

**Sexual Violence Policy LoA  
Agreement between UTFA and  
the UofT Administration**

# Process for Sexual Violence Policy LOA & Procedural Fairness in Workplace Investigations

## Timelines

- SVP LOU (now LOA) ‘negotiation’ and facilitation has been ongoing between the parties since 2017
- MoA refers to the April 1993 U of T *Policy and Procedures: Sexual Harassment*
- Substantial amendments to the *OHSA* in 2009 and 2017, and the introduction of the *Strengthening Post-Secondary Institutions and Students Act* (“Bill 26”) on July 1, 2023;
- UTFA has objected to the constitutionality of Bill 26 to the University Administration
- Administration introduced the *Policy on Sexual Violence and Sexual Harassment* on January 1, 2023 to respond to some of the legislative changes that have taken place since the establishment of the 1993 *Policy and Procedures: Sexual Harassment*

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## **Additional Context: Major, serious, concerns in the Administration's conducting of investigations:**

- Lack of procedural fairness
- Violations of natural justice
- Unreasonable and inconsistent procedures and practices
- Failure to conduct impartial investigations
- Failure to address vexatious complaints
- Failure to provide necessary information
- Failure to protect confidentiality

## **Fall 2024 Association grievance: Workplace Investigation Concerns with the following types of Administration investigations:**

- Workplace harassment
- OHRC-based Discrimination and Harassment
- Civility
- Sexual Violence

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Agreement Reached re: facilitation and fact-finding process!!

## Renewed mandate:

- Amend the *Policy on Sexual Violence and Sexual Harassment* in light of Bill 26
- Agree to an Investigation Protocol to apply to **all workplace investigations relating to allegations of workplace harassment or discrimination** in relation to UTFA members.

**SVP LOA Team** = Terezia Zorić, Jeff Bale, Sherri Helwig, Kyla Everall, Azita Taleghani

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## Process:

- Parties **continue to engage** given the legislative changes that have occurred.
- Agree to **dates** and **timelines** for the parties to attempt to reach agreement.
- Eli Gedalof be seized as **Facilitator** (and, if needed, as Fact-Finder). The parties agree to schedule such further dates as are necessary for the resolution of the Facilitation as expeditiously as possible.
- **Conclusion** of agreements in relation to the negotiations in paragraph 2, **Article 7 of the MOA will be amended** to remove reference to the 1993 *Policy and Procedures: Sexual Harassment*.

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## Outcomes/remedies UTFA is seeking:

- Have the Administration establish minimum protections to ensure reasonable, appropriate, and procedurally fair workplace investigations in compliance with the University's legal obligations under the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*, obligations under the MoA, and obligations of its own policies.

In other words, have the parties jointly develop an ***Investigation Protocol*** to apply to all workplace investigations in relation to UTFA members (as requested in the SVP LoA process)

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## Process Agreed to by the Parties:

### Facilitation:

- Confidential and without prejudice facilitation process with Eli Gedalof as the Facilitator
- Parties exit positions to be communicated to each other no later than August 15, 2025, *after which the exit positions will not be confidential.*
- 3 facilitation dates - June 12, August 8, and 3rd date in 2025

### Fact-finding process:

- If parties proceed to the fact-finding process, this will take place in October and November 2025.
- Admin will **not** raise jurisdictional objection at fact-finding, i.e., try to argue that these matters do not constitute a “significant terms and conditions of employment for members” contained in the MoA or proposed University wide policies.

## **Motion passed at January 30, 2025 UTFA Council Meeting**

That UTFA Council ratify the Sexual Violence Policy Letter of Agreement (SVP LoA) as presented.