

HUMAN RESOURCES GUIDELINE ON CIVIL CONDUCT

This Guideline sets out the expectations of Victoria University (the University), through its Human Resources Office in the Office of the Bursar, on behalf of the President, regarding the standard of civil conduct that it trusts that all employees will maintain in their dealings with each other. It is intended to provide a guideline and framework for responding to situations where it is felt that the standard of civility has not been maintained, and also to assist in communicating expectations to all stakeholders in the Victoria University community.

This Guideline constitutes a Workplace Harassment Program as required by the *Occupational Health and Safety Act* (the "OHSA"). Victoria University's Human Resources Guideline on Civil Conduct may also be used in cases which deal with allegations of discrimination or workplace harassment that are based upon the prohibited grounds set out in the *Human Rights Code* (the "Code"), including workplace sexual harassment.

Please refer to section 13.1 of Health and Safety Policies and Procedures Manual by following the link below

<http://www.vicu.utoronto.ca/Assets/VICU+Digital+Assets/Victoria+University/VICU+Digital+Assets/Physical+Plant/Health+and+Safety/Policies+and+Procedures+Manual.pdf>

This Guideline describes what constitutes civil and uncivil conduct, discrimination and harassment, and sets out a general framework for staff members who are concerned that they have experienced such conduct. The University wishes to maintain a collegial work environment in which all employees behave in a civil manner and treat each other with respect and civility regardless of position or status in the organization. Victoria University will not condone uncivil conduct, discrimination or harassment.

Workplace harassment constitutes uncivil conduct within the meaning of this Guideline. Workplace harassment is defined in the OHSA as follows:

"workplace harassment" means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment

"workplace sexual harassment" means,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace 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
- (b) 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 to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

Dated: December 2016

Under the Human Rights 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. Under the Code, every person who is an employee also has the right to freedom from harassment in the workplace by the employer or agents of the employer or another employee because of any of the prohibited grounds.

In many cases, the determination of whether conduct is civil or uncivil depends on the context. Context can include the activities occurring at the time of the conduct. In an environment as diverse as the University, we must also be mindful of cultural differences that influence behaviour and the interpretation of that behaviour. The guideline is not intended to infringe on academic freedom including the academic freedoms and responsibilities articulated in the Memorandum of Agreement with its faculty members and librarians, but rather to describe conduct expected of all members of the community even when exercising their academic freedom.

Civil conduct includes:

- Treating others with dignity, courtesy, respect, politeness and consideration
- Speaking in tones of voice that are appropriate for the circumstances
- Being respectful of others' right to express their views, even if you disagree
- Managing conflict with others in a respectful way rather than a confrontational way

Some examples of behaviour that will generally not be viewed as civil are set out below.

- Shouting
- Profanity, abusive, aggressive or violent language directed at an individual or individuals
- Using props suggestive of violence
- Slamming doors
- Throwing objects
- Humiliating, degrading, demeaning, belittling, insulting, frightening or intimidating another person
- Distributing comments about an individual, whether verbally or in writing, including through electronic means such as email, web posting, text messaging, social media and other forms of electronic communication, that are unjustified and are likely to have a negative impact on the individual if he/she were to see them
- Telling inappropriate jokes

Dated: December 2016

The following are examples of behaviours that are NOT in and of themselves considered uncivil conduct:

- Reasonable management action, taken in accordance with the relevant collective agreement or employment contract where applicable, such as:
 - Meetings, letters or conversations dealing with performance management, attendance management, coaching
 - Instructions given by a supervisor/manager such as what to do, how to do it, the expected standard of performance
 - Disciplinary action
 - Denial of leave requests
 - Requests for documentation to substantiate requests for leave
- Comments made in the context of peer review processes
- Differences of opinion or debate conveyed in a respectful manner
- Interpersonal conflicts where the parties remain respectful of one another

Where to go if you have a concern or complaint

The first step, whenever possible, is to approach the person whose conduct is at issue. That person may not be aware of how their behaviour is affecting you or others and should be given an early opportunity to change their behaviour.

If discussion with the person in question does not resolve the issue or if, for some reason, such discussion is not appropriate **please contact one of the following:**

- **Your Supervisor, or a more senior level Supervisor/Manager**
- **Your Human Resources Office, Director, Human Resources at 416 585-4558**

In addition, employees who are represented by a union or association may also contact their union/association.

If you require assistance in raising a complaint, you are encouraged to discuss the issue with the Director, Human Resources. The Director, Human Resources can assist you in determining such matters as whether there is an issue that should be raised, how to raise it, with whom to raise it, and the range of resolutions that might be possible.

Although an individual employee may choose not to file a formal complaint, in certain circumstances the University may be required to proceed with an investigation.

Dated: December 2016

The University makes the following commitments:

- Your concerns will be heard.
- You will be given assistance in determining whether or not your concerns can be processed under this Guideline or whether some other process is more appropriate.
- If your concerns do not fall under this Guideline, you will be given advice regarding how you might pursue those concerns.
- You will be given assistance in determining whether or not you wish to pursue a complaint.
- You will be told of other resources that might be of assistance to you in the circumstances.
- 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.
- If an investigation is not undertaken, you will have the opportunity to discuss other mechanisms through which your complaint or concerns could be raised/resolved.
- Information obtained by the University about an incident or complaint of uncivil conduct, 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.
- Respondents to complaints will be provided with procedural fairness and the University will take their interests into account so as to minimize any risk of reputational or other impact while the complaint is being assessed and dealt with in a confidential manner.
- You and any employee who you have said engaged in harassment 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.

Responsibility of Complainant

You have a responsibility to bring your complaint forward as soon as reasonably possible, so that it can be dealt with in a timely manner.

In the event of an investigation, you will have a responsibility to provide sufficient details to allow the person(s) against whom you are making a complaint to be able to respond to the complaint. In most cases where an investigation is to be done, you will be expected to particularize your complaint in writing. A written complaint should specify the individual(s) who you believe engaged in discrimination/harassment, any witnesses, and the details of the conduct that gave rise to your complaint.

You have a responsibility to respect confidentiality and to respect the other steps taken by the University to assist in maintaining both procedural fairness and a fair working environment for both you and the respondent while the complaint is being assessed. Please note that your obligation to respect confidentiality does not restrict you from seeking support and discussing your concerns in confidence with one or more support person(s), provided that they similarly agree to maintain confidentiality.

Responsibility for a complaint

Primary responsibility for your complaint will rest with the Human Resources Office. The Human Resources office will be responsible for tracking, investigating and managing your complaint until its resolution. Responsibility for your complaint will rest with the Human Resources Office, however external investigators or other professionals may be asked to participate in the process.

Some employees are covered by collective agreements that deal with the subject of civil conduct. In such a case, the collective agreement provisions govern to the extent of any inconsistency with this Guideline.

Supervisors/Departments are also expected to contact the Human Resources Office regarding complaints that they receive.

Ultimately, the department may need to be involved in the implementation of any resolution. Accordingly, you need to be aware that a complaint can only proceed with the involvement of the department.

Investigating the Complaint

The investigation of a complaint under this Guideline may proceed through one of several different mechanisms, depending upon contextual factors such as the subject-matter of the complaint and the parties involved in the complaint.

As described above 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, absolute anonymity is generally not possible since in almost all cases the respondent will need to know who is making the allegations, and others will need to know certain basic information in order to process the complaint.

It should be understood that the word “investigation” does not necessarily involve a full-scale, complex inquiry. Often, informal inquiries and discussion, with the views of the parties being solicited and assessed, will be sufficient.

Informal Resolution

In many cases, matters of uncivil conduct will be resolved through discussions between the parties with the assistance of a Manager and/or Director, Human Resources.

Resolution of Complaint:

Resolutions to complaints involving uncivil conduct, discrimination and harassment vary greatly, depending on such factors as the subject-matter of the complaint, the part of the University community of which the Complainant and Respondent are members (e.g., student, staff, visitor, contractor), and the specific policies and contracts applicable in the circumstances (e.g., Student Code of Conduct, Code of Behaviour on Academic Matters, Workplace Harassment Policy, employment policies, collective agreements).

Generally speaking, if a complaint is found to be substantiated it will result in some remedial action involving the respondent.

The University may request or require that one or more of the parties participate in processes including the following: training, coaching, mediation, or facilitation.

If you are not satisfied with the resolution of a complaint

The available channels if you are not satisfied with the resolution of your complaint depend on the policies, contracts, collective agreement, or other documents that govern your relationship with the University and the relationship of others involved in the complaint. You should speak with the office that had responsibility for your complaint to determine what avenues are available in your circumstances.

Should a complaint result in disciplinary action against an employee that individual will have access to the normal grievance or other processes available to him or her under the applicable memorandum of agreement, collective agreement, policy, or other terms of employment.

Reprisals

There will be no reprisals against persons who, in good faith, bring forward a complaint or otherwise take action under this Guideline. Reprisals may be the subject of a complaint under this Guideline.

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.

Other processes

The University reserves the right to not proceed under this Guideline or to stop any process that has started under this Guideline if before a resolution has been reached another process is engaged regarding the same subject matter, including the filing of a grievance, an application under the Code or any other legal process.

Annual review

This Guideline will be reviewed at least annually.