are privy to information, or in possession of documentation pertaining to matters or incidents relating to a complaint, mediation, investigation, or as otherwise required by law.

The names of the Complainant and Respondent will not be disclosed to any person except where disclosure is necessary for the purpose of investigating and resolving the complaint or taking any related disciplinary measures.

Confidentiality is not the same as anonymity. The identity of the Complainant or Respondent may be disclosed if disclosure is necessary to facilitate the resolution of the complaint. The Complainant or Respondent will be advised in writing if their identity will be disclosed.

POLICY VIOLATION

Any policy violation, acts of reprisal or retaliation against any person involved in a complaint, or a breach of confidentiality or settlement may result in disciplinary actions.

REVIEW

The APUO will review this Policy at least annually, as required by the *Occupational Health and Safety Act*³.

REFERENCES

³ <https://www.ontario.ca/laws/statute/s09023>

Policy Statement on Accessibility Standards for Customer Service
Appendix A - Procedure for Handling Complaints of Violence, Harassment and Discrimination
Appendix B - APUO Standing Committee on Discipline

ENQUIRIES

Questions of interpretation or application of this Policy are to be referred to:

APUO Administrative Director (apuodir@uottawa.ca)

APUO Policy, Governance and Administration Officer (apuo@uottawa.ca)

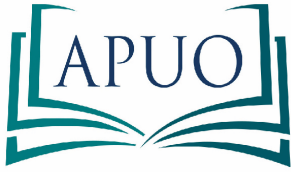
ADMINISTRATIVE HISTORY

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Approved by the Executive Committee on 11/01/2018

Amended by the Executive Committee on 01/02/2022

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Appendix A

PROCEDURE FOR HANDLING COMPLAINTS OF VIOLENCE, HARASSMENT AND DISCRIMINATION

Approved by the APUO Executive Committee: February 1, 2022

Approved by the APUO Board of Directors: February 10, 2022

PURPOSE

The purpose of this Procedure for Handling Complaints of Violence, Harassment and Discrimination, hereinafter referred to as “Procedure”, is to provide a fair, accessible, and expeditious process to deal with complaints relating to violence, harassment, and/or discrimination, and is developed pursuant to the APUO’s Anti-Violence, Anti-Harassment and Non-Discrimination Policy. This Procedure does not prevent or discourage a person from filing an application with the Ontario Human Rights Tribunal within the deadlines set out in the *Ontario Human Rights Code*¹, or a person’s right to pursue any other external legal recourse that may be available.

1 GENERAL

1.1 If an APUO Representative believes they are subject to violence, harassment, and/or discrimination, they may, in no particular order:

- a) communicate with a person or persons involved that the behaviour is unwelcome. They can do so on their own or with the assistance of another party. The communication may be verbal or in writing;
- b) contact the APUO Administrative Director and/or the APUO President, hereinafter referred to as “APUO Officer”;
- c) contact a third-party external Investigator assigned by the APUO Officer, if:
 - (i) there is a conflict between the APUO Administrative Director and the APUO President;
 - (ii) the APUO Representative believes that the APUO Administrative Director and the APUO President may be in a conflict of interest while reviewing a complaint;
 - (iii) there is a reasonable apprehension that the APUO Administrative Director and the APUO President are biased.

In such case, a third-party external Investigator will undertake the functions of the APUO Administrative Director and/or the APUO President for handling complaints.

¹ <https://www.ontario.ca/laws/statute/90h19>

- 1.2 No pressure can be put on the APUO Representative to drop the complaint or resolve it through the informal or formal processes outlined in this Procedure.
- 1.3 Once contact has been made, the APUO Officer will meet with the APUO Representative to discuss the complaint and the possible options for resolution.
- 1.4 If appropriate, the Complainant will be encouraged to discuss their concerns directly with the person(s) believed to have violated the Anti-Violence, Anti-Harassment and Non-Discrimination Policy, including requesting that the other Party(ies) stop the unwelcome offensive behaviour and/or comments.
- 1.5 If appropriate, the Complainant will be encouraged to resolve the dispute through an informal process, such as discussion between a Complainant and Respondent(s), or mediation.
- 1.6 Interim Measures**
 - 1.6.1 Where an APUO Officer has been informed about an allegation of violence, harassment, and/or discrimination, and has reasonable cause to believe there is a risk to health, safety, or security of the APUO Representative, they may consider the need to impose interim measures taken either during the formal or informal complaint resolution processes pending resolution, investigation, or decision on the issue.
 - 1.6.2 Interim measures will be precautionary and not disciplinary, and may include:
 - a) having person(s) involved in the investigation to move work spaces;
 - b) temporary re-assignment or reorganization of APUO Representatives' duties;
 - c) suspension of access to the APUO office;
 - d) restriction or elimination of access to APUO Representatives in person, by email or telephone;
 - e) other necessary adjustments in the daily functioning of the APUO office that may be required to ensure physical and psychosocial health of APUO Representatives.
 - 1.6.3 The APUO Officer will consider the following in determining the need for any interim measures:
 - a) whether the situation is an emergency;
 - b) whether the situation has existed for a short or a long period of time;
 - c) how complicated the situation appears to be;
 - d) what the fallout might be if the allegations of violence, harassment, and/or discrimination are true.

2 INFORMAL COMPLAINT RESOLUTION PROCESS

2.1 Step 1 - Initiating an Informal Complaint

- 2.1.1 The APUO Officer will inform the APUO Representative on the process for filing an informal complaint. An informal complaint must be filed in writing to the APUO Officer. The onus remains on the Complainant to provide sufficient information and to be as precise and detailed as possible in order to allow the Respondent to understand the allegations and respond to them.
- 2.1.2 Information disclosed during the informal process is without prejudice and cannot be used during subsequent steps of the complaint process. Any person engaged in resolving an informal process of a complaint may not be called to testify in a subsequent proceeding in relation to information disclosed during mediation, unless ordered or compelled by a court, tribunal, or arbitrator.
- 2.1.3 An informal complaint must be submitted within twelve (12) months of the incident(s). The twelve (12) months' time limit to file a complaint is calculated from the date of occurrence of the last repeated incident or from the date of the single severe incident of violence, harassment, and/or discrimination, unless there are extenuating circumstances where a complaint may otherwise have been deemed to be filed outside of the time limit, such as a sick leave.
- 2.1.4 Options available to resolve an informal complaint will vary depending on the nature of the complaint and may include the following:
- a) referral to suitable services or assistance available at the University of Ottawa or in the community;
 - b) providing information to the Complainant on how they can directly intervene in the situation on their own behalf;
 - c) communication with the person involved to inform that person of the alleged violence, harassment, and/or discrimination that such conduct is unwelcome and must cease;
 - d) informal processes such as mediation, facilitated dialogue, coaching, fact-finding discussion, clarification of the issues, or reconciliation;
 - e) working directly with the persons involved to help clarify perceptions, raise awareness of the impact of certain conduct, reconcile differences, and sort out misunderstandings, whether by bringing the Parties together, or by effecting communication through the Mediator.
- 2.1.5 Once the complaint has been received, the APUO Officer will proceed with the review of the complaint to determine whether the allegations satisfy the definitions of violence, harassment, and/or discrimination, explain their decision, and seek additional information from a Complainant, if necessary. After the review, the APUO Officer may

advise the Complainant that the allegations are frivolous, vexatious, malicious, lie outside the jurisdiction of this Policy, do not satisfy the definition of violence, harassment, and/or discrimination, or are beyond the time limits for filing a complaint.

- 2.1.6 A Complainant may withdraw an informal complaint at any time by means of a written request to the APUO Officer without fear of reprisal.
- 2.1.7 Notwithstanding the Complainant's written request to withdraw a complaint, the APUO Officer may formally pursue a complaint in order to address allegations of violence, harassment, and/or discrimination if it is in the best interest of the APUO's operations to do so. The procedures will be adapted as necessary to allow the process to continue without a named Complainant.
- 2.1.8 APUO Representative may initiate the application of the Policy and Procedure where that person believes that they have witnessed violence, harassment, and/or discrimination committed by another APUO Representative by bringing the incident to the attention of the APUO Officer.

2.2 Step 2 – Informal discussion

- 2.2.1 If appropriate, the Complainant and the Respondent, hereinafter referred to as “the Parties”, will be encouraged to resolve the dispute through an informal discussion. The informal resolution process is voluntary and intended for the Parties to arrive at a mutually acceptable resolution.

2.3 Step 3 - Mediation

- 2.3.1 If previous steps have not resolved the complaint, the APUO Officer may offer the option of trying to resolve the complaint through mediation. Mediation will not be prerequisite to a formal investigation.
- 2.3.2 Mediation is voluntary and no negative inference will be made if any Party decides not to participate. Mediation proceedings are confidential and without prejudice.
- 2.3.3 Either Party may request mediation by making a written request to the APUO Officer within fifteen (15) working days of the date when the complaint was received by the Respondent.
- 2.3.4 Should both Parties agree to mediation, the APUO Officer will assign a third-party external Mediator, hereinafter referred to as “Mediator”, within ten (10) working days of the request for mediation. Proceedings will begin in a timely manner within twenty (20) working days following the request for mediation.

- 2.3.5 If mediation does not result in a settlement, the Mediator will notify the APUO Officer within ten (10) working days of the mediation.
- 2.3.6 If mediation results in a settlement, the Mediator will forward the minutes of settlement to the APUO Officer.
- 2.3.7 Where a mutually acceptable settlement is reached by both Parties, the Parties will sign a statement of the terms of the resolution and the complaint process is deemed concluded.
- 2.3.8 Settlements will remain confidential, subject to the disclosure necessary to implement and monitor adherence to its terms, or as may be otherwise agreed by the Parties. Settlements do not set a precedent and cannot be used in similar cases. If an informal resolution is achieved, it will remain confidential.

2.4 Step 4 – Unsuccessful informal process

- 2.4.1 If the Parties are unable to resolve the matter via the informal process, they have an option to proceed with the formal process.

3.0 FORMAL COMPLAINT RESOLUTION PROCESS

3.1 Step 1 - Initiating a Formal Complaint

- 3.1.1 The APUO Officer will inform the Complainant on the process for filing a formal complaint and will, if requested, provide guidance. A formal complaint must be filed in writing to an APUO Officer. The onus remains on the Complainant to provide sufficient information and to be as precise and detailed as possible in order to allow the Respondent to understand the allegations and respond to them.
- 3.1.2 A formal complaint must be submitted within twelve (12) months of the incident(s). The twelve (12) months' time limit to file a complaint is calculated from the date of occurrence of the last repeated incident or from the date of the single severe incident of violence, harassment, and/or discrimination, unless there are extenuating circumstances where a complaint may otherwise have been deemed to be filed outside of the time limit, such as a sick leave.
- 3.1.3 A Complainant may withdraw a formal complaint at any time by means of a written request to an APUO Officer without fear of reprisal.
- 3.1.4 At any point during the formal complaint process, the Parties may, by mutual agreement, suspend the formal complaint process and request an informal mediation session as per Section 2.3 of this Procedure.

3.1.5 Upon receipt of the formal complaint, the APUO Officer acknowledges receipt in writing and, within ten (10) working days of receiving it, notifies the Respondent and provides them with copy of the complaint.

In particular, a complaint should include the following:

- a) the nature of the complaint;
- b) all relevant Parties;
- c) the relationship of the Respondent to the Complainant;
- d) all relevant dates;
- e) all relevant place where the incident(s) took place;
- f) all relevant behaviour and conduct;
- g) all relevant witnesses, if applicable;
- h) all relevant supporting documentation;
- i) the remedy sought.

3.1.6 The Respondent will respond in writing to the formal complaint within fifteen (15) working days from the date the formal complaint was sent to the Respondent.

The Respondent will explain their position on the allegations set out in the complaint and will include the following:

- a) all relevant Parties;
- b) all relevant dates;
- c) all relevant place where the incident(s) took place;
- d) all relevant behaviour and conduct;
- e) all relevant supporting documentation;
- f) all relevant witnesses, if applicable.

3.1.7 Upon receipt of the Respondent's response to the allegations, the APUO Officer acknowledges receipt in writing, notifies the Complainant and provides a copy of the response to the Complainant within ten (10) working days of receiving the response.

3.1.8 If a response is provided, the Complainant can reply in writing within fifteen (15) working days from the date the Respondent's response was sent to the Complainant.

3.1.9 Upon receipt of the Complainant's reply, the APUO Officer acknowledges receipt in writing, notifies the Respondent and provides a copy of the response to the Respondent within ten (10) working days of receiving the response.

3.2 Step 2 - Investigation

3.2.1 A third-party external Investigator, hereinafter referred to as "Investigator", will be hired by the APUO within 20 (twenty) working days after having received the Respondent's

reply and the Complainant's reply, if any. If required by the Parties, the Investigator will be bilingual. The APUO will provide the Investigator with terms of reference for the investigation and a proposed timeline for completing the investigation.

- 3.2.2 The APUO Officer will notify the Parties in writing of the appointment of the Investigator and that an investigation into the complaint has been initiated.
- 3.2.3 The APUO Officer will forward all relevant documents to the Investigator who will conduct an assessment to determine whether the complaint falls within the scope of violence, harassment, and/or discrimination, and whether the Respondent is guilty.
- 3.2.4 As soon as possible upon the appointment, the Investigator will meet separately with the Parties to review all documents related to the allegations and the investigation procedures. The Parties may be accompanied by a Support person in the meeting. The Parties will have an opportunity to present any additional information related to the complaint.
- 3.2.5 Once the investigation is complete, the Investigator will submit a final, confidential report of the investigation, hereinafter referred to as the "Investigation Report", to the APUO Officer setting out findings of fact and a determination as to whether Anti-Violence, Anti-Harassment and Non-Discrimination Policy has been breached by the Respondent.

The Investigation Report will contain:

- a) a summary of the background of the complaint, including a description of the allegations and response;
 - b) summary of the process followed;
 - c) summary of the evidence gathered;
 - d) list of any pertinent documentation;
 - e) discussion of the allegations related to the evidence gathered, including any opinion as to whether or not the allegations have been proven on a balance of probabilities;
 - f) description of any mitigating or aggravating circumstances affecting either Party;
 - g) recommendation(s) for remedy, corrective action, or sanction.
- 3.2.6 The Parties will receive copies of the Investigation Report. If the Investigator concluded that an act of violence, harassment, and/or discrimination has been committed, the APUO Officer will send the Investigation Report to the Executive Committee and APUO Standing Committee on Discipline, hereinafter referred to as the "SCD" (see *Appendix B*).
 - 3.2.7 Following the receipt of the Investigation Report in which the confidentiality of the Parties regarding an alleged incident of violence, harassment, and/or discrimination will be respected, the SCD will make a final decision within twenty (20) working days as to how to proceed and what remedy, corrective action, or sanction (if any) will be applied.

- 3.2.8 The final decision of the SCD will be based on the recommendations set out in the Investigation Report and recommendations made by the Executive Committee.
- 3.2.9 The final decision of the SCD for remedy, corrective action, or sanction are binding and could include, but are not limited to, a warning, reprimand, apology, training, dismissal, or bar from running for office for a specified time, amongst others.

3.3 Step 3 - Appeal

- 3.3.1 A Party has the right to appeal the final decision of the SCD only when the disciplinary action includes dismissal or bar from running for office for a specified time, or if a Party has doubts regarding the manner in which the third-party external investigation was conducted, and which subsequently had an influence on the final decision of the SCD. A Party has no right to appeal any other final decision of the SCD.
- 3.3.2 All appeals must be submitted in writing to the APUO Officer, specifying the grounds of the appeal, within 10 (ten) working days of receipt of the final decision of the SCD by the Parties and must include:
- a) grounds for appeal, such as:
 - (I) actual bias of the third-party external Investigator;
 - (II) substantial prejudice resulting from a violation of the rules of procedural fairness in the course of the investigation;
 - (III) unreasonableness of the decision made by the SCD, e.g. the disciplinary action imposed was disproportionate relative to the violation of the Policy for which the Respondent was found responsible;
 - (IV) new information discovered after the final review of the Investigation Report, which could be sufficient to alter the decision.
 - b) any submissions and information relevant to the issues of the appeal;
 - c) the remedy or relief sought.
- 3.3.3 Upon receipt of the appeal, the APUO Officer acknowledges receipt in writing, notifies an opposing Party and provides a copy of appeal letter within five (5) working days.
- 3.3.4 An opposing Party will respond in writing to the appeal letter within ten (10) working days from the date the copy of appeal was provided by the APUO Officer.
- 3.3.5 The APUO Officer will notify the SCD about the decision of a Party to appeal the final decision for a disciplinary action within five (5) working days from the date the opposing Party responded in writing to the appeal letter. The APUO Officer will forward the appeal letter and response to the appeal letter to the SCD.

- 3.3.6 Within ten (10) working days from the date an appeal letter and response to the appeal letter were sent to the SCD, a Party has a right to appeal the final decision by presenting their case in person to the SCD (e.g. give new evidence and reasons why disciplinary action shouldn't have been taken).
- 3.3.7 The final decision made by the SCD based on the information presented in person during the appeal hearing will be final and will not be subject to further appeal.
- 3.3.8 The filing of an appeal does not automatically suspend the imposition of any discipline, remedy, corrective action, or sanction (if any) by the SCD.

4.0 POST-SETTLEMENT, POST-DECISION PROCESS

- 4.1 The APUO Officer is responsible to ensure that the settlement or decision is implemented and that the terms are not breached by either Party.
- 4.2 If either Party believes the settlement has been breached, they must communicate with the APUO Officer. Breaching of a settlement may be considered as a new incident of violence, harassment, and/or discrimination.

RECORD-KEEPING

The APUO Officer will maintain a record of all complaints in order to document that the claim of violence, harassment, and/or discrimination was made and to document the outcome of the initial attempt to resolve a complaint in accordance with the Complaints and Grievances Section of the [APUO Policy Statement on Management of Records](#).

CONFIDENTIALITY

The APUO understands that it is in the interests of all Parties to keep matters arising under this Procedure confidential in order to safeguard persons against unsubstantiated allegations, to protect the rights of those involved (including witnesses) in the allegation, and to preserve the integrity of the complaint procedures.

The confidentiality of the Parties regarding an alleged incident of violence, harassment, and/or discrimination pursuant to this Procedure will be respected by all those who are involved, who are privy to information, or in possession of documentation pertaining to matters or incidents relating to a complaint, mediation, investigation, or as otherwise required by law.

The names of the Parties will not be disclosed to any person except where disclosure is necessary for the purpose of investigating and resolving the complaint or taking any related disciplinary measures.

Confidentiality is not the same as anonymity. The identity of either of the Parties may be disclosed if disclosure is necessary to facilitate the resolution of the complaint. Either Party will be advised in writing if their identity will be disclosed.

REVIEW AND IMPLEMENTATION

The APUO is responsible for review and implementation of this Procedure.

REFERENCES

Anti-Violence, Anti-Harassment and Non-Discrimination Policy
APUO Policy Statement on Management of Records

ENQUIRIES

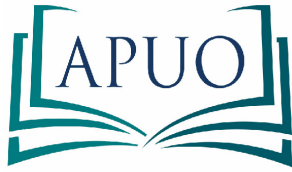
Questions of interpretation or application of this Procedure are to be referred to:
APUO Administrative Director (apuodir@uottawa.ca)
APUO Policy, Governance and Administration Officer (apu@uottawa.ca)

ADMINISTRATIVE HISTORY

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Amended by the Executive Committee on DD/MM/YYYY



Appendix B

APUO STANDING COMMITTEE ON DISCIPLINE

The purpose of the APUO Standing Committee on Discipline, hereinafter referred to as the “SCD”, is to make a final decision regarding a complaint or allegation, a response (if any), and the investigation report concerning violence, harassment, and discrimination complaint, and impose disciplinary options (if any), while maintaining confidentiality safeguards for all persons involved in the matter (*H.14, the APUO Constitution and By-Laws*).

The SCD will be composed of five (5) APUO Board of Directors members. Members of the Executive Committee are not eligible to be on the SCD. Candidates shall be appointed as per section H.3 of the APUO Constitution and By-Laws. Members of the SCD shall be appointed for a staggered term of two years. A term may be renewable only once, for a total term of four (4) years.

At its first meeting of the academic year, the committee shall elect from among its appointed members a chair. At its first meeting of the academic year, the committee shall elect from among its appointed members a secretary who shall be responsible for the recording of minutes. Quorum for the SCD meetings shall consist of three (3) appointed members. Whenever a member of the SCD so requests, the vote shall be by secret ballot.

All APUO Members who sit on the SCD will be familiar with Anti-violence, Anti-harassment and Non-discrimination Policy and Procedure for Handling Complaints of Violence, Harassment and Discrimination. Training will be provided to every new Member at the beginning of their term.