Board of Governors

Agenda, Minutes and Supporting Documents

Tuesday, March 22, 2016

4 pm

Freed-Orman Commons, Assumption Hall

Please review all documents prior to the Board of Governors meeting.

All documents for this meeting are contained in the one PDF file for easy reading/printing.

If you are unable to attend, please notify Carol Perkes at carol7@uwindsor.ca

NOTICE OF MEETING
There will be a meeting of the
Board of Governors
Tuesday, March 22, 2016
at 4:00 pm
Freed-Orman Commons, Assumption Hall

AGENDA

ITEM	DESCRIPTION	DOCUMENT/ACTION

Declaration of conflict of interest

1   Approval of the Agenda

2   Minutes of the meeting of November 24, 2015   Approval
                                                                                                    BG151124M

3   Business arising from the minutes

4   Outstanding Business/New Business
4.1   Reports:
    4.1.1   Remarks from the Chair   **MacKinnon**-Information
    4.1.2   President's Report   **Wildeman**-Information
        4.1.2.1   Update on Provincial Budget
        4.1.2.2   Update on Outreach and Fundraising

4.2   Audit Committee

4.3   Executive Committee
    4.3.1   Annual Accessibility Report 2014-2015   **MacKinnon**-Information
                                                                                                    BG160322-4.3.1

    4.3.2   Sexual Misconduct Policy   **MacKinnon**-Approval
                                                                                                    BG160322-4.3.2

4.4   Governance Committee

4.5   Investment Committee

4.6   Pension Committee

4.7   Resource Allocation Committee
    *4.7.1   2015-2016 Fiscal Year: Operating Budget Update   **Willis**-Information
        (9-month Review)   BG160322-4.7.1*

5   In Camera

6   Adjournment

[Bylaw 1, Section 2.6 – <u>Consent Agenda:</u> Items that normally do not require debate or discussion either because they are routine, standard, or noncontroversial, shall be "starred" (identified by an asterisk (*)) on the agenda. "Starred" items will not be discussed during a meeting unless a member specifically requests that a "starred" agenda item be 'unstarred', and therefore open for discussion/debate. A request to "unstar" an agenda item can be made at any time before (by forwarding the request to the Secretary) or during the meeting. By the end of the meeting, agenda items which remain "starred" (*) will be deemed approved or received by the Board, as the case may be. No individual motion shall be required for the adoption of "starred" agenda items.]

University of Windsor
Board of Governors

4.3.1: **Annual Accessibility Report 2014-2015**

Item for: **Information**

Forwarded by: **Executive Committee**

See attached.

Annual Accessibility Report 2014-2015 and Multi-Year Plan Update

Office of Human Rights, Equity and Accessibilty

Accessible formats and communication supports are available, upon request.

Contents

Foreword

2015 marked the 10th Anniversary of the ***Accessibility for Ontarians with Disabilities Act, 2005*** (AODA). Celebrations were held across Ontario recognizing the work that has been done to remove barriers for persons with disabilities and the achievements individuals and organizations have made to help foster a more inclusive society.

2015 is also the year when Mayo Moran, Provost and Vice-Chancellor of Trinity College at the University of Toronto, completed and released the second legislative review of the AODA. Throughout 2013 and 2014, Ms. Moran consulted with stakeholders across Ontario, obtaining information and perspectives about the efficacy of the AODA.

During the consultation, Ms. Moran heard that many organizations across Ontario are strongly committed to accessibility, however much work still needs to be done to meet the goal of an accessible province by 2025.

> the commitment to accessibility is strong and a sense of the importance of building an inclusive Ontario is widely shared….. We are now at the half-way mark to 2025. Considerable progress has been achieved under the AODA and much has been learned and refined along the way. Despite good intentions, however, for various reasons the AODA has not lived up to that early promise. Fortunately, it is not too late for it to do so. Indeed, this is a very good time for the Province to show the kind of leadership that will breathe new life into the AODA. This is important not only because it will enable us to keep our 2025 commitment, but also because accessibility affects a large and growing segment of the population. An inclusive society of the kind that the AODA aims at will be healthier and more robust along many dimensions. So few other issues have the kind of long-term implications that the AODA does.[1]

Within the report, Ms. Moran provided 8 recommendations to assist with making the cultural shift towards greater inclusion. Notably, recommendation 7 is that organizations should encourage, support and celebrate accessibility planning beyond the AODA and "*treat the current AODA standards as "the floor, not the ceiling" of their efforts to create an inclusive environment".[2]*

For a number of years, the guiding principles behind accessibility planning at the University of Windsor have been to surpass the AODA Standards wherever possible. With this in mind, here at UWindsor we must continue our work towards full inclusion and follow the words in Ms. Moran's report to "treat the current AODA standards as the floor, not the ceiling".

-   Anne Mullen, Accessibility and Human Rights Manager

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[1] Moran, Mayo. "Second Legislative Review of the Accessibility for Ontarians with Disabilities Act, 2005". November 2014. https://www.ontario.ca/document/legislative-review-accessibility-ontarians-disabilities-act
[2] *Ibid. p. 69.*

Section A – 2014-2015 Accessibility Report

1.1   The University of Windsor's Commitment to Accessibility

As contained in the Accessibility Policy, The University of Windsor ("the University") is committed to providing students and employees with disabilities an inclusive environment to study, work and play. The vision of accessibility is for members of the Campus community to work together to identify and remove barriers for persons with disabilities and attain the goal of a fully inclusive University.

1.2   The Legislative Framework

In 2005 the Province of Ontario enacted the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA). The purpose of the AODA is to benefit all Ontarians by developing, implementing and enforcing standards in order to achieve an inclusive society with full accessibility for Ontarians with disabilities by 2025.
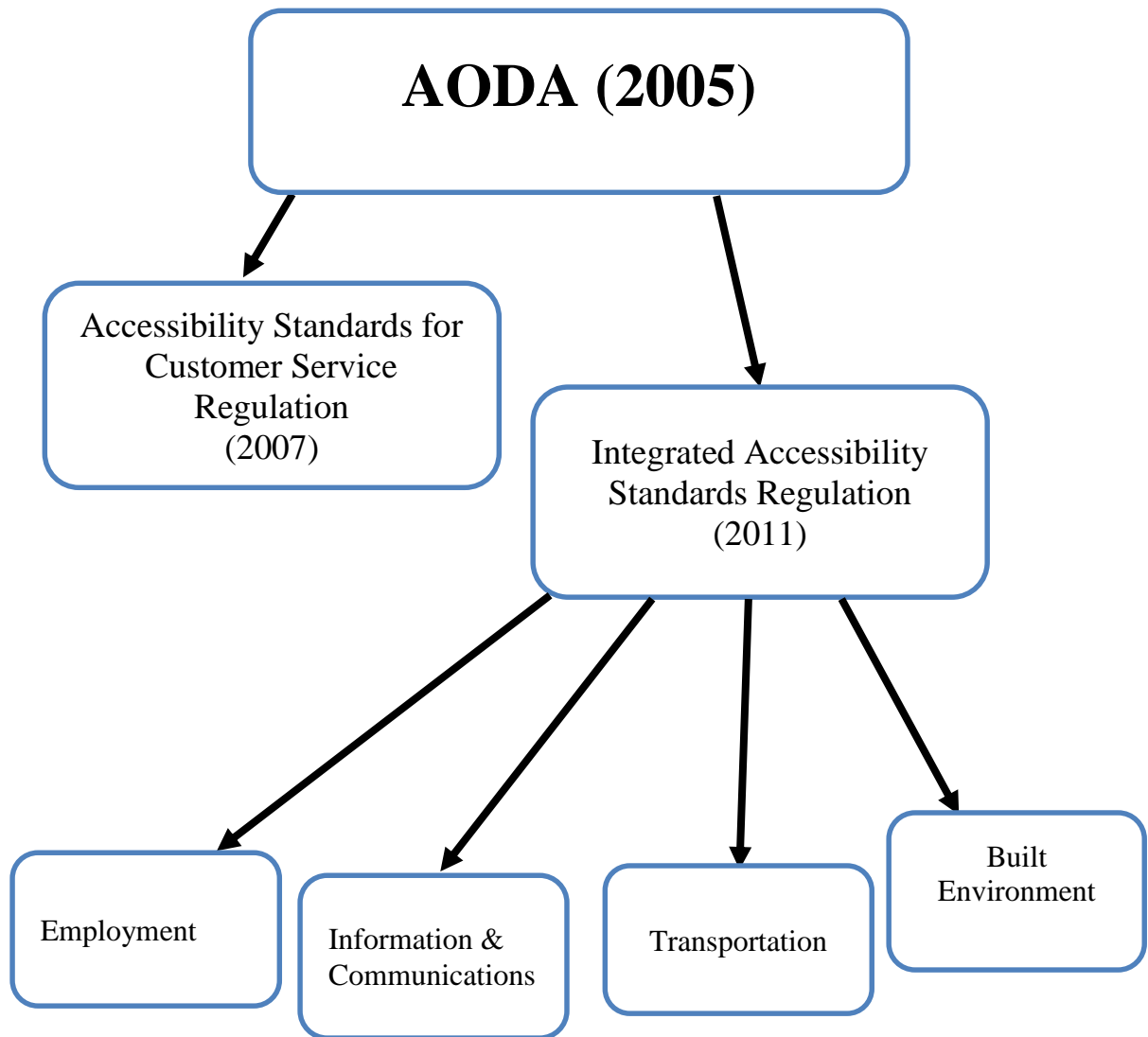
Accessibility means that products, programs or services are as useable by people with disabilities as people without disabilities. An enduring truth, virtually everybody has or will have some functional limitations at some stage of their life.

The AODA mandates a broad, inclusive and proactive approach to achieving accessibility. The AODA framework shifts the primary onus from individuals with disabilities requesting accommodation to requiring organizations, businesses and institutions to provide services that are barrier-free from conception. Therefore, service providers must anticipate and plan barrier-free environments, including barrier removal to meet the general needs of people with differing abilities at different stages of life.

The AODA is a statutory requirement over and above providing individual, customized accommodation when such accommodation is the only way to meet an individual's unique needs under the *Ontario Human Rights Code*.

The AODA and Regulations

Since the enactment of the AODA, there have been 5 Regulations developed: (1) Customer Service; (2) Transportation; (3) Information and Communications; (4) Employment; and (5) the Built Environment. Through the development phase of the five (5) Regulations, the Integrated Accessibility Standards was developed, which incorporates the Employment, Information & Communication and Transportation Standards.

The *Customer Service Standard*[3] came into effect **January 2008**. The University of Windsor's Accessible Customer Service Policy was approved January 2010 and is available at http://www.uwindsor.ca/ohrea/accessible-customer-service-standard.

On June 3rd 2011, the *Integrated Accessibility Standards, Regulation 191/11*[4] came into effect. The Integrated Accessibility Standards incorporate the Transportation, Information and Communication, and Employment Standards. The Regulation sets out the requirements for each of the three standards, as well as general requirements that apply to all, such as:

- developing accessibility policies and plans
- training employees and volunteers, and
- considering accessibility when purchasing goods or services.

In 2012, the *Integrated Accessibility Standards Regulation 191/12* was amended to include *The Design of Public Spaces Standards (Accessibility Standards for the Built Environment)*. The amended Regulation provides general and technical accessibility requirements for all new construction related to the following:

- Recreational trails/beach access routes
- Outdoor public use eating areas
- Outdoor play spaces
- Exterior paths of travel, including sidewalks, ramps and stairs
- Accessible parking
- Service-related elements like service counters

The requirements are being phased-in over time, with compliance deadlines ranging from 2011 to 2021. This phased-in approach will allow organizations the necessary time to build accessibility into regular business processes. While the Government of Ontario has provided extensive tools and electronic resources, it has not provided targeted funding to accompany AODA Standards' implementation.

Under the ***Ontarians with Disabilities Act, 2001*** ("ODA") the University is required to publish an annual accessibility plan. The plan sets out short and long term goals to identify and remove barriers to full participation for students with disabilities, for students, staff and faculty with disabilities, and for visitors and community members with disabilities who use our facilities and services.

Amendments to the Ontario Building Code

On December 27, 2013, Ontario Regulation 368/13 was filed to amend the 2012 Building Code. The amendment took effect on January 1st 2015, and substantially enhances accessibility in newly constructed buildings and existing buildings that are to be extensively renovated.

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[3] http://www.e-laws.gov.on.ca/html/source/regs/english/2007/elaws_src_regs_r07429_e.htm
[4] http://www.e-laws.gov.on.ca/html/source/regs/english/2011/elaws_src_regs_r11191_e.htm

The new requirements apply to most new construction and extensive renovations. Existing buildings, where no work is planned, are not affected by these new requirements. Amended requirements cover a range of areas, including:

- Requirements for visual fire alarms to be installed in all public corridors of multi-unit residential buildings and in all multi-unit residential suites.

- Requirements for an elevator or other barrier-free access to be provided between storeys in most buildings.

- Requirements for power door operators to be provided at entrances to a wider range of buildings, and at entrances to barrier-free washrooms and common rooms in multi-unit residential buildings.

- Updated requirements for barrier-free washrooms and universal washrooms.

- Requirements for barrier-free access to public pools and spas.

- Updated requirements for accessible and adaptable seating spaces in public assembly buildings such as theatres, lecture halls and places of worship.

The University of Windsor's Annual Accessibility Report and Multi-Year Plan Update

The Annual Accessibility Report highlights initiatives completed from the previous year, in this case, September 1st 2014 to August 31st, 2015. The Accessibility Multi-Year Plan update includes short and long term goals which identify and remove barriers, thus increasing accessibility throughout the University community.

Input is welcomed from any member of our community, particularly individuals with disabilities. Should you wish to provide input, please contact the Accessibility and Human Rights Manager in the Office of Human Rights, Equity and Accessibility at: 519-253-3000 x. 3400, TTY 519-973-7091, ohrea@uwindsor.ca.

To request an alternate format of the Accessibility Report and Multi-Year Accessibility Plan, please contact the Office of Human Rights, Equity and Accessibility at 519-253-3000 x. 3400, ohrea@uwindsor.ca.

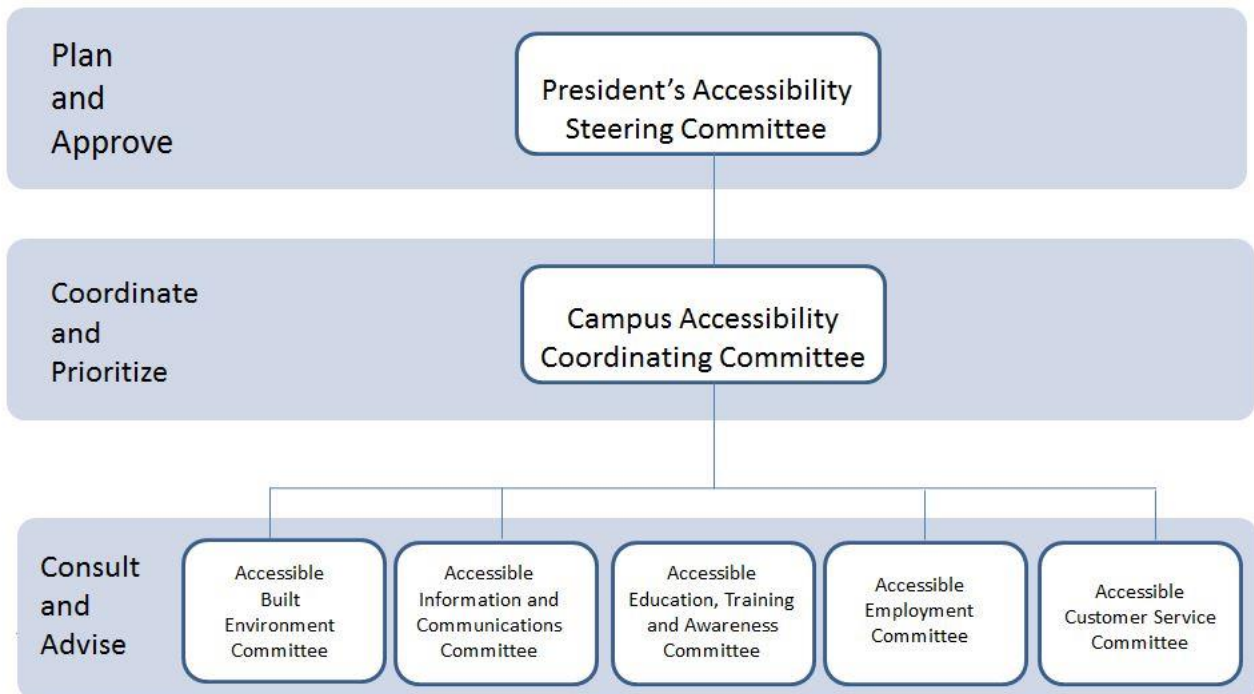### 1.3 The University of Windsor's Accessibility Committees

In 2012 the University's accessibility committee structure was reorganized, and since that time there have been seven active accessibility committees on campus. The seven (7) committees are:

- Five (5) AODA Standards-based committees, those being the
  - o Accessible Built Environment Committee
  - o Accessible Customer Service Committee

- o Accessible Education, Training and Awareness Committee
- o Accessible Employment Committee
- o Accessible Information and Communications Committee
- The Campus Accessibility Coordinating Committee
- The President's Accessibility Steering Committee

The University of Windsor Accessibility Committee Reporting Structure

The five (5) Standards-based committees are responsible to review the relevant portions of the AODA Standards and ensure compliance. The Committees also work to surpass the requirements of the standards. Work includes identifying and removing barriers, developing inclusive practices, programs or policies, and educating the campus community about accessibility and inclusion.

The purpose of the Campus Accessibility Coordinating Committee (CACC) is to ensure a coherent, coordinated approach to accessibility throughout the University community. The CACC reviews, coordinates and prioritizes the activities of the five accessibility standards committees.

The President's Accessibility Steering Committee is responsible to provide campus-wide leadership in the planning and approval of accessibility policies and programs. The committee provides strategic leadership for accessibility throughout the University community. The committee also provides guidance about compliance with all relevant accessibility legislation.

1.4 Office of Human Rights, Equity and Accessibility: Inquiry and Complaint Resolution

As part of the facilitation and resolution functions within the Office of Human Rights, Equity and Accessibility (OHREA), staff members in OHREA respond to campus accessibility issues. In 2014-15, the Office of Human Rights, Equity and Accessibility fielded numerous telephone, in-person and e-mail enquiries. These enquiries involved items such as workplace accommodations, accessible parking requirements, installation of accessible amenities, breakdown of accessible equipment and way-finding concerns. Resolutions were facilitated and in all situations reported. More detail on the nature of the concerns is available in the Annual Office of Human Rights, Equity and Accessibility Report available at: http://www1.uwindsor.ca/ohrea/ohrea-reports

'We Need To Hear from You' Website

Members of our campus community are encouraged to contact any representative of the University's Accessibility Committees to communicate issues of importance. Please vsit our website, 'We Need to Hear from You' at www.uwindsor.ca/campusaccess.

1.5   Student Disability Services

Student Disability Services (SDS), located in the lower level of Dillon Hall, is part of the Student Success Centre. SDS staff provide numerous supports including referrals, resources, advocacy and education throughout the University community. Their purpose is to ensure that every qualified student has the opportunity to pursue their academic and career goals without any identified disability being a hindrance to their pursuit for equal and rewarding career opportunities.

Staff in SDS are a valuable resource to the University community; they share their professional expertise with teaching and research staff, and promote student autonomy, privacy and independence. The staff members also provide education about the shared responsibility of all members of the campus community to provide equal access and opportunities to higher education for qualified students with disabilities.

2.   Achievement Highlights 2014-2015

2.1   Built Environment

a. Audible Traffic Indicators at the Intersections of University and California and University and Sunset

Audible traffic indicators were installed at the intersections of University and California Avenues and University and Sunset Avenues. These indicators are City of Windsor property and will provide greater accessibility for members of the campus community who require audible indicators to assist with navigation.

b. Completion of Accessibility Upgrades to Washrooms in the Leddy Library

With a budget of $1.5 million, washrooms in Leddy Library were updated. The work started in 2013 and was completed in 2015. Universally accessible washrooms have been installed on every floor of the Library.

c. Installation of Accessible Service Counter at Leddy Library

An accessible service counter was installed at the main Service Counter of Leddy library. The new counter allows for service interactions at different counter heights, providing all persons the opportunity to easily participate in a transaction at the counter.

d. Universal Washrooms in Lambton Tower

In 2014 a universal washroom was installed on the second floor of Lambton Tower.

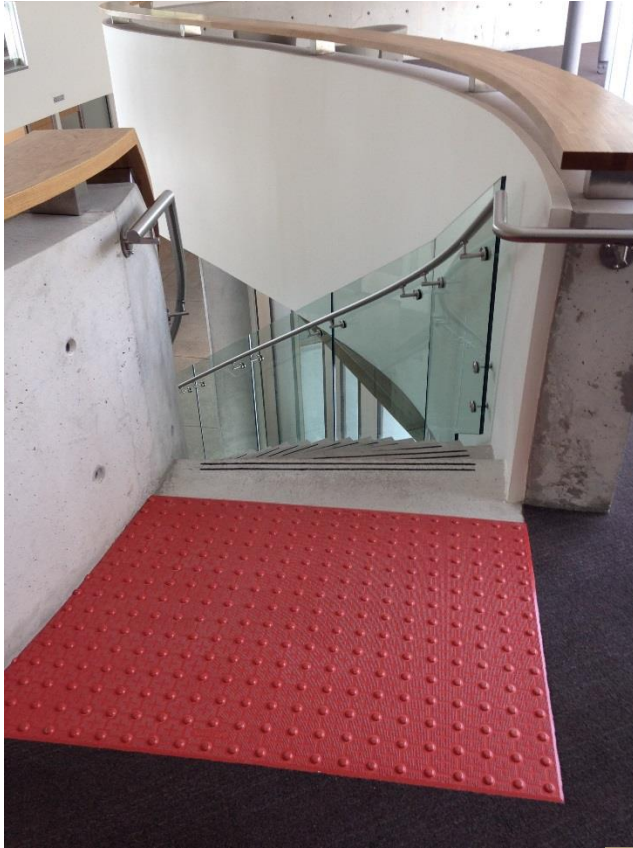### e. Accessible Entrance to Key Control

A ramp was installed at the entrance to the Key Control Building. Previously there were stairs located at the main entrance, now the entrance is barrier-free. All students and employees who require keys to access secured spaces must pick up the key from this building. As such, making this entrance accessible ensures that all persons can obtain keys independently.

f. The Welcome Centre

Work continued on the Welcome Centre, with a move-in date of summer 2015. Over the course of the 2014-2015 year, the Project Manager for the Welcome Centre consulted the Accessible Built Environment Committee to obtain input about the lay-out and features of the building. The committee provided recommendations on numerous items, which were incorporated into the design, including: door actuators, braille signage, accessible service counters, universal washroom, tactile transition strips for stairs, accessible drinking fountain, and wide aisles, walkways and stairwells.

g. Dillon Hall Elevator Upgrade

In the spring of 2015, work began on upgrading the elevator in Dillon Hall. The project includes removing the existing elevator shaft and creating a new shaft that will provide space for a larger cab. The project is scheduled to be completed in December 2015.

h. Upgrades to Law Library Service Counter

The service counter at the Law Library was upgraded to provide accessible service interactions. With a variation in counter heights, persons in standing and seated positions, and persons of varying heights, can more comfortably enjoy transactions.

2.2　Information and Technology

a.　UWindsor Web Presence Accessibility Audit

In 2013 the University's Accessible Information and Communications Committee began exploring options to determine the accessibility of the UWindsor web presence. Tools for auditing websites were investigated and tested. Over the course of 2013-2014, it was determined that the task of performing an accessibility audit on all of the University web sites was too large to be completed internally because: (1) there are over 50,000 web pages and the time required to audit the pages is substantial; (2) there is limited internal technical expertise to carry-out the audit and communicate the results; and (3) it is challenging for individuals to audit their own work and industry best practices are to have an external auditor.

In 2014 a Request for Quotation was issued to have a web site accessibility audit undertaken. eSolutions was the successful bidder, with work commencing in the summer of 2015. It is anticipated that the audit will be completed in the fall of 2015 with three (3) reports being generated, those being: (1) remediation; (2) technical; and (3) strategic priorities. The information contained in the reports will be used to address existing barriers and to develop a strategic plan for future website accessibility.

b.　Closed-Captioning of Online Videos

All videos added to UWindsor internet websites must be closed captioned. The Centre for Teaching and Learning offers the service, at cost, to faculties and departments.

Over the course of the 2014-2015, members of the Accessible Information and Communications Committee worked to disseminate this information to the University community. By attending various meetings, posting information to websites, running articles in the DailyNews, and presenting the information at events like Campus Technology Day and Accessibility Awareness Day, work has been done to ensure the University community is aware of their closed-captioning responsibilities.

2.3　Education, Awareness and Training

a.　Mounting of Emergency Evacuation Chairs in Campus Buildings

Work continues on the emergency evacuation chair project. From 2010-2015 persons from the Department of Kinesiology, OHREA, Health and Safety, Risk Management and Campus Police have been working to identify appropriate locations for emergency evacuation chairs on campus. Over 50 locations have been identified. With the majority of the details of the project finalized, the one remaining piece is securing funding.

To learn more about the project, please see the [2013-2014 Annual Accessibility Report and Multi-Year Plan Update](#).

b. Mandatory AODA & Human Rights Training

As required by Section 7 of the Integrated Accessibility Standards of the AODA, the Office of Human Rights, Equity and Accessibility developed training for all employees, volunteers and 3rd party service providers about the AODA and the Ontario Human Rights Code. The purpose of the training is to provide an understanding of the AODA and the Ontario Human Rights Code and how the two pieces of legislation work together.

In 2015, three types of learning modules were launched to University employees, volunteers, 3rd party service providers and policy-makers, those being: face-to-face, online and booklet modules. The majority of employees have been responsible to complete the online training. Some groups have participated in face-to-face training and the booklets have been developed for some staff members.

All newly hired employees receive information about their requirements to complete the training.

c. Mandatory Accessible Customer Service Training

During the 2014-2015 year, the University continued to fulfill its responsibility to provide accessible customer training, as required under the AODA's Accessible Customer Training Regulation, 429/07. The goal of the Customer Service Standard is to improve front line services to persons with disabilities by increasing the general knowledge of staff, faculty, student employees and third party contractors who interact and/or communicate with persons with disabilities. The University of Windsor's Accessible Customer Service policy builds on policies and practices already in place, originating with academic and employment accommodation policies.

d. Creation of Consolidated Mandatory Training Webpage

Staff in IT Services and the Centre for Teaching and Learning created a new, individualized mandatory training webpage for all employees. The page was launched in 2015 and can be accessed through: www.uwindsor.ca/requiredtraining.

e. Sign Language Club

In the fall of 2013, the Office of Human Rights, Equity and Accessibility organized a Sign Language Club at the University. The club is free to join, open to all members of the University community, and can accommodate a maximum of 20-25 participants. Over the course of the fall of 2013, members of the club met weekly to learn Sign Language through interactive teaching and learning.

f. Department Highlight for 2014-2015 – CTL and the Implementation of Blackboard Learn V9.1 2014

[Blackboard has achieved the "WCAG Level 2 AA",](#) which is an internationally recognized set of standards defined in the Web Content Accessibility Guidelines (WCAG). Blackboard uses third party audits regularly to check to see if its functionality and quality are aligned with the WCAG Level 2 AA designation.

The standards for accessibility are collaboratively created through a process involving the World Wide Web Consortium (W3C process). Additionally, the process is supported through the Web Accessibility Initiative also known as WAI. This initiative involves global team members who create and maintain guidelines, technical reports and educational resources for the larger online community. The intended goal is to make the Web accessible to individuals with disabilities – all ages and circumstances.

There are several accessibility features designed into the version of Blackboard that the University of Windsor has procured (Blackboard Learn V 9.1 2014), to assist the online community with their Blackboard experience. Some of these accessibility features include:

- pages that follow a common structure to ensure familiarity for visually impaired users throughout the system. The Global Navigation and Quick Links features can help with faster navigation for the user;
- software, which can provide full support for captioning within course content (captioning content needs to be provided from the user, but is supported within the software);
- Quick Links, which go further than "skip navigation" and allow users to jump directly to any heading or Accessible Rich Internet application (ARIA) landmark on the current page;
- Quick Links that can be accessed with a keystroke combination of (Shift +Alt+L);
- Alt tags, which are available throughout and users are prompted to enter information about images when creating content;
- Login page, which offers users information to establish high-contrast settings or how to increase text-size in their browsers;
- Keyboard shortcuts, which are available for a variety of tools throughout Blackboard;
- customizable notification settings for users who need assistance with organization and task management; and
- assessment options that instructors can implement to allow specialized circumstances for individuals who need accommodations (i.e. extra time, different day to complete test than rest of class, additional attempts).

Locally, two members of the Learning Management System (LMS) Team contacted a student, who is blind, who offered to help test out UWindsor's implementation of Blackboard Learn. By reaching out to this member of the campus community, the Team was able to hear directly about the student's experience when using the JAWS assistive technology. The student offered the following feedback:

- When using the My Grades function in Blackboard, the description for a column produced a pop-up window where the user, when using JAWS, was unable to close the pop-up window.
- When the user was using the JAWS link search option to find a course, they were unsuccessful. This could be due in part to the possibility of a case sensitive search feature needing to be enabled in JAWS, or that the user didn't have courses to search from at the time. A solution was to uncheck the option in JAWS for case sensitivity. At the time however, there were no courses available for the user so this will need to be tested further in a semester with other users.
- The user was able to submit an assignment, but JAWS skipped over the text box for "Write Submission" which is a comment-like feature.

The LMS Team is trying to replicate the issues faced by the user, and then submit a follow-up support ticket to Blackboard for further exploration.

While the Blackboard system itself is WCAG Level AA Compliant, that does not necessarily mean that instructors will follow accessibility guidelines when placing their own content online. There is an ongoing need to educate instructors about ensuring added content is accessible to all users.

2.4   Employment

a.   Employment Accommodations, Individual Accommodation Plans, Return to Work Processes and Performance Management

Over the course of the 2013-2014 year, the Accessible Employment Committee developed wording for the Human Resources Department and the Provost's Office to use during the hiring process. The wording, to be used when advertising positions and communicating with potential candidates, involves ensuring all persons are aware of the availability of accommodations throughout the hiring process tenure as an employee.

The President's Accessibility Steering Committee approved the draft wording put forward by the Accessible Employment Committee at their spring 2014 meeting. Over the 2014-2015 year, the wording has been implemented by Human Resources Department and the Provosts Office. This ensures the University's Compliance *AODA Integrated Accessibility Standards* requirements, Sections 22-26 and 28-32 and helps to make the University a more inclusive employer.

b.   Development of Accommodation Guidelines

 Since the spring of 2014, members of the Accessible Employment Committee have been working to update the Accommodation Guidelines for Employees with Disabilities. This document, once completed, will be a resource to the University community to help Managers and Supervisors understand their roles and responsibilities when employees require accommodations. The document will also assist employees with better understanding their rights and obligations and who to contact when an accommodation related to disability is required.

c.   Employee Accommodation Fund

In 2012, the University of Windsor's Strategic Priority Fund allocated funding to the Office of Human Rights, Equity and Accessibility for the Employee Accommodation Fund. The fund provides resources to assist Units and Departments with the costs for Employee accommodations.

The Accessible Employment Committee is responsible for reviewing the applications and making funding recommendations to the Director of the Office of Human Rights, Equity and Accessibility. Departments implementing accommodations for employees with disabilities are encouraged to contact the Office of Human Rights, Equity and Accessibility to enquire about accessing the fund.

d.   The Development of Guidelines for Persons Requiring Assistance in Emergency Evacuation

Starting in 2015, members of the Health and Safety Office and OHREA have been working to create guidelines for persons requiring assistance in evacuation. The purpose of the guidelines are:

- To provide a framework for persons requiring assistance in evacuation to develop individualized emergency response plans.
- To provide clarity about roles and responsibilities of all parties in an emergency evacuation. This includes evacuations that may happen during business hours and after-hours.
- Be a resource to emergency responders in the event of an emergency.
- To provide a streamlined check-in process for persons who may require assistance in evacuation in common buildings.

Through a consultation process, input from numerous departments, committees and individuals from across campus has been included in the development of the guidelines. The guidelines are to be finalized and promoted across campus during the 2015-2016 year.

2.5   Customer Service

a.   Service Disruption Notification – "If You See It, Report It" Campaign
The Accessible Customer Service Committee developed an education campaign for the campus community about their responsibilities in reporting equipment that is not operating. RSS Feeds and the UWindsor app notify students of service disruptions. Advertisements were created and advertised through the Lance and the UWSA. This has been done to help educate members of the campus community that reporting a service disruption is a shared responsibility.

b.   Accessible Event Set-Up
Representatives from Food Services, Facility Services, Catering and OHREA met to discuss how best to set-up events to ensure inclusivity. Following best practices, departments responsible for organizing and setting-up events are working to ensure variety of accessible seating locations and that stage ramps be set-up wherever possible.

c.   Notification of Availability of Accommodation at Events
Each year, numerous events happen on campus where faculty, staff, students and members of the broader community are invited to attend. Wording on invitations has been added to notify attendees that the University is committed to organizing inclusive events and an accommodation will be provided upon request. This new wording is helpful in that it educates, or reminds attendees that requested accommodation(s) are available, upon request.

2.6 Initiatives

a.   Accessibility Awareness Day, March 18th 2015

On March 18th 2015, The University of Windsor proudly hosted its third annual Accessibility Awareness Day. The theme for 2015 was "Accessible Recreation" and the keynote speaker was world-renowned break-dancer Luca "LazyLegz" Patuelli.

Over 200 people attended the day-long event. Students, faculty, staff, and members of the broader community participated in the sessions. Some topics covered throughout the event included: accessible video games; "The Joy of Reading"; Signs Restaurant (a restaurant staffed predominantly by persons who are Deaf); and Guidelines for Inclusion in Physical Activity and Recreation Programs.

Section B – Multi-Year Accessibility Plan Update

3.1   Built Environment

Action Item	Timeline	Comments
Development of a strategic plan to address existing barriers on campus. Plan to identify existing barriers and develop options for addressing barriers as well as costs.	2014-2016	Accessible Built Environment Committee to undertake this project.
Develop and use a prioritization matrix for determining where resources will be allocated to remove existing barriers or include accessible features to new designs	2014-2016	Accessible Built Environment is developing a matrix.
Completing an accessibility audit of the entire University of Windsor campus.	2016-2018	Facility Services is undertaking this project.
Installing access ramps at the Human Kinetics Building and Assumption Hall.	2016-2018	Facility Services is undertaking these projects.

3.2   Customer Service

Action Item	Timeline	Comments
Training the University community about how to organize an accessible meeting or event.	2014 and On-going	In 2014, the Accessible Customer Service Committee adopted "the Council of Ontario Universities: A Planning Guide for Accessible Conferences – How to Organize an Accessible and Inclusive Event". Training sessions for 2014-2015 have been organized to assist the University Community with learning about how to organize accessible and inclusive events.
Reviewing and updating the Policy on Presence of Service Animals on Campus	2015-2016	The Accessible Customer Service Committee will be undertaking this review.

Action Item	Timeline	Comments
Determining the need for updated accessible customer service training for employees and volunteers at UWindsor.	2015-2016	The Accessible Customer Service Committee will be conducting a training needs assessment.

3.3 Education, Awareness, and Training

Action Item	Timeline	Comments
Developing and implementing an awareness campaign about accessibility. This includes: • DailyNews Articles • Inclusive Practices Survey • Training about how to ensure web content is accessible • Training about how to organize accessible meetings and events • Workshop to provide information about Blackboard Learn	2014-ongoing	The Accessible Education, Training and Awareness Committee to undertake this initiative.
Holding an Accessibility Awareness Day in 2016 to increase awareness about accessibility on campus and in the community.	Ongoing and to occur annually	Accessibility Awareness Day 2016 is scheduled for Wednesday, March 9th.
Providing (1) Accessible Customer Service, and (2) AODA and Human Rights training to all employees, volunteers and 3rd party service providers.	2015-ongoing	Customer Service training is provided to all new hires. AODA & Human Rights training was launched in 2015 and is on-going.
Continuing to hold a Sign Language Club on Campus which provides an opportunity for interested members of the University community to learn and	Fall 2015	OHREA organizes and administers the club for the campus community.

speak Sign Language.		
The OHREA Awards will be distributed in December 2015. The awards celebrate achievements made by members of the University community in the areas of human rights, social justice, employment equity and accessibility.	December 2015 and to occur annually	
Pilot project installing Ibeacons and using the Blindsquare App to assist with navigation on campus	2015-2016	OHREA is undertaking this project
Exam Space for students at the Downtown Campus who require accommodation.	2016	SDS is working to implement the space.

3.4   Employment

Action Item	Timeline	Comments
Updating the "Workplace Accommodation Guidelines for Employees with Disabilities". The updated guidelines will help to ensure all parties involved in a workplace accommodation understand their roles and responsibilities and whom they should contact for further information. These guidelines will also include information about the University's employment responsibilities under the AODA's Integrated Accessibility Standards.	2014-2016	Members of the Accessible Employment Committee as well as representatives from HR, OHREA and the Provost's Office are undertaking this project.
Review of applications to the Employee Accommodation Fund. The Employee Accommodation Fund assists Departments/Units with the costs for providing employees with workplace accommodations.	Ongoing	Members of the Accessible Employment Committee are responsible for reviewing the applications and providing recommendations to the Director of the Office of Human Rights, Equity and Accessibility.

Action Item	Timeline	Comments
Updating the Emergency Evacuation Guidelines for Persons with Disabilities.	2014-2016	OHREA and the Office of Health and Safety to work jointly on this project.

3.5   Information and Communications

Action Item	Timeline	Comments
Continue to highlight accessibility issues and news in the Daily News in an effort to increase awareness.	Ongoing	Two articles are being completed currently in regards to the Employee Accommodation Fund and the Emergency Services Disruption Plan.
Reviewing the accessibility of University's webpages to ensure accessibility with webpage design and content management.	2014-2016	eSolutions, a consulting firm, began a comprehensive accessibility audit of all of the University of Windsor's websites and services. The findings are expected to be completed and released in mid-to-late fall 2015.
Review and development of websites and web content to be WCAG 2.0 AA compliant.	Ongoing with a required completion date of 2021	
Working to ensure all videos that are added to the University web site are closed-captioned. Also, work to create awareness about the availability of closed-captioning services.	On-going	Reminders and education needs to be circulated regularly to remind all parties of their obligations to close-caption videos added to websites.
Investigating having Course Evaluation Forms completed electronically, rather than paper and pencil.	2015-2016	Representatives from CTL, SDS, OHREA and IT Services are undertaking this project.

3.6   Initiatives

Action Item	Timeline	Comments

President's Task Force on Mental Health	2014-2016	This is a campus-wide initiative with representatives from numerous faculties and departments working together to develop a strategic framework for mental health on Campus.
Accessibility Awareness Day 2015	March 2015	This is a campus-wide initiative that raises awareness about accessibility, disability, barriers and inclusion in the University community.
Mental Health Awareness Events	2014-2015	OHREA is working to organize a number of initiatives.

Appendix A
Timelines for Compliance with the AODA

The University of Windsor's Timelines for Compliance with the Accessibility for Ontarians with Disabilities Act Regulations: **The Accessibility Standards for Customer Service** (Regulation 429/07) and the **Integrated Accessibility Standards** (Regulation 191/11). As defined in the AODA, the University of Windsor is a large designated public sector organization with 50+ employees.

It is important to note that at this time, the proposed Built Environment Standard has not yet been approved by the Ontario Legislature.

Year	Relevant Section of Standard	Requirements	Staff & Faculty Responsible for Ensuring Compliance
January 1st 2012	**Integrated Accessibility Standards, Section 13**	**Information and Communications Provision** of emergency procedures, plans, or public safety information in an accessible format or with appropriate communication supports, upon request.	**Completed** Campus Police and the Office of Health and Safety provide emergency procedures, plans and public safety information in accessible formats, upon request.
	Section 27	**Employment Provision** of individualized workplace emergency response information to employees who have a disability.	**Completed** Employees requiring individualized workplace emergency response information may complete the "Emergency Evacuation Form" available through Campus Police and the Office of Health and Safety.
January 1st 2013	**Section 3**	**General Requirements Development, implementation and maintenance** of written policies and statement of organizational commitment to meet accessibility needs of persons with disabilities.	**Completed** Senate approved the Accessibility Policy in February 2013.
	Section 4	**Preparation** of a multi-year accessibility plan at least once every 5 years completed on consultation with persons with disabilities.	**Completed** The Plan is updated annually.
	Section 5	**Preparation** of annual status report of	**Completed**

Year	Relevant Section of Standard	Requirements	Staff & Faculty Responsible for Ensuring Compliance
		the progress of measures taken to implement strategies of the accessibility plan and posting of the report on the website.	The report is updated annually.
	Section 6	**Development** of a procurement policy describing how the University of Windsor will consider the needs of persons with disabilities when procuring or acquiring goods, services, or facilities (physical infrastructure).	**Completed** The Finance Department has incorporated accessibility language into the University's Purchasing Policy. The VWIZ program is being developed as an additional tool.
	Section 15	**Incorporation** of accessibility features when designing, procuring or acquiring self-serve kiosks.	**Completed** The Finance Department has incorporated accessibility language into the University's Purchasing Policy.
	Section 16	**Information and Communications Procurement** of accessible or conversion ready electronic formats of educational or training resources or materials, where available, or provision of comparable resource if not possible, if notification of need is provided.	**Completed/On-Going** SDS procures and provides accessible or conversion ready electronic formats of educational or training resources or materials.
		Make available, upon request, accessible or conversion ready versions of textbooks.	
		Provision of student records and information on program requirements, availability and descriptions in an accessible format.	The Registrar's Office provides student records and information on program requirements in accessible formats upon request.
		Accessibility awareness training related to accessible program or course delivery and instruction provided to educators.	The Centre for Teaching and Learning offers Universal Design for Instruction training. The Accessible

Year	Relevant Section of Standard	Requirements	Staff & Faculty Responsible for Ensuring Compliance
			Education, Training and Awareness Committee is exploring other options of accessibility awareness training related to course delivery and instruction.
January 1st 2014	**Section 7**	**General Requirements** **Training** all employees, volunteers, policy developers and all others who may provide goods or services on behalf of the University of Windsor on the Regulation and on the Human Rights Code. A record of the training shall be provided and kept on file.	OHREA is developing training materials.
	Section 11	**Information and Communications** **Ensuring** feedback processes are accessible to persons with disabilities.	The Accessible Customer Service Committee will review the accessibility of feedback processes.
	Section 14	**Ensuring** new internet websites and web content will conform to establish WWW Consortium Web Content Accessibility Guidelines 2.0., initially at Level A.	IT Services, with the assistance of the Accessible Information and Communications Committee will be conducting an inventory of all web sites and web content and will be address content that does not meet WCAG 2.0 A guidelines.
	Sections 22-24	**Employment** **Accommodation** of persons with disabilities in the recruitment, assessment and selection process.	The Accessible Employment Committee is undertaking the accessible employment initiatives with respect to sections 22-26 and 28-32.
	Sections 25, 26 & 28	**Documented** individual accommodation plans.	
	Section 29	**Return** to work process for employees who have been absent from work due to disability.	

Year	Relevant Section of Standard	Requirements	Staff & Faculty Responsible for Ensuring Compliance
	Sections 30-32	**Performance** management, career development and redeployment processes of employees with disabilities.	
January 1st 2015	**Section 12**	**Information and Communications Provision** of accessible formats and communication supports for persons with disabilities, made available upon request.	The Accessible Information and Communications Committee will be undertaking this initiative.
	Section 17	**Make available**, upon request, accessible or conversion ready versions of textbooks.	OHREA, Student Disability Services, Document Imaging, The Bookstore and members of the Accessibility Committees will ensure resources are in place to make accessible or conversion ready versions of textbooks available upon request.
	Section 18	**Where available**, Libraries will be required to provide an accessible or conversion ready format or print-based resources or materials, upon request (some exceptions).	Leddy and Law Libraries, OHREA, Student Disability Services, Document Imaging, and members of the Accessibility Committees will ensure resources are in place to provide accessible or conversion ready formats of print-based resources or materials for persons with disabilities, upon request.
January 1st 2020	**Section 17**	**Information and Communications Make available**, upon request, accessible or conversion ready versions of printed materials that are educational or training supplementary learning resources.	OHREA, Student Disability Services and members of the Accessibility Committees will ensure resources are in place to make accessible or conversion ready versions of supplementary resources, upon request.
	Section 18	**Where** available, the libraries will be	Leddy and Law Libraries,

Year	Relevant Section of Standard	Requirements	Staff & Faculty Responsible for Ensuring Compliance
		required to provide an accessible or conversion ready format of digital and multimedia resources or materials, upon request (some exceptions).	OHREA, and members of the Accessibility Committees will ensure resources are in place to provide accessible or conversion ready format of digital or multimedia resources or materials for persons with disabilities, upon request.
January 1st 2021	**Section 14**	**Information and Communications Ensure** all internet websites and web content will conform to establish WWW Consortium Web Content Accessibility Guidelines 2.0., Level AA (some exceptions).	IT Services and the Accessible Information and Communications Committee is reviewing the University's internet websites and web content to ensure conformity with established WWW Consortium Web Content Accessibility Guidelines 2.0, Level AA.

Appendix B
Accessibility Committees 2014 – 2015

President's Accessibility Steering Committee

Area Represented	Name	Title
Chair	Dr. Alan Wildeman	President & Vice-Chancellor
Vice-Chair (Administrative Services)	Ms. Sandra Aversa	Vice-President, Planning and Administration
Vice-Chair (Academic)	Dr. Bruce Tucker	Associate Vice-President, Academic
Human Resources	Ms. Rita LaCivita	Vice President, Human Resources
Student Affairs	Dr. Clayton Smith	Vice-Provost, Student Affairs and Dean of Students
OHREA	Ms. Kaye Johnson	Director, OHREA
OHREA	Ms. Anne Mullen	Accessibility and Human Rights Manager, OHREA

Campus Accessibility Coordinating Committee

Area Represented	Name	Title
Chair	Ms. Kaye Johnson	Director, OHREA
Vice-Chair	Ms. Anne Mullen	Accessibility & Human Rights Manager, OHREA
Accessible Information & Communication Committee Chair	Ms. Vicki Jay-Leung	Reference Librarian, Law Library
Accessible Built Environment Chair	Mr. Dan Castellan	Manager, Facility Planning, Renovations & Construction
Accessible Education, Training & Awareness Committee Chair	Dr. Erika Kustra	Director, Teaching & Learning Development
Accessible Employment Committee Chair	Ms. Daniella Beaulieu	Employee Relations Associate
Accessible Customer Service Committee Chair	Ms. Beth Oakley	Director, Student Success Centre
Member at Large	Ms. Anna Kirby	Executive Director, Campus Services

Accessible Built Environment Committee

Title	Name	Title
Chair	Mr. Dan Castellan	Manager, Facility Planning, Renovations & Construction
Vice-Chair	Ms. Anne Mullen	Accessibility and Human Rights Manager
Member at large	Dr. Veronika Mogyorody	Assistant Provost, Academic Architectural Advisor
Member at large	Mr. David Ryan-Soderlund	Student Development Specialist, Student Success Centre/Disability Services
Member at large	Dr. Nadia Azar	Associate Professor, Department of Kinesiology
Member at large	Mr. Dory Azar	Principal Architect, Dory Azar Architect
Student	Mr. Michael Gyan	Engineering Student
Student	Mr. Robert Powers	Political Science Graduate Student
Student	Mr. Nicholas Harrison	Political Science Student

Accessible Customer Service

Title	Name	Title
Chair	Ms. Beth Oakley	Director, Student Success Centre
Vice-Chair	Ms. Anne Mullen	Accessibility and Human Rights Manager - OHREA-
Member at large	Ms. Sandra Davis	Manager, Residence Life, Residence Services
Member at large	Mr. Josh Leeman	Assistant Intramural and Aquatics Coordinator, St. Denis Centre
Member at large	Dr. Rosemary Plastow	Psychologist, Student Counselling Centre
Member at large	Mr. David McEwen	Department Head, Food and Catering Services
Member at large	Ms. Lisa Milne	Circulation Desk Supervisor, Law Library
Member at large	Ms. Nicole Morrell	General Manager of the UWSA

Accessible Education Training and Awareness Committee

Title	Name	Title
Chair	Dr. Erika Kustra	Director. Teaching & Learning Development (CTL)
Vice-Chair	Ms. Anne Mullen	Accessibility and Human Rights Manager - OHREA-
Member at large	Ms. Alison Samson	Director. Graduate Academic Services
Member at large	Ms. Christine Quaglia	Student Development Specialist, Student Success Centre/Disability Services
Member at large	Ms. Marcela Ciampa	Manager, Employee Engagement and Development
Member at large	Mr. Nick Baker	Learning Specialist - CTL
Student	Ms. Keren Escobar	Masters of Social Work
Student	Mr. Allan Angus	Masters of Social Work

Accessible Employment Committee

Title	Name	Title
Chair	Ms. Daniella Beaulieu	Employee Relations Associate, Human Resources
Vice-Chair	Ms. Anne Mullen	Accessibility and Human Rights Manager - OHREA-
Member at large	Mr. Richard Hayes	Learning Strategist/Disability Advisor, Student Success Centre/Disability Services
Member at large	Ms. Kerry-Ann Gray	Acting Assistant Dean, Finance and Administration
Member at large	Ms. Cindy Wills	Executive Assistant to the Associate VP, Academic
Student	Andrea Gerrard	Bachelor of Commerce

Accessible Information and Communication Committee

Title	Name	Title
Chair	Ms. Vicki Jay-Leung	Reference Librarian, Law Library
Vice-Chair	Ms. Anne Mullen	Accessibility and Human Rights Manager - OHREA-
Member at large	Mr. Anthony Gomez	Assistive Technologist/ Disability Advisor, Student Disability Services

Member at large	Ms. Karen Pillon	Head – Access Services, Leddy Library
Member at large	Mr. Darrel Laurendeau	Manager. Educational Technologies, Centre for Teaching and Learning
Student	Ms. Keren Escobar	Masters of Social Work
Student	Mr. Allan Angus	Masters of Social Work

University of Windsor
Board of Governors

4.3.2   **Sexual Misconduct Policy**

Item for: **Approval**

Forwarded by: **Executive Committee**

MOTION: **That the Sexual Misconduct Policy be approved.**

Rationale:
▪ The Provincial government has mandated that all universities have a standalone policy to address sexual misconduct. The Sexual Misconduct Policy was drafted by a working group comprised of faculty, students, and staff. Best practices obtained from the METRAC Report, the Provincial Action Plan and other universities' policies were reviewed and incorporated into the Policy.
▪ The draft policy was vetted by legal counsel in consultation with the working group.
▪ In January 2016, feedback on the policy was sought by all members of the university community.
▪ Revisions resulting from feedback from students and other members of the University community have been integrated into the document, where appropriate.
▪ *See attached.*

University of Windsor Policy on Sexual Misconduct

(Approved: _____)

1. PREAMBLE: COMMITMENTS AND STANDARDS

1.1   The University of Windsor values dignity, respect and equality for all individuals and strives to foster an atmosphere of healthy attitudes and behaviours towards sexuality, sex and gender roles. The University is committed to maintaining a healthy and safe learning, living, social, recreational and working environment. All forms of sexual misconduct jeopardize the mental, physical and emotional welfare of our students and employees, as well as the safety of the campus community and the reputation of the University. Sexual misconduct violates our institutional values and will not be tolerated.

1.2   The Ontario *Human Rights Code* ("*Human Rights Code*") prohibits discrimination in the provision of educational services and in employment on the basis of sex, sexual orientation, gender identity and gender expression. The *Human Rights Code* also prohibits harassment in employment on the basis of sex, sexual orientation, gender identity and gender expression. Sexual misconduct will generally constitute harassment and discrimination under the *Human Rights Code*. Ontario's *Occupational Health and Safety Act* ("*OHSA*") prohibits harassment and violence in the workplace, including sexual violence. The University's *OHSA* obligations are included in its *Workplace Harassment Prevention Program* policy.   The *Criminal Code of Canada* prohibits sexual assault, voyeurism and criminal harassment (including stalking and cyber harassment).

1.3   The University of Windsor is committed to the following:
- Believing and respecting all individuals who identify their experience as sexual misconduct ("survivors") as being the best judges of their own interests. The University, recognizing that an individual may not identify with the label "survivor," will respect each individual's preferred term in its interactions with her or him.
- Holding individuals who have committed an act of sexual misconduct accountable by taking disciplinary action up to and including expulsion or dismissal.
- Establishing and following a formal procedure for responding to incidents of sexual misconduct.
- Engaging in public education and prevention activities.
- Ensuring referrals and services are available for survivors.
- Ensuring procedural fairness and/or due process to all affected parties in cases of alleged sexual misconduct.

2. SCOPE

2.1   This policy applies to all members of the University community – including students, staff, faculty, administration and members of the Board of Governors – with regard to:

(a) sexual misconduct that occurs on the premises of the University or its federated and affiliated institutions; and

(b) sexual misconduct that occurs off-campus, when the person's actions or behaviour have, or might reasonably be seen to have, a negative impact on the University or on the rights of a member of the University community to use and enjoy the University's learning and working environments.

2.2   This policy applies in conjunction with the University's other policies and legal obligations. The University will make reasonable efforts to ensure that every member of the University community is aware of what policies apply to her or him.

3.   MYTHS AND MISCONCEPTIONS AROUND SEXUAL MISCONDUCT

3.1   Rape myths are misconceptions about sexual assault, and they apply to the broad scope of sexual misconduct. These myths downplay the seriousness of sexual misconduct and confuse our understanding of consent. They contribute to a social context in which survivors are reluctant to report, may blame themselves for what happened or worry that they will not be believed. Rape myths create a climate of victim blaming in which perpetrators are excused for their actions. For more on myths and misconceptions around sexual assault see "Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities" at http://www.women.gov.on.ca/owd/docs/campus_guide.pdf#page=11.

4.   DEFINITIONS

For links to the relevant legislation, see section 12. In this policy, the following definitions apply:

4.1   **Sexual misconduct** is an umbrella term encompassing all forms of sexually inappropriate behaviour and sexual violence. These include, but are not limited to, sexual harassment, sexual assault, threat of sexual assault, criminal harassment (including stalking and cyber harassment), relationship violence and gender based misconduct. Examples of sexual misconduct, which may be verbal, non-verbal or physical, include but are not limited to:
- Unwelcome sexual advances
- Unwanted attention
- Implied or expressed rewards or benefits for sexual favours and implied or expressed threats if sexual favours are denied
- Requests for sexual favours
- Indecent acts or exposure
- Voyeurism
- Unwelcome remarks and/or vexatious comments about someone's sexuality, appearance and bodily presentation, gender or gender expression
- Attempts to extort sexual favours
- Inappropriate touching
- Repeated and vulgar sexual comments
- Display of pornographic or suggestive calendars, signs, posters and/or photographs
- Non-consensual posting of pictures, aggressive comments or stereotypes and slurs on social media, including, but not limited to: email, Facebook, Twitter
- Non-consensual communications of a sexual nature (face-to-face, phone, email, social media)
- Threatening or obscene gestures
- Surveillance and pursuit
- Sending unsolicited gifts (romantic, bizarre, sinister or sexualized)
- 'Creeping' via social media/cyber-stalking
- Uttering threats

4.2   **Accommodation** in teaching and evaluation procedures, or in housing or employment contexts, is designed to meet the demonstrated needs of a member of the campus community in relation to an incident of sexual misconduct. This includes the meaning of "accommodation" as it is understood under human rights law.

4.3   **The Advocate** is an employee of the University whose role is to provide confidential support, referrals and assistance to individuals related to experiences of sexual misconduct (within the limits outlined by this policy). The Advocate will assist individuals to make informed choices and to navigate relevant institutional and community processes, but will not undertake investigations of incidents of sexual misconduct.

4.4 **Age of consent for sexual activity** is the age that an individual can legally consent to sexual activity. In Canada, the legal age of consent for sexual acts is sixteen. Twelve and 13 year-olds can consent to have sex with other youth who are less than 2 years older than themselves. Fourteen and 15 years-olds can consent to sexual involvement with an individual who is less than 5 years older if there is no relationship of trust, authority or dependency or any other exploitation of the young person. Sixteen and 17 years-olds may legally consent to sexual acts if there is no relationship of trust, authority, dependency or other exploitation.

4.5 **Alleged perpetrator** is an individual who has been accused of committing sexual misconduct.

4.6 **Bystander** is a person who has witnessed sexual misconduct or has knowledge of the misconduct.

4.7 **Coercion** is the use of emotional manipulation, blackmail, threats to family or friends, or the promise of rewards or special treatment in order to persuade an individual to do something he or she does not wish to do, such as being sexual or performing particular sexual acts.

4.8 **Consent** is the voluntary agreement and willing participation in sexual activity, from individuals who have reached the age of consent to sexual activity and have the mental capacity to understand the nature, purpose and consequences of a decision to participate in sexual activity. An individual must actively and willingly give consent to sexual activity. Consent must be informed, freely given and continuous. Sexual activity without consent is sexual assault. The following are some factors relating to consent:

Consent:
- Is never assumed or implied
- Is not silence or the absence of "no"
- Cannot be given by an individual who is incapacitated by alcohol or drugs or is asleep or unconscious
- Can never be obtained through threats, coercion or other pressure tactics
- Can be revoked at any time, regardless of any other sexual activities that have taken place
- Is not valid if the perpetrator abuses a position of trust, power or authority
- Cannot be assumed from previous consent to similar activities

The consumption of alcohol or drugs does not provide any excuse from obtaining consent. *(Criminal Code of Canada, section 150.1, 153.1, 273.1: http://laws-lois.justice.gc.ca/PDF/C-46.pdf)*

4.9 **Force** is the use of physical violence and/or imposing on an individual physically to gain sexual access to that person. Force also includes threats of harm to oneself or others, intimidation and/or coercion to overcome resistance.

4.10 **Incapacity** is a state in which individuals cannot make rational decisions because they lack the ability to give consent (to understand the 'who, what, when, where and why' of their sexual interaction). Sexual activity with an individual who one knows to be, or based on circumstances should reasonably have been known to be, mentally or physically incapacitated (by drug or alcohol use, sleep, unconsciousness or a blackout) constitutes sexual assault. The initiator of sexual activity should always err on the side of assuming an individual to be incapacitated, rather than risk committing sexual assault. Evidence of incapacitation may include, but is not limited to:
- Slurred speech
- Bloodshot eyes
- The smell of alcohol on one's breath
- Shakiness
- Vomiting
- Unusual/strange behaviour
- Being asleep or unconscious

4.11 **Indecent act** is a deliberate indecent act in a public place in the presence of one or more persons, or in any place with the intent to insult or offend any person. *(Criminal Code of Canada, section 173: http://laws-lois.justice.gc.ca/PDF/C-46.pdf)*

4.12 **Sexual assault; sexual assault with a weapon, threats to a third party or causing bodily harm; aggravated sexual assault** is sexual touching of another person with any object or body part that is without consent or by force. Any sexual activity without consent is sexual assault. *(Criminal Code of Canada, section 271, 272, 273: http://laws-lois.justice.gc.ca/PDF/C-46.pdf)*

4.13 **Sexual harassment** is a course of vexatious comment or conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome in the context of a classroom or workplace setting. *(Human Rights Code, section 7: http://www.ohrc.on.ca/en/ontario-human-rights-code)*

4.14 **Stalking and cyber harassment** involve behaviours that occur on one or more occasions and which instil fear in an individual and/or threaten the individual's safety or mental health. Stalking can also include threats of harm to the individual's friends and/or family. *(Criminal Code of Canada, section 264: http://laws-lois.justice.gc.ca/PDF/C-46.pdf)*

4.15 **Survivor** is an individual who identifies her or his experience as sexual misconduct. The University, recognizing that an individual may not identify with the label "survivor," will respect each individual's preferred term in its interactions with her or him.

4.16 **Voyeurism** is secretly observing (including by mechanical or electronic means) or making a visual recording (including photographs, film or video recording) of a person who is in circumstances that give rise to a reasonable expectation of privacy. *(Criminal Code of Canada, section 162: http://laws-lois.justice.gc.ca/PDF/C-46.pdf*

5. RIGHTS OF THE SURVIVOR

5.1 All survivors have a right to:
- Be treated with compassion, dignity and respect
- Be informed about on- and off-campus services and resources
- Be informed about disclosing, reporting and complaint options and the limits to confidentiality associated with each option
- Be provided with appropriate academic and other accommodation based on demonstrated need
- Be provided with assistance in formulating a safety plan (a set of objectives and strategies identified by the survivor to help promote ongoing safety and prevent future incidents). For more on safety plans, see the Ontario Government's "Developing a Response to Sexual Violence: A Resource Guide for Ontario's Colleges and Universities," Glossary of Terms.
- Decide whether to disclose an incident of sexual misconduct, report the incident or file a complaint (which triggers an investigation) through the Advocate, campus police, or local police
- Decide whether to access available services and to choose those services they feel will be the most beneficial
- Have reasonable and necessary actions taken to prevent further unwanted contact with the alleged perpetrator

6. CONFIDENTIALITY

6.1 Confidentiality is important to those who have disclosed or reported sexual misconduct, and should be safeguarded throughout the process to the extent possible. Where an individual's situation warrants accommodation, staff will protect the confidentiality of all those involved to the degree possible.

6.2 The following circumstances are examples of where confidentiality cannot be assured:
- There are reasonable grounds to believe that an individual is at imminent risk of self-harm.
- There are reasonable grounds to believe that one or more persons in the University and wider community may be at risk of harm.
- Reporting is required by law (e.g., in the case of a minor).
- A written complaint has been filed, triggering formal procedures including investigation.

- An individual has disclosed to, reported to or filed a complaint with a member of the Campus Community Police. This may result in the filing of a report with the Windsor Police Service. When Campus Community Police become aware of an alleged incident of sexual misconduct, they determine whether the incident must be investigated. If so, under their agreement with the Windsor Police Service, the incident must be reported.
- Evidence of sexual misconduct is available in the public realm (*e.g.* video shared publicly on social media).
- The accommodation or support required limits the possibility of confidentiality.

6.3   The University's ability to protect a survivor's confidentiality is limited by its legal obligations. Where the University becomes aware of an allegation by a member of the University community against another member of the University community, the University has an obligation under the *Human Rights Code* and (if the victim is an employee) possibly under *OHSA*, to take steps to ensure that the matter is dealt with as required by those statutes. Similarly, regardless of whether a survivor is a student, employee or visitor, the University may be required to take steps to address possible civil law, criminal law or disciplinary aspects of the situation.

7.   DISCLOSING, REPORTING, AND COMPLAINT OPTIONS

7.1   **Disclosing Option**

7.1.1   A survivor or bystander may choose to disclose sexual misconduct to any faculty or staff member. Disclosure, in these circumstances, is about seeking support and/or guidance.

7.1.2   This disclosure normally does not trigger an investigation or formal procedure, but may result in accommodation. However, disclosure of sexual misconduct to a member of University administration may trigger an investigation or formal procedure.

7.2   **Reporting Option**

7.2.1   A survivor may choose to confidentially report misconduct to the Advocate to ensure that a formal record is created, while choosing not to file a formal complaint that triggers an investigation or formal procedure. Bystanders may choose to report acts of sexual misconduct that they witness or where they perceive a specific pattern of sexual misconduct which they believe is creating a hostile or toxic environment where they work, study or live.

7.2.2   The record of the report will be used for aggregate data reporting and may be used by the survivor to lodge a formal complaint and initiate an investigation at a later date.

7.2.3   Where there are recurring confidential reports of sexual misconduct involving the same alleged perpetrator(s) or events, or where there is an imminent risk of harm to the survivor or others, the Advocate will notify the President (or designate) immediately. The Advocate will maintain the confidentiality of those reporting, unless circumstances exist where confidentiality cannot be assured (see section 6).

7.2.4   No information obtained by way of a confidential report that could identify the individual(s) reporting the misconduct will be shared with any person or body without the individual's express consent, unless circumstances exist where confidentiality cannot be assured (see section 6). The President (or designate) may also act on information communicated by the Advocate in those circumstances (the possible actions are identified in subsection 9.2).

7.2.5   There may be greater limits to accommodation without a written complaint.

7.3   **Complaint Option**

7.3.1   A survivor can use one or more complaint mechanism(s) at the institutional level to make a formal, written complaint regarding the sexual misconduct. Complaints are addressed through various University bylaws

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and policies, depending on who is involved (these are listed in section 13).   The filing of a written complaint triggers a formal procedure at the institutional level, involving documentation, investigation and formal and/or legal proceedings. A survivor who wishes to file a written complaint should contact the Advocate to discuss the options available and for assistance with filing.

7.3.2   Survivors can also launch a complaint by contacting the Campus Community Police, but should be aware of the specific procedures that will then be triggered. The Campus Community Police will in all cases consult with the Advocate promptly to ensure institutional awareness of the incident and to ensure that the survivor is provided with the opportunity to receive assistance and support if desired.   Please note that disclosing, reporting or filing a written complaint with Campus Community Police may result in the logging of a report with the Windsor Police Service. When Campus Community Police become aware of an alleged incident of sexual misconduct, they determine whether the incident must be investigated. If so, under their agreement with the Windsor Police Service, it must be reported.

7.3.3   Beyond the institution's complaint mechanisms, a survivor may also wish to pursue a charge under the *Criminal Code of Canada* through the Windsor Police Service, or a grievance or complaint to the Human Rights Tribunal of Ontario or the Ontario Labour Relations Board.   The Advocate can provide further information regarding these options.

7.3.4   Bystanders may make a formal written complaint when they perceive a specific pattern of sexual misconduct which they believe is creating a hostile or toxic environment where they work, study or live.

7.3.5   Individuals who choose to forego the filing of a written complaint must understand that the absence of a finding of wrongdoing against the alleged perpetrator may limit the scope of possible accommodation.

7.4   **Right to Withdraw a Complaint**

7.4.1   A survivor has the right to withdraw a complaint at any stage of the process. However, the University may continue to act on the issue identified in the complaint in order to comply with its obligation under this policy and/or its legal obligations.

8.   COMPLAINT PROCESS

8.1   The University of Windsor shall be guided by the principles of fairness in dealing with all written complaints. As such, no sanction or disciplinary action will be taken against an alleged perpetrator without her or his knowledge. Alleged perpetrators will be given reasonable notice, with full details of the allegations. They will be provided with an opportunity to answer the allegations made against them, in accordance with the procedures described in the relevant policy.   Procedures for addressing complaints are provided through various University bylaws and policies, depending on who is involved (these are listed in section 13).

8.2   In cases requiring investigation, the University will provide an investigator who is specially trained in dealing with cases of sexual misconduct. All adjudicators tasked with reviewing cases involving sexual misconduct will have received training in this area.

8.3   **Protection from Reprisals, Retaliation or Threats**

8.3.1   It is contrary to this Policy for anyone to retaliate, engage in reprisals or threaten to retaliate against a complainant (individual who lodged the formal complaint) or other individual for:

- pursuing rights under this Policy or the *Human Rights Code*;
- participating or co-operating in an investigation under this Policy or the *Human Rights Code*; or
- being associated with someone who has pursued rights under this Policy or the *Human Rights Code*.

8.3.2   Anyone found to have engaged in such conduct will be subject to sanctions and/or discipline in accordance with the relevant policy (see section 13).

8.4   **Vexatious Complaints**

8.4.1   If an individual, in good faith, reports or files a sexual misconduct complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed. Complaints that are found following an investigation to have been made in bad faith may result in sanctions and/or discipline against the individual who lodged the written complaint.

8.5   **Multiple Proceedings**

8.5.1   Where criminal, civil and/or administrative proceedings are commenced in respect of allegations of sexual misconduct, the University reserves the right to conduct its own independent investigation into such allegations, or to defer its own investigation. The University will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the University will cooperate with law enforcement agencies.

9.   RESPONSIBILITIES

9.1   **Institutional Responsibility to Provide Support and Timely Communications**

9.1.1   Coordinated care and sensitive and timely communication with survivors and with their family members (when a survivor consents to this communication) are central to the University of Windsor's first response to sexual misconduct. The University will provide access to trained support personnel and a central point of access for guidance and assistance.

9.1.2   To facilitate this support and communication the University of Windsor will:
- Ensure that designated staff members who are knowledgeable about sexual misconduct are responsible for advocacy on campus on behalf of students and employees who have experienced sexual misconduct
- Ensure that designated staff members are responsive to the needs of survivors and that they respond in a prompt, compassionate, and personalized fashion
- Ensure that survivors are provided with reasonable updates about the status of the University's investigation when such investigations are undertaken in response to an incident of sexual misconduct
- Include on the main University of Windsor webpage the contact information for the Advocate, Student Affairs, Campus Community Police, Student Health and Counselling Services
- Maintain and update a sexual misconduct information webpage that can be easily accessed through the main University of Windsor webpage. This information webpage may include, but not be limited to:
  - Information on disclosure, reporting and complaint options
  - Educational resources on sexual misconduct
  - Contact information and links for campus and community services
- Report on aggregate data and its institutional efforts to prevent sexual misconduct, in conformity with any requirements established by the Province of Ontario

9.2   **Institutional Responsibility to Protect**

9.2.1   The University of Windsor understands that survivors may wish to control whether or how their experience will be dealt with by the police and/or the University. Wherever possible, and subject to the University's legal obligations to investigate and/or take action, a survivor will retain this control.

9.2.2   The University may have a duty to investigate complaints of sexual misconduct and has a responsibility to reduce risks to the campus community. The coordination of responses to incidents of sexual misconduct includes taking steps to ensure the safety of the campus community. For example, when the safety of the University community is believed to be at risk, the University reserves the right to initiate an internal investigation and/or inform the police of the need for criminal investigation, even without the survivor's consent.

9.2.3   In the absence of a formal written complaint, the University has the obligation to act on information that suggests, for example:

   (a) an incident or a pattern of behaviours damaging to the climate and well-being of the campus community
   (b) behaviour which poses a clear and ongoing threat to others

   These actions may include investigation, institutionally imposed sanctions, educational interventions (see "Education and Prevention"), and communication to external bodies.

9.2.4   Where a complaint of sexual misconduct has been filed with the University, the University will exercise care to protect and respect the rights and privacy of both the survivor and the alleged perpetrator.

9.3   **Institutional Responsibility to Provide Training**

9.3.1   The University will strive to provide proactive, sustained and multifaceted training opportunities to all members of the University community, led by individuals with expertise in dealing with sexual misconduct. Investigators, adjudicators and Campus Police will receive specialized training, and sexual misconduct response will be led by individuals with specific training in dealing with sexual misconduct. Individuals in high impact student academic and service roles will receive training.

9.4   **Bystander Responsibilities**

9.4.1   Sexual misconduct is a community-based problem, and the University therefore takes the position that it is everyone's responsibility to intervene to prevent sexual misconduct. The University recognizes that in each situation there is often a range of possible intervention strategies, and emphasizes the importance of safe interventions that do not place any bystander in personal danger.

9.4.2   Bystanders have the right to report acts of sexual misconduct that they witness. Bystanders also have the right to report or to lodge formal written complaints when they perceive a specific pattern of sexual misconduct which they believe is creating a hostile or toxic environment where they work, study, or live.

9.4.3   Supervisors of employees have a legal duty to address sexual harassment and sexual misconduct that they witness or of which they have been informed. (See *Occupational Health and Safety Act* and *Human Rights Code*). More generally, as discussed earlier, the University may have a duty to investigate complaints of sexual misconduct to address its civil, criminal and human rights obligations.

9.5   **Responsibility to Refer**

9.5.1   A faculty or staff member who receives a disclosure has a responsibility to provide a referral sheet to the survivor. The survivor may choose to act on such a referral.

   ▪ ON-CAMPUS SUPPORTS AVAILABLE
     http://www.uwindsor.ca/sexual-assault/8/resources#on-campus-resources

   ▪ OFF-CAMPUS SUPPORTS AVAILABLE
     http://www.uwindsor.ca/sexual-assault/8/resources#off-campus-resources

10.   **EDUCATION AND PREVENTION**

10.1   Members of the University community are encouraged to contribute to the prevention of, intervention in and effective response to sexual misconduct. All members of the University community may play a role in building a safe and just educational environment by:
   ▪ Learning about sexual misconduct by participating in University-sponsored educational programs and campaigns
   ▪ Modelling healthy and respectful behaviour in personal and professional relationships

- Speaking out against behaviour that encourages sexual misconduct and assault, such as sexism, ableism, racism, homophobia and transphobia
- Speaking out against behaviour that discourages reporting or the pursuit of a complaint, such as racism and sexism, the perpetuation of rape myths and victim-blaming, and joking about sexual misconduct and gender inequality
- Developing the skills necessary to be an effective and supportive ally to survivors
- Intervening in situations that could lead to sexual misconduct
- Intervening to prevent sexual misconduct when it is safe to do so

11.   MONITORING AND EVALUATING INTERVENTIONS

11.1   The University of Windsor will undertake a systematic approach to monitoring and evaluating its policies, protocols and practices to ensure that they are up-to-date and responsive to evolving campus needs. This will include periodic evaluations of the policy and protocols on sexual misconduct, and associated training and public education activities.

11.2   The University will strive to ensure a safe and secure physical environment by conducting periodic audits that identify potential campus safety risks and that include assessments of the campus climate regarding sexual misconduct on campus.

11.3   Audits, evaluations and assessments will be used to address identified gaps in policies, training and educational activities.

12.   RELEVANT LEGISLATION AND PROVINCIAL MANDATES

12.1   Include but are not limited to:

12.1.1   Relevant sections of the *Criminal Code of Canada (http://laws-lois.justice.gc.ca/PDF/C-46.pdf)*:
- voyeurism (section 162)
- indecent act/exposure (section 173)
- criminal harassment (section 264) – including stalking and cyber harassment (section 264)
- sexual assault (section 271), sexual assault with a weapon, threats to a third party or causing bodily harm (section 272), aggravated sexual assault (section 273)
- meaning of consent (section 273.1)
- sexual offences, consent no defence (section 150.1)
- sexual exploitation of person with disability (section 153.1)

12.1.2   The Ontario *Human Rights Code*, Part I *(http://www.ohrc.on.ca/en/ontario-human-rights-code)*, which prohibits discrimination in the provision of educational services, in housing and in employment on the basis of sex, sexual orientation, gender identity and gender expression. The *Human Rights Code* also prohibits harassment in employment on the basis of sex, sexual orientation, gender identity and gender expression.   The behavior prohibited by the *Human Rights Code* includes sexual misconduct.

12.1.3   The Ontario *Occupational Health and Safety Act* ("*OHSA*"), Part III.0.*, (https://www.ontario.ca/laws/statute/90o01)* prohibits violence and harassment in the workplace. This prohibition includes sexual harassment and sexual violence.

12.1.4   The Provincial Report, It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment (*http://docs.files.ontario.ca/documents/4593/actionplan-itsneverokay.pdf*)

13.   RELATED UNIVERSITY BYLAWS, POLICIES AND AGREEMENTS

13.1   Include but are not limited to:
- Human Rights Policy
- Harassment Prevention Policy

- Policy on Intimate Personal Relations
- Senate Bylaw 31, Student Affairs and Integrity, including Section 3.7 (Extraordinary Power of Suspension and Exclusion from Campus)
- Senate Bylaw 32: Procedural Irregularities and Discrimination Regarding Academic Instruction, Evaluation and Appeals
- Student Code of Conduct
- Unacceptable Use of Computer Resources
- Violence Prevention Policy
- Collective Agreements between the University of Windsor and its staff and faculty

13.2   The following provides preliminary guidance for determining which institutional policies may also apply to a given situation. Those seeking to file a written complaint should contact the Advocate for information, guidance and assistance.

The alleged perpetrator is a student	Human Rights Policy Senate Bylaw 31: Student Affairs and Integrity, including Section 3.7 (Extraordinary Power of Suspension and Exclusion from Campus) Student Code of Conduct Unacceptable Use of Computer Resources
The alleged perpetrator is an employee (faculty or staff)	Collective Agreements between the University of Windsor and its staff and faculty Harassment Prevention Policy Human Rights Policy Policy on Intimate Personal Relations Senate Bylaw 32: Procedural Irregularities and Discrimination Regarding Academic Instruction, Evaluation and Appeals Unacceptable Use of Computer Resources Violence Prevention Policy *[Some of the above apply to specific employee groups only]*
The alleged perpetrator is any other person	Contact the Advocate for information, guidance and assistance

13.3   The relationship between the Campus Community Police and the Windsor Police Service is outlined in an agreement between them. Please note that disclosing, reporting or filing a written complaint with Campus Community Police may result in the logging of a report with the Windsor Police Service. When Campus Community Police become aware of an alleged incident of sexual misconduct, they determine whether the incident must be investigated, in which case it must be reported to Windsor Police. The Campus Community Police will in all cases consult with the Advocate promptly to ensure institutional awareness of the incident and to ensure that the survivor is provided with the opportunity to receive assistance and support if desired.

13.4   The Advocate is available to assist individuals wanting to pursue charges under the *Criminal Code of Canada* through the Windsor Police Service. Individuals can also contact the Windsor Police Service directly at (519)-258-6111 at any time.

14.   POLICY REVIEW

14.1   The University will review this policy at least once every three years and amend it as appropriate.

[In drafting this document, policies and protocols of other Ontario institutions, including the University of Guelph, Lakehead University, Queen's University and Colleges Ontario, were reviewed. The Ontario Women's Directorate Report (2013) and the METRAC Report (2014) were also reviewed. Passages from these policies, protocols and reports have been adapted for use in this document with their permission.]

University of Windsor
Board of Governors

4.7.1*:   **2015-2016 Fiscal Year: Operating Budget Update (9-Month Review)**

Item for: **Information**

Forwarded by: **Resource Allocation Committee**

Rationale:
- The process for ongoing monitoring of the Board-approved 2015-2016 operating budget includes a review of the University's spending at the 9-month point.
- As the 9-month review does not include a proposal to revise the 2015/2016 operating budget but rather provides a balanced budget projection to year end, the review is provided for information only.
- See attached memo which was distributed to the Resource Allocation Committee for information.

Vice-President, Planning and Administration

401 Sunset Avenue
Windsor, Ontario N9B 3P4
T 519-253-3000   F 519-971-3619

To: Members of the Resource Allocation Committee

From: Sandra Aversa, V.P., Planning & Administration

Date: February 3, 2016

Subject: 2015/16 Fiscal Year: Operating Budget Update

During each fiscal year, there are two key times where a projection of the Operating Budget is completed. The first review was completed in November 2015, following Fall enrolment, and as of January 31st, following Winter enrolment. The following summarizes the findings of the University's operating budget projection to year-end.

Revenue

Enrolment for the Winter semester is as projected in the November 2015 review. The mid-year review included a projection of the revenue variance to the end of the fiscal year. Minor variances in undergraduate and graduate enrolment impacted tuition and government grant revenues. A further increase in professional course based masters' tuition of $1.0M was achieved.

The most significant variance is a projected loss of investment income earned on the working capital funds of the institution. This variance is due to market conditions in the last quarter, interest rates, and the collapse of the Canadian dollar. While the University is conservative in budgeting investment income, projections at this time show a negative variance to budget of approximately $1.0M. Due to the volatility of markets, we will monitor this variance on a monthly basis through to year-end. The variance noted at this time is fully funded by savings noted below.

Expenditures

Total operating expenditures projected to year-end reflect an increase in the academic delivery costs of the course-based masters' programs, further savings in utilities, and an increase in central overheads generated by the course-based masters' programs. The net variance in operating expenditures results in savings that will fully fund the reduction noted above in the investment income.

Overall, the projection for 2015/16 is a balanced operating position. There remains opportunities for further cost savings and/or investment income improvements that could provide one-time monies at year-end for strategic initiatives.

Should you have any questions please feel free to contact me at sandra@uwindsor.ca.