

NOTICE OF MEETING

**There will be a meeting of the
Board of Governors
Tuesday, June 27, 2023
at 4:00 pm
Freed-Orman Commons, Assumption Hall**

AGENDA

ITEM	DOCUMENT/ACTION
<i>Land Acknowledgement</i>	
<i>Declaration of conflict of interest</i>	
1 Approval of the Agenda	
2 Minutes of the meeting of May 23, 2023	Reidel-Approval BG230523M
3 Business arising from the minutes	
4 Outstanding Business/New Business	
4.1 Reports:	
4.1.1 Remarks from the Chair	Reidel-Information
4.1.2 President's Report	Gordon-Information
4.1.3 Questions Arising from Vice-Presidents' Reports (p. 3)	Vice-Presidents-Information BG230627-4.1.3
4.2 Audit Committee	
4.3 Executive Committee	
4.4 Governance Committee	
*4.4.1 Gift Acceptance Policy – Proposed Revisions (p. 8)	Tucker-Approval BG230627-4.4.1
*4.4.2 Board Governance Workplan 2022-2023 – Update (p. 9)	Tucker-Approval BG230627-4.4.2
4.5 Human Resources Committee	
*4.5.1 Policy on Sexual Misconduct – Revisions (p. 10)	Brown-Approval BG230627-4.5.1
4.6 Investment Committee	

4.7 Pension Committee

4.8 Resource Allocation Committee

4.8.1 2023-2024 Capital Budget (p. 24)	Sonego-Information BG230627-4.8.1
4.8.2 2023-2024 Cash Flow Budget (p. 34)	Sonego-Information BG230627-4.8.2
*4.8.3 Capital Projects Quarterly Report (Dashboard) (p. 37)	Sonego-Information BG230627-4.8.3
4.8.4 Capital Debt Policy (p. 41)	Sonego-Approval BG230627-4.8.4

5 In Camera

6 Adjournment

[Bylaw 1, Section 2.6 – Consent Agenda: 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**

4.1.3: Vice-Presidents' Reports

Item for: **Information**

Report of the Vice-President, Equity, Diversity, and Inclusion (Interim)

Clinton Beckford

EDI and ID Review

1. The Equity, Diversity, and Inclusion and Indigenization and Decolonization (EDI&ID) review is complete. There are a number of deliverables from Higher Education Strategy Associates (HESA):
 - a. EDI main report
 - b. Summary Report: Human Resources Management Structures, Policies, and Procedures (Department of Human Resources, Office of the Provost, Office of Human Rights, Equity, & Accessibility)
 - c. ID component
 - i. draft review in progress
 - ii. we are working with Dr. Bev Jacobs regarding both the finalizing of the review and how/who it will be disseminated.
2. Conducted 'talking tour' with key individuals and offices that will help the VP, People, Equity, and Inclusion (formerly VP,EDI) office drive the recommendations and implementation to imbed EDI in all that we do.
3. Working with EAB to develop Institutional Strategy Index (on EDI). EAB will provide us an evidence-based sounding board that can help with prioritizing recommendations (short and long term), including those that will be most impactful for driving transformative change.
4. Next steps:
 - a. Over the summer will be putting together a draft EDI plan that will outlined our strategic priorities and actions
 - b. Broader launch of the EDI&ID review to the campus community with a finalized EDI plan and strategic priorities and actions mid-late Fall 2023
5. Work ahead:
 - a. Developing key partnerships with individuals and offices to embed EDI into all that we do
 - b. Continued consultations as part of our actionable items (e.g. students)
 - c. Measuring effectiveness (as highlighted in the Aspire strategic plan)

Employee Mental Health Strategy

We have made significant progress on the Employee Mental Health Strategy and will be reporting this to the Board early in the Fall.

Employee Engagement Action Planning

The university is continuing to mobilize the results of the Employee Engagement Survey. The Employee Engagement Action Group has developed an institution-wide plan of action and departments and units across the university have already submitted unit level action plans. Work will continue on this as we align actions with the Aspire Strategic Plan.

ABR Taskforce Implementation

Implementation of the ABR taskforce recommendations continue. A progress report on the first phase of this process will be available soon.

Report of the Vice-President, Finance and Operations

Gillian Heisz

Major Capital Projects Ongoing – Updates

We are days away from substantial completion on the Transforming Windsor Law project. The teams from Facility Services and the Faculty of Law have fully mobilized to move books, furniture, and items for the faculty and staff of the Law School such that the building will be ready to accept students in September 2023. The project continues to deal with long lead time issues related primarily to classroom technology, and colleagues in IT Services are fully engaged to ensure that adequate back up plans are in place. The team has also moved ahead in earnest on the planning for the Residence West project. Phase 1 (Demolition and Abatement) is ongoing and expected to conclude in early August 2023. The documents required for the Phase 2 (Construction) tender are 75% complete, and we anticipate the project will be taken to market in July 2023. At this time, the project remains on budget. Finally, we are delighted to be celebrating the ground-breaking of the new residence on June 19, 2023.

Financial Reporting and MCU Sustainability Metrics

Recently, the University, through the Council of Ontario Universities (COU), was informed by the Ministry of Colleges and Universities (MCU) that the Ministry will indeed be proceeding with the implementation of their Financial Sustainability Framework for Universities starting as of April 30, 2023, and for the year then ended. University Administration briefed the Audit Committee on this MCU project at its April 11, 2023 meeting, but at that time it was the sector's expectation that the implementation would be delayed until April 30, 2024. Our team is fully engaged in the discussions about the Framework and is eagerly awaiting the technical manual from MCU that will explain how the metrics will be calculated, and what the implications will be. A more robust discussion on the Framework and its impact on the University of Windsor will be held at the September Audit Committee and October Board meetings.

Pension Plan Governance Progress

A variety of projects and committee work has occurred in recent months and is planned for Summer 2023 as we strengthen our pension plan governance and work on strategic opportunities. As Phases I and II of the Pension Plan text updates project have concluded for the Employees' Retirement Plan (ERP), our attention has shifted to Phase I of the Faculty Pension Plan text update project, and we plan to bring forward an update to the Board Pension Committee in June 2023. The Managers and Professionals group plans to meet over the Summer with Administration to draft its Funding Policy for the ERP, similar to the process that we recently underwent with Unifor. Finally, next month, we will kick off a joint committee to explore the University Pension Plan as an alternative for the Faculty Pension Plan. Representatives from Administration, WUFA and WURA will participate, and the goal is to bring the Board of Governors an update by late Fall 2023 or early Winter 2024.

Report of the Provost and Vice-President, Academic (Acting)

Patti Weir

1. Black Scholars Hiring – A total of 14 positions

Faculty of Arts, Humanities and Social Sciences – 4 positions:

- School of Creative Arts
- Department of Sociology and Criminology
- Department of Sociology and Criminology
- Department of Interdisciplinary and Critical Studies

Faculty of Education – 3 positions

Faculty of Engineering – 2 positions:

- Department of Civil and Environmental Engineering
- T.B.D. Sustainable Development (Department to be confirmed)

Faculty of Nursing – 1 position

Faculty of Science – 2 positions:

- School of the Environment
- Department of Biomedical Sciences

Odette School of Business – 1 position

Leddy Library – 1 position

2. Go Global STEPS

The Global Skills Opportunity program actively promotes the engagement of low-income students, students with disabilities, and Indigenous students in study and work abroad initiatives. This program receives funding from the Government of Canada's Outbound Student Mobility Pilot Program, enabling these diverse student groups to participate and benefit from international experiences.

The University has two GSO funded projects: Go Global STEPS, focused on faculty-led mobility, and iWIL Go Global, which supports international experiential learning opportunities, such as community service learning abroad. Sincere thanks to Chris Houser, Judy Bornais, Chris Busch, and Mike Houston (Go Global Advisory Committee members) for their exceptional stewardship in ensuring a triumphant full year following the challenges posed by the pandemic.

Table 1. Institutional mobility under the University's Go Global Programs (W23/IS23/S23)

Go Global - STEPS

Country	Faculty	# Participants
Brazil	Schlosser	9
Costa Rica	Vallee	14
Costa Rica	Houser	15
Dominican Republic	Houser	18
France	Mennill	14
Iceland	Cioppa	10
Scotland	Albanese	16
Total		96

iWIL Go Global

Country	Faculty	# Participants
Tanzania	Beckford	10
Total		10

Student Participants

Indigenous	6	
Students with disabilities	8	
Low-Income	40	
Eligible	51	
Non-eligible	1	
Total		106

3. Indigenous Curriculum process

Dr. Rebecca Major is continuing to support this work in 2023-2024. Currently an REB has been submitted for an administrative level survey that will help inform knowledge gaps in Indigenizing curriculum as well as desired resources for a more intentional toolkit. This work continues to be done in partnership with CTL.

4. Outstanding Scholars' Luncheon

Outstanding Scholars Luncheon Reception was held on May 26, 2023, and celebrated the students who have completed six OS placements and are now set to graduate. There are 44 graduates for 2023.

5. Spring Convocation

The University hosted 11 sessions and celebrated the graduation of close to 5,000 students. Thank you to members of the Board for attending sessions and supporting our students and their families.

6. Administrative Appointments

Ray Darling – University Registrar – May 15, 2023

Dr. Shetina Jones – Associate Vice-President Student Experience – May 22, 2023

Kimberly Benoit – Executive Director, Academic Labour Relations – June 15, 2023

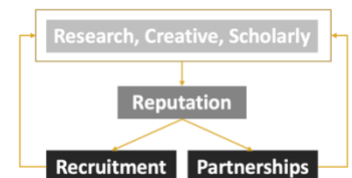
Dr. Ashish Mahajan – Acting Dean, Odette School of Business – July 1, 2023

Dr. Erika Kustra – Acting Associate Vice-President, Academic – July 1, 2023

Report of the Interim Vice-President, Research, and Innovation

Chris Houser

Research, scholarship, and creative activity are critical to the reputation of the University of Windsor and have a significant influence on our ability to recruit and retain undergraduate and graduate students.



AgUWin Greenhouse Summit

On May 11th, Tom Schnekenburger, hosted a summit for faculty to strategize on next steps for the AgUWin initiative, leverage on the new research greenhouse, and look across pillars/programming to discover most impactful research opportunities. More than 35 faculty from across campus attended the forum that included a tour of the greenhouse followed by a workshop and discussion at Pelee Island Winery.

Windsor-Essex is home to >4,500 acres of greenhouses, which is the second largest concentration of greenhouses in the world. The greenhouse and agriculture industries are worth ~\$3 billion annually to the local economy – second only to the advanced manufacturing/automotive industry. The AgUWin initiative is designed to support research and academic programming related to the greenhouse industry, to engage stakeholders from the industry and to operationalize the research greenhouse with our partner, Horteca. AgUWin is an opportunity for all Faculties and includes a focus on growing (green), production (grey) and business and impact (blue). Additional summits and industry events are planned for next fall- watch your email for more details.



Impact the Ecosystem

- Propagation
- Greenhouse Growth & Operations
- Packaging
- Distribution & Logistics
- Retail

Green Growing

- Integrated Biology
- Chemistry
- Integrated Pest Management

Grey Production

- Robotics and Automation, Sensor
- Energy, Climate Systems, Lighting, Air Quality
- Industrial Engineering, Cybersecurity, Data & AI
- Circular Economy and Sustainability

Blue Business & Impact

- Economics, Business Models and HR
- Policy and Supply Chain
- Health, Ergonomics & Support for Migrant Workers
- Indigenous Growing
- Water Quality and Reclamation
- Community Engagement and Impact of Industry

2023 Indigenous Research and Scholarship Forum

On May 9, 2023, the Office of the Senior Advisor to the President on Indigenous Relations and Outreach and the Vice-President, Research and Innovation co-hosted the first University of Windsor Indigenous Research and Scholarship Forum. This full-day, hybrid conference was designed to educate our campus community on Indigenous research, scholarship, and methodologies. The event was well attended with more than 100 in-person attendees and 70 attendees online, including attendees from other institutions across Canada. A recording of the forum is available [online](#), and the link will be distributed via a campus-wide email.



Interim Year in Review

Since September 2022, the OVPRI has undertaken the following initiatives that will be implemented or completed next academic year and will be in the report of the permanent VPRI:

- **Canada Research Chairs:** Campus-wide call for input on the most strategic areas for currently open and expiring Canada Research Chairs. Based on this review, the following 3 CRCs were deemed to be a strategic opportunity for the University of Windsor:
 - **Health Disparities and Public Health-** Faculty of Arts, Humanities and Social Sciences
 - **Health Biostatistics-** Faculty of Human Kinetics
 - **Environmental/One Health Genomics-** Faculty of ScienceThe remaining 4 Canada Research Chair decisions will be announced this summer or early fall.
- **Lean Audit of Research:** review of research services (from grant announcement to closure of an account) to improve support for research, creative, and scholarly activity. Report provided at May 2023 Senate with recommendations to be implemented next year.
- **Research Data Management Strategy:** First step of the process to ensure sound research data management and stewardship at the University of Windsor. The strategy outlines the current state of data management on campus, as well as the underlying principles of what will be required moving forward. This strategy will be followed by a concentrated effort, resource investment, and shared responsibility.
- **CFI Proposals:** Campus-wide solicitation of high-level proposals for the future CFI envelope (~\$6.1 million) to be announced once the CFI envelope to the University of Windsor is announced.
- **Queen's Park Visit:** Delegation visit to Queens Park to highlight research related to FuturEcar, Ag@UWin, CANS (Compact Accelerator Neutron Source), and Health research (WE-SPARK and Nursing), with UW representation by Dr. Narayan Kar, Dr. Bill Van Heyst, Dr. Rupp Carriveau, Dr. Drew Marquardt, Dr. Lisa Porter, and Dr. Debbie Shepard-Lemoine.
- **EpiCentre Review:** Formal review of the EpiCentre on its 10th anniversary. The review is ongoing and involves interviews with campus and community stakeholders.
- **Institute Review:** Senate required (and overdue) reviews of the Cross-Border Institute (CBI) and the Institute for Diagnostic Imaging and Research (IDIR) were initiated.
- **AgUWin:** As described above, the AgUWin initiative was launched along with announcements of a partnership with Horteca (2-acre research greenhouse) and the Telus 5G Greenhouse partnership.
- **Reports:** Annual reports on publications, research submissions and funding, and ORIS activity. These should continue with the new VPRI.

The above is in addition to the day-to-day support provided by the Office of Research and Innovation Services (ORIS) to elevate the research, creative, and scholarly activity of our faculty, staff, and students.

**University of Windsor
Board of Governors**

***4.4.1: Gift Acceptance Policy – Proposed Revisions**

Item for: **Approval**

Forwarded by: **Board Governance Committee**

MOTION: That the proposed revisions to Gift Acceptance Policy be approved.

Proposed Revisions:

[revisions are in bold and strikethrough]

Gift Agreement: A written agreement between the University and a donor that documents the terms and conditions of philanthropic gifts made in the amount of ~~\$4,500+~~ **\$25,000+**.

Gift Management

[...]

Where gifts of ~~\$4,500~~ **\$25,000** and above are solicited, a gift agreement will be developed in consultation with the donor which will outline the name of the donor, nature, limits, fund type, use of the gift at the time the donation is made and any naming, signage or other recognition rights agreed to. Gift agreements must be reviewed and approved by the Alumni Relations & Advancement Department in consultation with internal Legal Counsel (as appropriate). Records management as it pertains to the storing and accessibility of signed gift agreements will fall under the authority and responsibility of the Finance Department.

[...]

Appendix B will be revised accordingly.

Rationale:

- This proposed change reduces the administrative work for Senior Development Officers for minor gifts, where written agreements are unnecessary and bog down other support members of the team.
- The change also elevates the Major Gift Team to a more common industry standard across Canada (most major gifts are set at \$25k+).
- The proposal will encourage more Major Gift solicitations and make annual level gifts (under \$25k) easier to administer, with a faster turnaround time for the donor.
- This minor change is exclusively administrative and has no negative bearing on our ability to secure and/or retain gifts of varying sizes.

**University of Windsor
Board of Governors**

***4.4.2: Board Governance Workplan 2022-2023 – Update**

Item for: **Information**

Forwarded by: **Board Governance Committee**

There are two final items stemming from the 2021 Board Governance review remaining. These will now form part of the 2023-2024 Board Governance Workplan.

Governance Areas of Focus	Actions	Timeline	Update/Comments	Completed
Review of Board Committees	Request that Board Committees review their terms of reference and committee membership through the lens of ABR and EDI, and that they establish goals with identified metrics and timelines, for consideration by the Governance Committee.	Preliminary report: October 2021 Final report: Submission of external EDI review report.	Preliminary report (Oct 2021): The Governance Committee has requested that this be included in the external review of ABR/EDI. Specifically, the VP, EDI will ensure that the consultant for the external review of EDI/ABR includes in their review: 1. A review of the terms of reference and committee membership of Board Committees, through the lens of ABR and EDI; and 2. Recommended goals, with identified metrics and timelines, for consideration by each Committee and by the Governance Committee.	Preliminary Report: October 2021
Board Member Orientation and Education	Continue improvements to the New Board Member Orientation, including adding a mentoring process.	June October 2023	Mandatory new board member orientation is undergoing final revisions over the summer. Mentoring piece to be discussed.	
	Create a continuing education process for Board Members, led by internal or external facilitators, including: 1) half day Joint Senate/Board Session followed by dinner; 2) half day Board/Committee training session/retreat; 3) creation of (mandatory or optional) workshops/modules (in-person or online). Varying topics: Pension Legislation, How to read Financial Statements, etc.	June 2023	1) Board/Senate retreat and dinner (held Sept 2022; Sept 2023 in planning) 2) 2022 and 2023 January and March Board retreats held. Committee members invited as appropriate. To continue. 3) Mandatory orientation sessions for new Board members continue; New mandatory orientation sessions for new non-board members on committees developed (eg, Investment and Audit); Financial literacy training session held in March and to be repeated.	1) Completed 2) Completed 3) Completed All initiatives embedded into the board annual cycle or new member development

University of Windsor
Board of Governors

*4.5.1: **Policy on Sexual Misconduct – Revisions**

Item for: **Approval**

Forwarded by: **Board Human Resources Committee**

MOTION: That the proposed revisions to Policy on Sexual Misconduct be approved.

Rationale:

- The proposed changes are required to ensure compliance with [Bill 26, Strengthening Post-Secondary Institutions and Students Act, 2022](#), which comes into effect on July 1, 2023.
- The changes provide clearer definitions and clarity on range of employee sanctions; as well as direct reference to the Strengthening Post-Secondary Institutions and Students Act, ensuring that all are aware of the legislative provisions that apply through this Act.

See attached.

Policy on Sexual Misconduct – Proposed Revisions:

[revisions are in red and underlined]

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 *Harassment Prevention Policy* and *Violence Prevention Policy*, along with its *Workplace Harassment Prevention Program* and *Workplace Violence Prevention Program* for workers. The *Criminal Code of Canada* prohibits sexual assault, the non-consensual distribution of intimate images, 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 them.
 - Ensuring procedural fairness and/or due process to all affected parties in cases of alleged sexual misconduct.
 - 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.
 - Holding individuals who have committed an act of sexual misconduct accountable by taking disciplinary action up to and including expulsion or dismissal.
- 1.4 The University of Windsor recognizes that challenges and potential barriers may exist to disclosing or reporting sexual misconduct. Such challenges or barriers may include an individual’s concern with respect to potential repercussions if the sexual misconduct occurred in circumstances that could violate the University’s drug or alcohol use policies. The University affirms that no student who makes a good faith report or complaint with respect to sexual violence or other sexual misconduct will be subject to discipline or sanctions for violations of the University’s policies relating to drug or alcohol use.

2. SCOPE

- 2.1 This policy applies to all members of the University community, as defined herein in 4.13, – 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 also applies to all visitors, volunteers, vendors, contractors, service providers, and researchers who are: on University property, conducting University business or business with the University, or acting on behalf of the University. However, the University's ability to take disciplinary or corrective action against such individuals for an act of discrimination or harassment may be limited.

2.22.3 This policy applies in conjunction with the University's other policies and legal obligations, including collective agreements. The University will make reasonable efforts to ensure that members of the University community are aware of what policies apply to them.

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.
- 3.2 The University affirms that students who disclose their experience of sexual violence through reporting an incident of, making a complaint about, or accessing supports and services for sexual violence, will not be asked irrelevant questions during the investigation process by the University's staff or investigators, including irrelevant questions relating to the student's sexual expression or past sexual history.

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
 - Threats of inappropriate touching
 - ~~Repeated and~~ vulgar sexual comments
 - Display of pornographic or suggestive calendars, signs, posters and/or photographs
 - Non-consensual posting of intimate ~~pictures~~ images, aggressive comments or stereotypes and slurs of a sexual nature 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/or pursuit
- Sending unsolicited gifts (romantic, bizarre, sinister or sexualized)
- ‘Creeping’ via social media/cyber-stalking
- Uttering threats

In addition, Section 16.1(1)(a) of the MTCU Act defines sexual misconduct in relation to students as follows:

“sexual misconduct” means, in relation to a student of an institution,

(a) physical sexual relations with the student, touching of a sexual nature of the student or behaviour or remarks of a sexual nature toward the student by an employee of the institution where,

- (i) the act constitutes an offence under the Criminal Code (Canada),
- (ii) the act infringes the right of the student under clause 7 (3) (a) of the Human Rights Code to be free from a sexual solicitation or advance, or
- (iii) the act constitutes sexual misconduct as defined in the institution’s employee sexual misconduct policy or contravenes the policy or any other policy, rule or other requirement of the institution respecting sexual relations between employees and students, or

(b) any conduct by an employee of the institution that infringes the right of the student under clause 7 (3) (b) of the Human Rights Code to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance. (“inconduite sexuelle”)

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 **Office of Sexual Violence, Prevention, Resistance and Support** provides confidential support, referrals and assistance to individuals related to experiences of sexual misconduct (within the limits outlined by this policy). The Office of Sexual Violence, Prevention, Resistance and Support 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. As per the Criminal Code of 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 year-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 year-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 the individual 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 for failing to obtain consent and for ensuring that consent is present on a continuous basis. (*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 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 **Intimate images** means a visual recording of a person made by any means including photographic, film, or video recording in which the person is nude, exposing their breasts, genital organs or anal region or is engaged in explicit sexual activity in respect of which at the time of recording there were circumstances giving rise to a reasonable expectation of privacy and in which the person depicted retains a reasonable expectation of privacy at the time the offence is committed (*Criminal Code of Canada, section 162.1(2)*: <https://laws-lois.justice.gc.ca/eng/acts/C-46/section-162.1.html>).

4.13 **Members of the University of Windsor Community** means individuals who fall under one or more of the following categories:

4.13.1 **student**, defined as any person who is admitted to, or enrolled at the University of Windsor in any capacity, full-time or part-time, pursuing credit or non-credit-studies, including students on co-op and exchanges, regardless of whether they are currently registered in courses or are currently a candidate for a degree, diploma or certificate, including between semesters; as well as any person registered in the Schulich School of Medicine and Dentistry as agreed to by the University of Windsor and Western University.

4.13.2 **employee**, defined as individuals employed by the University of Windsor, including, but not limited to administration, faculty, contract faculty, full-time staff, part-time staff, contract staff, student staff, and post-doctoral fellows;

4.13.3 **emeriti and alumni**, engaged in activities at the University of Windsor or on behalf of the University of Windsor;

4.13.5 **coaching staff** refers to any employee or volunteer who is a coach or assistant coach for a University of Windsor team or group.

4.13.6 Members of the Board of Governors, defined as any voting member of the Board of Governors or its Committees.

4.13.7 visitors, volunteers, vendors, contractors, service providers, and researchers who are: on University property, conducting University business or business with the University, or acting on behalf of the University

4.13.8 anyone contractually obligated to comply with this Policy

4.124.13 **Nonconsensual distribution of intimate images** means the publication, distribution, transmission, sale, advertisement or otherwise making available of an intimate image when the person knows or is reckless as to whether or not the person in the image gave their consent to that conduct (Criminal Code of Canada, section 162.1(2): <https://laws-lois.justice.gc.ca/eng/acts/C-46/section-162.1.html>).

4.134.14 **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>*)

4.144.15 **Sexual harassment** is a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known to be unwelcome in the context of an educational setting or workplace setting. Sexual harassment also includes a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement, and the person knows or ought reasonably to know that the solicitation or advance is unwelcome. (*Human Rights Code, section 7: <http://www.ohrc.on.ca/en/ontario-human-rights-code> and Ontario Health and Safety Act, section 1: <https://www.ontario.ca/laws/statute/90o01>*).

4.154.16 **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>*)

4.164.17 **Survivor** is an individual who identifies their 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 them.

4.18 **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. PARTIES' RIGHTS

5.1 Rights of the Survivor

All survivors have a right to:

- Be treated with compassion, dignity and respect, including not being asked irrelevant questions during the investigation process by the University's staff or investigators, such as irrelevant questions relating to the student's sexual expression or past sexual history
- 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 Office of Sexual Violence, Prevention, Resistance and Support, campus police, or local police, subject to the limitations set out in section 6.3 of this policy.
- 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

5.2 Rights of the Alleged Perpetrator

All alleged perpetrators have a right to:

- Be treated with dignity and respect
- Be informed about on- and off-campus services and resources (as applicable)
- Be informed about the process to be followed in relation to any investigation
- Be informed of the potential consequences/repercussions of any finding of misconduct
- Participate in any investigation relating to their conduct
- Not to be considered "guilty" before the conclusion of any applicable investigation
- Waive their right to participate in any investigation relating to their conduct, in which case the University reserves the right to continue the investigation and take any appropriate action

6. CONFIDENTIALITY

6.1 Confidentiality is important to those who have disclosed or reported sexual misconduct, as well as to those who are alleged to have committed 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 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 allegation involves a worker at the University) under the *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 Office of Sexual Violence, Prevention, Resistance and Support 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 Office of Sexual Violence, Prevention, Resistance and Support will notify the President (or designate) immediately. The Office of Sexual Violence, Prevention, Resistance and Support will maintain the confidentiality of those reporting, unless circumstances exist where confidentiality cannot be assured (see section 6), at which point they would be notified.
- 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 Office of Sexual Violence, Prevention, Resistance and Support 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. Individuals who choose to forego the filing of a written complaint must understand that, subject to section 6.3 of this policy, the absence of a finding of wrongdoing against the alleged perpetrator may limit some of the possible accommodations that can be provided.

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, ~~and~~ policies, and collective agreement, 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 Office of Sexual Violence, Prevention, Resistance and Support 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 Office of Sexual Violence, Prevention, Resistance and Support 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 Office of Sexual Violence, Prevention, Resistance and Support 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, subject to section 6.3 of this policy, the absence of a finding of wrongdoing against the alleged perpetrator may limit some of the possible accommodations that can be provided.

7.4 **Right to Withdraw a Complaint**

- 7.4.1 Survivors and bystanders have the right to withdraw their 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~~ Complaint processes will follow due process and~~The University of Windsor shall~~ be guided by the principles of fairness ~~in dealing with all complaints~~ and natural justice. 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 bylaw, policy, and collective agreement. As such, no sanction or disciplinary action will be taken against alleged perpetrators without their knowledge. Procedures for addressing complaints are provided through various University bylaws, ~~and~~ policies, and collective agreements, depending on who is involved (these are listed in section 13). Alleged perpetrators who choose not to respond to the allegations made against them or choose not to participate in the investigation process may find themselves the subject of sanctions or other appropriate actions without further notice.

~~8.18.2~~ Where employees have been found to have engaged in Sexual Misconduct sanctions or disciplinary action may include the following: requiring additional education on sexual violence with proof of completion, limiting hours or imposing restrictions (e.g., not to be alone with students), suspension – with or without pay, termination for cause. This list is not exhaustive but shows that a wide range of disciplinary action will be considered.

~~8.3~~ 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.

~~8.28.4~~ All matters relating to employee sexual misconduct will be compliant with the Strengthening Post-Secondary Institutions and Students Act and any other relevant legislation.

~~8.38.5~~ **Protection from Reprisals, Retaliation or Threats**

~~8.3.18.5.1~~ 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, the *Human Rights Code*, or the *OHSA*;

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

~~8-3-28.5.2~~ 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).

8-48.6 Vexatious Complaints

~~8-4-18.6.1~~ 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.

8-58.7 Multiple Proceedings

~~8-5-18.7.1~~ 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 and is not bound by the decision of any other court or administrative tribunal. 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 Office of Sexual Violence, Prevention, Resistance and Support, 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~~ urges all members of the community to intervene to prevent sexual misconduct if they are able to safely do so. 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/300/resources>
 - OFF-CAMPUS SUPPORTS AVAILABLE
<http://www.uwindsor.ca/sexual-assault/300/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, overseen by the Office of Sexual Violence, Prevention, Resistance and Support, 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 Strengthening Post-Secondary Institutions and Students Act \(2022\) - outlines expectations surrounding employees sexual misconduct against students. \(https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-26\)](https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-26)

~~12.1.~~[12.1.2](http://laws-lois.justice.gc.ca/PDF/C-46.pdf) Relevant sections of the *Criminal Code of Canada* (<http://laws-lois.justice.gc.ca/PDF/C-46.pdf>):

- voyeurism (section 162)
- nonconsensual distribution of intimate images (Section 162.1)
- 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.~~[212.1.3](http://www.ohrc.on.ca/en/ontario-human-rights-code) 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~~12.1.4 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~~12.1.5 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:

- Collective Agreements between the University of Windsor and its staff and faculty
- Human Rights Policy
- Harassment Prevention Policy
- Policy on Intimate Personal Relations
- Procedures for Addressing Student Non-Academic Misconduct
- 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~~

~~13.3~~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 Office of Sexual Violence, Prevention, Resistance and Support for information, guidance and assistance.

The alleged perpetrator is a student	Human Rights Policy Procedures for Addressing Student Non-Academic Misconduct 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 <i>[Some of the above apply to specific employee groups only]</i>
The alleged perpetrator is any other person	Contact the Office of Sexual Violence, Prevention, Resistance and Support for information, guidance and assistance

~~13.4~~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 Office of Sexual Violence, Prevention, Resistance and Support 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.

~~13.5~~13.4 The Office of Sexual Violence, Prevention, Resistance and Support 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

4.8.1: **2023-2024 Capital Budget**

Item for: **Information**

Forwarded by: **Board Resource Allocation Committee**

See attached.



University
of Windsor

Annual Capital Budget

2023-2024

Annual capital budgeting is a critical step in ensuring that we are maximizing the use of our assets today and protecting our infrastructure as well as our financial sustainability for years to come. The 2023/24 Capital Budget for the University of Windsor (UWindsor) charts \$12.7 million in strategic investments to support our academic and research missions and take action against deferred maintenance.

I. OVERVIEW OF CAPITAL BUDGETING PROCESS

UWindsor has maintained a strategy to establish capital priorities which generate annual capital budgets as well as major capital projects across three categories: **Repair & Renovate, Build or Acquire, and Demolish.**

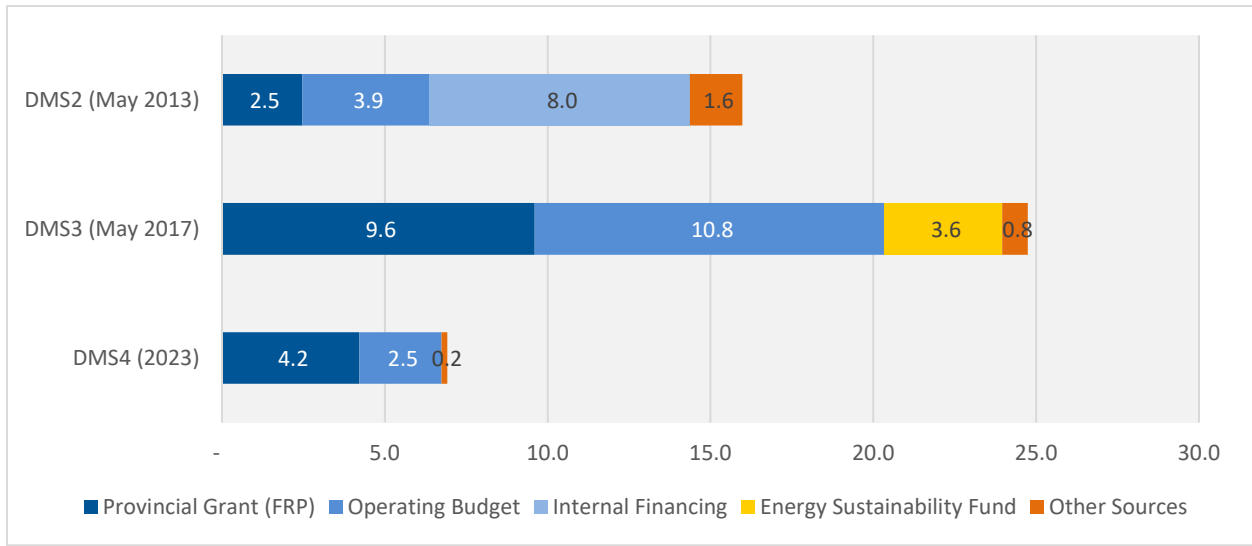
Repair and Renovate

Annually, between \$4 to \$8 million of minor repairs and renovations are conducted by the Department of Facility Services and funded through the Facility Services annual budget, or by the Department/Faculty who resides in the space. Spending by the ancillary services, including residence services, as well as investments in capital funded by research grants are outside and incremental to this amount.

Beyond these minor repairs, UWindsor continues to maintain a **deferred maintenance strategy (DMS)** where strategies are organized into tranches, with each tranche funded over approximately five years, and project expenditures incurred over typically seven to eight years depending on the nature of the work being conducted and availability of contractors. As a result of investment by the Board in base operating funding for deferred maintenance initiated in 2016/17, for DMS3 the University was able to transition to a “pay as you go” approach to the tranches, which has resulted in no internal or external financing required to fund deferred maintenance.

The DMS3 tranche concluded in 2022/23, just slightly under budget (\$25 Million). As part of the Capital Budget 2023/24, a new tranche – DMS4 – will commence. DMS4 is a planned \$30 Million strategy expected to span five fiscal years, however this may be adjusted depending on MCU support through the Facility Renewal Projects (FRP) Fund.

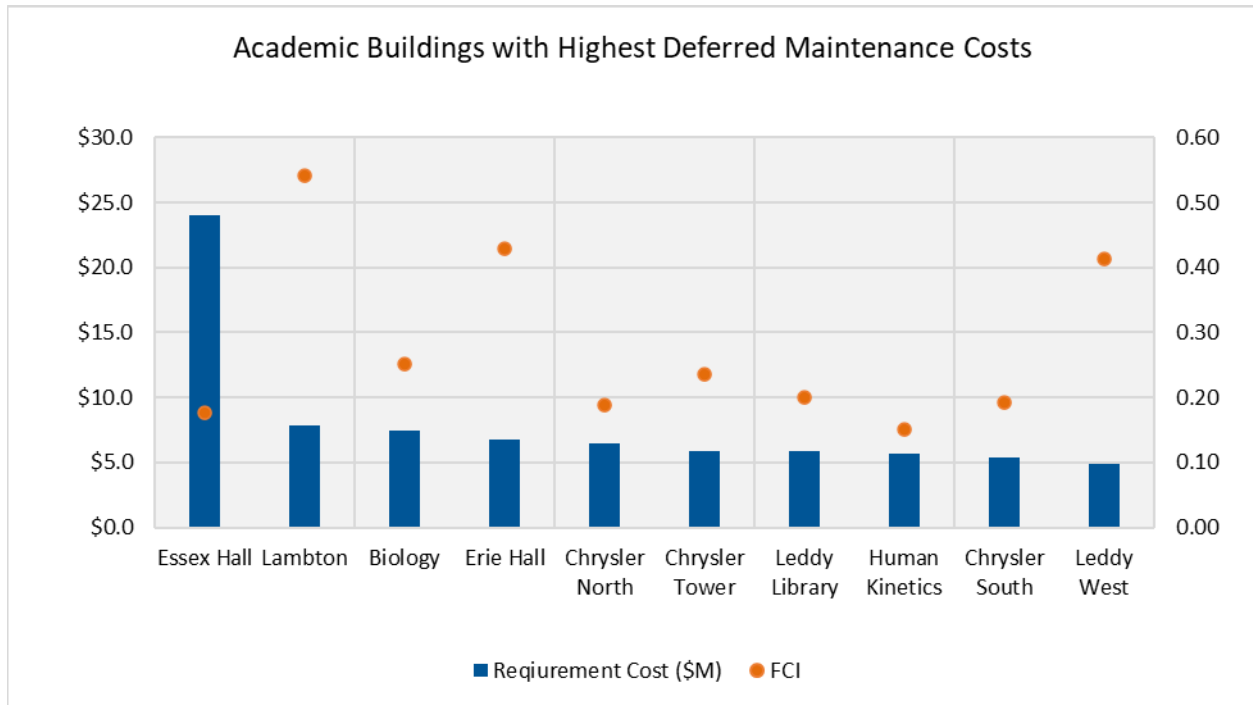
Figure 1: DMS2, 3 and 4 Strategies – Funding Retrospective (May 1, 2013, to April 30, 2024) (in millions)



For determining which projects are funded through the deferred maintenance strategy, UWindsor reviews and revises its long-range capital plan under the direction of the Associate Vice-President, Operations and respective teams, in collaboration with Finance. The long-range capital plan charts a course for planned repairs, maintenance, and significant projects to existing buildings and infrastructure.

The primary driver informing much of the long-range capital plan for building assets is the condition assessment performed by FCAPx, which was recently transitioned from previous provider (VFA). FCAPx, through the Council of Ontario Universities (COU), maintains a common reporting tool to track the condition of university facilities across Ontario universities. These condition assessments are based on a hands-on periodic review of identified university buildings which inform the institution of the replacement value of the building, as well as the projected cost of the deferred maintenance items that are outstanding. The deferred maintenance costs outstanding do not include information technology related costs. When the cost of the deferred maintenance outstanding is divided by the replacement value of the building, that produces an “FCI Index.” Historically for academic buildings, UWindsor strives to maintain an FCI Index no higher than 0.18. As of the most recent review (2022), the FCI Index for these buildings was 0.15. We are working with the new provider, FCAPx, on a plan to update the assessments for all buildings on campus, and to review our current goal, when reflecting on best practices within the sector.

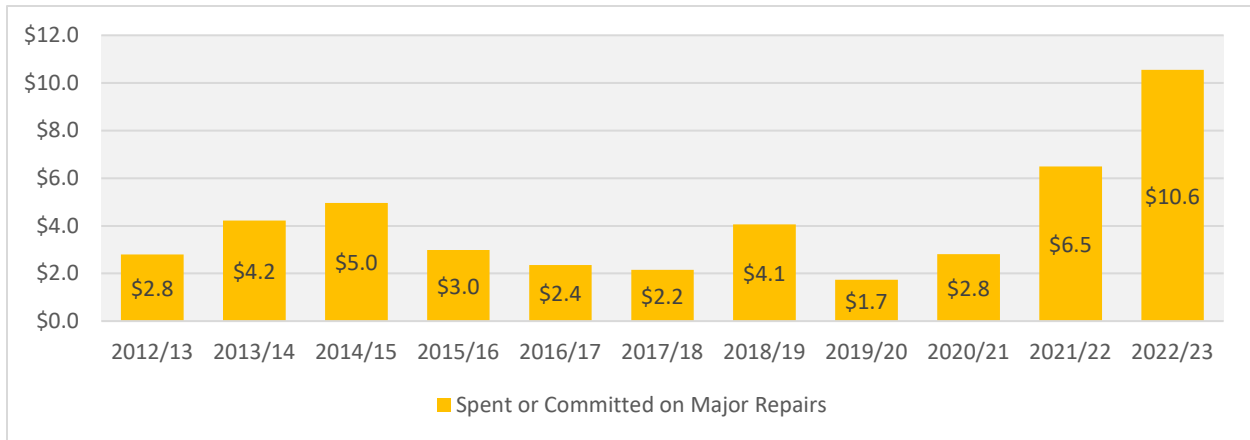
Figure 2: Highest Deferred Maintenance (Requirement) Costs Outstanding (Top Ten Buildings)



Outside of our formal long-range capital plan, the broader UWindsor Operations team works closely with faculty partners who bring forward major renovation projects for consideration along with funding strategies. For example, a faculty may choose to renovate an academic space using donor funds. These projects tend to be more ad hoc and based on availability of excess operating budget funds (faculty specific reserves), specific grant opportunities and/or interest from a donor in supporting a capital initiative and are therefore not typically included in the long-range capital plan.

Over the last ten years, an investment of over \$42.7 million was made into major repairs or renovations to address deferred maintenance on campus. Of that amount, \$16 million, or approximately 37% of the value of the projects completed were funded by the Province of Ontario’s FRP grant. There was a significant increase in DMS spending in fiscal 22/23 which is attributable to the University’s investment in a new dual electric chiller (as approved by the Board in February 2023), which is both a deferred maintenance and an energy sustainability initiative. The costs will be extended into next fiscal year while installation continues. The project will result in significant energy savings and allow the University to be well on the way to a net zero carbon impact by 2050.

Figure 3: Ten Year Retrospective of Deferred Maintenance Spending (in Millions)



Build or Acquire and Demolish

As part of UWindsor’s s asset optimization framework, the Space Planning Committee, chaired by the Provost, continuously reviews space needs and constraints on campus. The Space Planning Team from Facility Services, along with the Registrar’s office, provide data to inform and resources to support this process. This evaluation provides key insight into where there are requirements for incremental space to accommodate growth, and similarly, which buildings are under utilized.

The building or acquisition of new buildings as well as demolition are decisions made in alignment with our Campus Master Plan, our long-term view of our physical campus. All projects more than \$2.5 million are brought forward, along with business and funding plans, for approval by the Board of Governors.

During 2023/24, the institution’s focus in the Build/Acquire categories will be on major projects already approved by the Board, including the Residence West Transformation Project (slated for tender in Summer 2023, and a Fall 2024 substantial completion of the WECHU components of the project). Included in the Capital Budget 2023/24 is a \$2 Million project for the fit out of the 3rd floor of Residence West as the UWindsor Student Counselling Centre.

There are no planned demolitions at this time.

II. ENVIRONMENTAL SUSTAINABILITY FUNDS

Historically, UWindsor employed a strategy whereby in-year savings in the utilities budget would be re-invested in energy saving projects on campus. In fiscal 2020/21, with the introduction of the new Activity-Based Budget Model, UWindsor formalized this strategy in the budget through the Energy Sustainability Reserve, a fund which has reached \$1.9 Million in base funds available in fiscal 2023/24.

In the first seven years of the strategy (2016/17 to 2022/23), we have invested \$13.0 million in energy saving initiatives, primarily lighting and HVAC retrofits. For the Capital Budget 23/24 we have planned for another \$2.0 million in spending under this category, primarily focused on improved metering and re-commissioning activities as recommended in consultation with Stantec, who is UWindsor's partner in the ongoing development of the campus Net Zero Carbon Master Plan. As the report is finalized (target Fall 2023), we expect to continue to strategically build on this strategy as we chart our course towards meaningful reductions in our carbon footprint on campus.

III. CLASSROOM UPDATES AND AV/IT EQUIPMENT RENEWAL

A final major area of focus for the capital budget each year is the continued investment in the renewal of classrooms, as well as the modernization of AV/IT in teaching and learning environments. UWindsor continues to utilize the established process that exists for the prioritization of classrooms for the purpose of renovation. Since the process was launched in 2016, ten classrooms have been renovated (a total spend of over \$10.4 million), including brand new technology, through the deferred maintenance strategy funds. The prioritization process continues to include criteria such as student feedback, accessibility, state of physical classroom and the state of the AV/IT/wifi in the classroom.

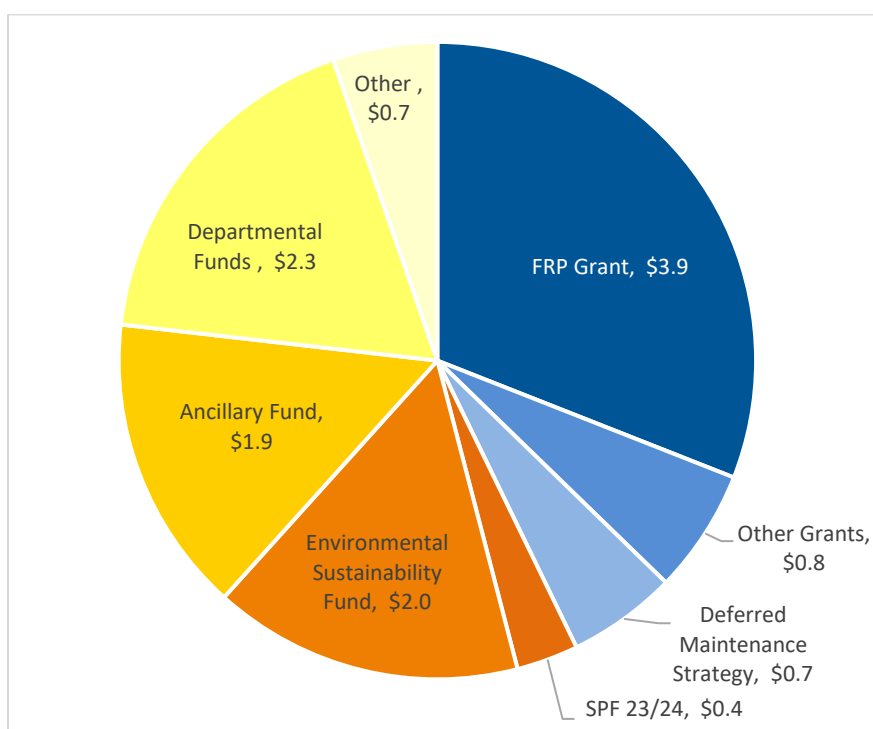
For AV/IT equipment on campus, a comprehensive project that encompassed major updates to technologies in several campus classrooms, along with targeted wireless network enhancements was completed in the post-COVID era to support UWindsor's return to campus plan. Through MCU the COVID-19 funding and "TERF" (Training Equipment and Renewal Fund) programs more than 30 additional classrooms have been upgraded to support collaborative and hyflex learning, and upgrade nursing computing labs to support achievement of accessibility and micro-credentialing requirements.

In early 2023, MCU indicated that it plans to hold a third TERF competition for fiscal 2023/24. Details are not yet known, however should such a competition be held, UWindsor will plan to apply for the maximum project size of \$1 Million.

IV. CAPITAL BUDGET 23/24: SOURCES OF FUNDING

The capital budget for 2023/24 of \$12.7 million will be funded through a variety of government, operating budget, and non operating budget sources. In total, over \$4.4 million in grant funding from various sources is planned, with \$3.9 million of that amount already awarded by the funding agency.

Figure 4: Capital Budget 2023/24 Sources of Funding (in Millions)



The Operating Budget of the institution supports the capital budget in four ways:

1. **Strategic Priority Fund (SPF) 2023/24** – projects that directly align with the strategic priorities approved by the Board of Governors can be funded via the SPF. These projects are reviewed and endorsed by the Executive Leadership Team before proceeding to the planning phase.
2. **Deferred Maintenance Fund** – for the 2023/24 fiscal year, the Board approved a total annual allocation of \$2 million for deferred maintenance. Since these projects can span over several fiscal years, from year to year, the amount of projects planned can be lower or higher than the annual investment from the operating budget.
3. **Environmental Sustainability Fund** – for the 2023/24 fiscal year, the Board approved a total annual allocation of \$1.9 million to this Fund.
4. **Departmental Funds** – for this Capital Budget, the majority is earmarked from Student Counselling Services (\$1.5 Million), which has been earmarking student compulsory fees for the intention of investment in the new Student Counselling Centre. The other large contributor to this category is IT Services.

V. CAPITAL BUDGET RISK ASSESSMENT

UWindsor is monitoring several risks associated with capital asset management and optimization when reviewing the implementation of the capital budget, including:

<i>Rising costs and lead times for construction</i>	The capital plan has been prioritized in a way that will allow us to defer specific projects forward by a year if the budget pressures or supply chain delays are too extreme, as long as external funding is not threatened.
<i>Lack of government funding opportunities for major projects</i>	While there has been an increase in the FRP grant and small to mid-sized funding opportunities are occasionally available, the last major capital funding opportunity by the Federal or Provincial governments was announced in 2016. It is unclear how the government will prioritize investment in physical assets on campus, which could increase the pressure on deferred maintenance.
<i>Environmental sustainability and the race to net zero</i>	Environmental sustainability must be a priority for UWindsor and our society. While we are still preparing our path towards net zero (expected by Fall 2023), it is important that projects currently underway prioritize environmental sustainability and focus on reduction of our carbon footprint.

VI. CAPITAL BUDGET 23/24 - PLANNED PROJECTS

VI. CAPITAL BUDGET 23/24 - PLANNED PROJECTS													
Projects Planned to Start in 23/24 (In excess of \$100K)	Building (3)	Estimated Project Cost (\$'000)	UWindsor Priority Area							Planned Funding Mechanism			
			Student Experience	Teaching and Learning	Research	Environmental Sustainability	Safety and Regulatory	Inclusiveness	Grants	Deferred Maintenance Fund	Environmental Sustainability Fund	Other	
Information Technology Services Projects													
HyFlex Learning Investment - Phase 3 (TERF)	Various	\$1,000	x	x					x	x (1)		x	
AV and Wireless Upgrades - Annual Program	CAW, DH, Edu, Essex	\$125	x	x								x	
Total ITS Projects		\$1,125											
Major Capital Projects (in excess of \$1.5M)													
Fit out of Student Counselling Services Office	Res West	\$2,000	x						x			x	
Total Major Capital Projects		\$2,000											
Deferred Maintenance Projects													
Classroom Renovation: Essex Hall 186	Essex	\$1,200	x	x						x			
Building Card Access Transformation Phase 1	Various	\$950	x	x	x				x	x			
Roof Replacements - Annual Investment Program	3000, ASU, Essex	\$1,100		x	x			x		x			
Leddy Main Air Handling Replacements	Leddy	\$180	x				x	x		x			
Downtown Campus Safety	Armouries	\$200	x	x				x	x	x			
Armouries Mortar Repairs - Room 104	Armouries	\$250	x	x				x		x			
Stadium Joint Leak Repairs	Stadium	\$350	x					x			x		
Turbine Infrastructure Preservation Plan (IPP)	ECC	\$375					x	x		x		x	
Chiller IPP	CRP/HK/WH/ECC	\$90					x	x		x		x	
Boilers IPP	ECC	\$75					x	x		x		x	
Cooling Tower IPP	ECC/HK/Odette	\$50					x	x		x		x	
Total Deferred Maintenance Projects		\$4,820											
Other Projects													
Nursing Sim Lab	HEC	\$300	x	x	x							x	
Leddy West refresh	Leddy	\$150	x	x	x							x	
Campus Branding, Wayfinding	Various	\$150	x					x	x			x	
Campus camera safety upgrade project (Phase 2)	Various	\$250	x					x				x	
Total Other Projects		\$850											
Ancillary Deferred Maintenance Projects													
Alumni Hall Wall Coverings	ALU	\$500	x								x		
Mechanical room venting - preventative maintenance	ALU	\$60	x								x		
Residence exterior maintenance	Residence	\$90	x				x				x		
Kitchen cabinet upgrades	Residence	\$200	x								x		
Wireless upgrades	Residence	\$200	x								x		
Maintenance Upgrades (booster pumps, drip pan, etc)	Residence	\$150	x				x				x		
Air handling pre-heaters	Residence	\$100	x				x				x		
Stadium Parking Lot	Stadium Lot	\$625	x					x				x	
Total Ancillary Deferred Maintenance Projects		\$1,925											
Environmental Sustainability Projects													
Metering Replacements	Various	\$100	x				x					x	
Memorial and Essex HVAC Controls Phase 2	GLIER, MH	\$150	x	x			x	x		x			
Commissioning and recommissioning	Various	\$400					x					x	
Solar PV Planning	Various	\$50					x					x	
Living Wall Refurbishing	CEI/HEC	\$300					x					x	
Dillon Lighting Project	DH	\$200					x					x	
Stadium Lighting Project	Stadium	\$800					x					x	
Total Environmental Sustainability Projects		\$2,000											
Capital Budget 23/24 Total		\$12,720											
Notes:													
(1) outcome of grant application not yet known													
(2) Project completion estimated January 2025 (Total Project value \$22.5M)													
(3) Building Shortform Legend: 300 O - 300 Ouellette Ave; CAW - CAW Student Centre; CEI - Centre for Engineering Innovation; CHN - Chrysler Hall North; CHS - Chrysler Hall South; CHT - Chrysler Hall Tower; CRP - Central Refrigeration Plant; DH - Dillon Hall; Edu - Education Building; Essex - Essex Hall; MH - Memorial Hall; Asu - Assumption; HK - Human Kinetics Building; LW - Leddy Library West; PG - Parking Garage; TLC - Toldo Lancer Centre; HEC - Health Education Centre; ALU - Alumni Hall													

**University of Windsor
Board of Governors**

4.8.2: **2023-2024 Cash Flow Budget**

Item for: **Information**

Forwarded by: **Board Resource Allocation Committee**

Rationale:

- The provision of the Cash Flow Budget to the Board addresses recommendation 4 of the Auditor General of Ontario's Report which states that the Board be provided with "the university's projected cash flows from operations, financing, and capital purchasing activities to inform the Board on the impact of each activity on the university's resources."
- See attached Memo dated June 15, 2023, Cash Flow Budget – Fiscal 2023-2024.



Finance Department

401 Sunset Avenue, Windsor
Ontario, Canada N9B 3P4
www.uwindsor.ca/finance

To: Members of the Board Resource Allocation Committee and Board of Governors

From: Vincent Yeung, AVP Finance

Date: June 15, 2023

Subject: **Cash Flow Budget – Fiscal 2023-2024**

As recommended by the Auditor General of Ontario in her report (November 2022), the University administration has prepared the attached cash flow budget for the 2023-2024 fiscal year. The cash flow budget incorporates information from the 2023/24 Operating Budget, 2023/24 Ancillary Services Budget, 2023/24 Capital Plan, and other material items that are expected to impact our cashflows during the fiscal year. Key items of note include:

Operating Cash inflows: \$11.5M

In April 2023, we presented a balanced budget for fiscal year 2023-24; key items from Appendix A of the Operating Budget have been included within the Operating Activities section. The forecasted profit of \$1.2M for Ancillary Services is included within the “Investment Income & Other (including Ancillary Services)” line.

Within the Operating Budget, we included expenses of approximately \$10M for various strategic reserves (e.g. For the Future Fund, Energy Sustainability Reserve, Pension Stabilization Reserve). Amounts related to reserves are presented as an operating cash inflow for the cashflow budget. Where applicable, planned expenditures will be shown below as part of the Investing Activities section, e.g. capital expenditures funded via the Energy Sustainability Reserve.

Financing Cash outflow: \$2.3M

These are principal repayments on our long-term debt on our TD and BMO loans. Interest payments on long-term debt are shown as part of our operating cashflows.

Investing Cash outflow: \$26.2M

Capital expenditures in fiscal 2023-24 are forecasted to be \$33.1M. Offsetting some of the expenditures are expected inflows from Facility Renewal grants and other grants of \$4.9M.

Overall, activities planned for 2023-24 fiscal year will result in a decrease of \$17.0M in our cash and working capital investments balances. Our cash and working capital balances remain strong at \$218M as at April 2023.

UNIVERSITY of WINDSOR
2023-24 Cash Flow Budget

	(\$000s)	
Operating Activities		
Student Academic & Incidental Fees	237,874	
Government Grants	100,128	
Investment Income & Other (including Ancillary Services)	8,555	
Salaries & Wages	(207,700)	
Pension & Benefit Costs	(48,500)	
Utilities	(11,350)	
Interest on long-term debt	(8,500)	
All Other Operating Expenses	<u>(59,050)</u>	
		11,457
Financing Activities		
Principal Repayments on long-term debt	<u>(2,302)</u>	
		(2,302)
Investing Activities		
Capital Expenditures	(33,075)	
FRP & other grants	4,900	
Other	<u>2,000</u>	
		(26,175)
Net change in Cash and Working Capital Investments		(17,020)
Cash & cash equivalents, and Working Capital Investments, beginning of year		<u>218,151</u>
Cash & cash equivalents, and Working Capital Investments, end of year*		<u>201,131</u>

* Ending balance includes \$68M of cash & working capital for externally funded research grants, trusts, and restricted donations

Board Approved Capital Projects > \$2.5M

Transforming Windsor Law

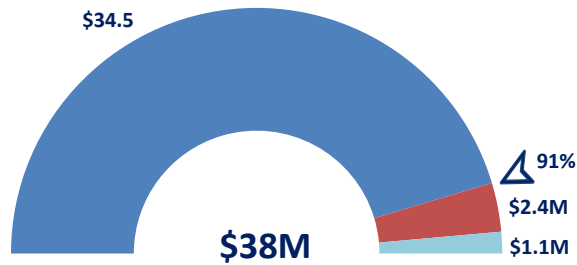
Board Approval Date: November 2020

Substantial Completion Date: June 2023*



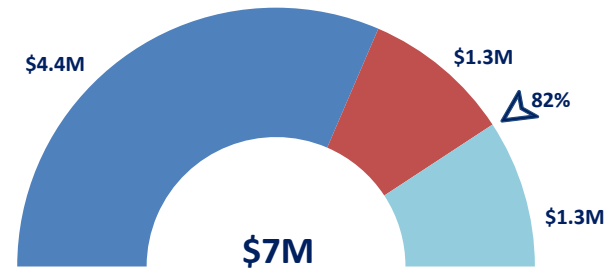
Total Project Spend*

* to April 30, 2023



- Actual Spend
- O/S Commitments
- Available Funds
- ✓ On Budget
- ✓ On Schedule**

Status of Fundraising



- Donations received
- Pledges
- Outstanding

** the metrics for this project have been updated following the April 2023 board approval of budget increase

Funding Sources	Approved	Status	Notes
1. External Financing	\$13M		Series B debenture in place
2. Windsor Law One time cont'n	\$1.5M		Contribution of \$1M from Windsor Law received 2019/20
3. Fundraising	\$7M		See details below
4. One Time Central Cont'n	\$2.1M		One-time contribution in place
5. Deferred Mtnc Fund	\$.9M		To be funded over 3 years from Deferred Mtnc Fund; Funds received
6. External Financing	\$13.5M		Series C debenture in place

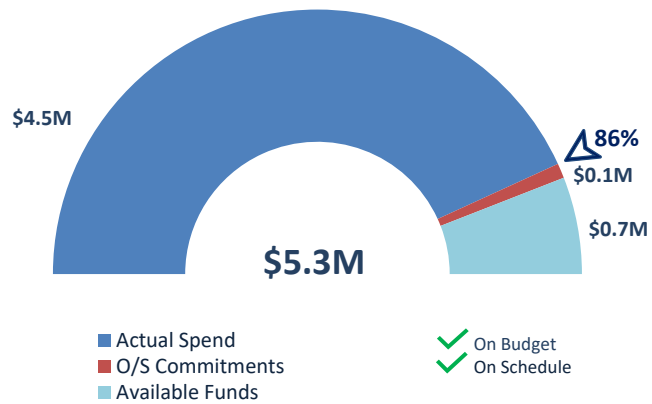
CEI - Charge Lab

Board Approval Date: December 2021

Substantial Completion Date: Summer 2023

Total Project Spend*

* to April 30, 2023



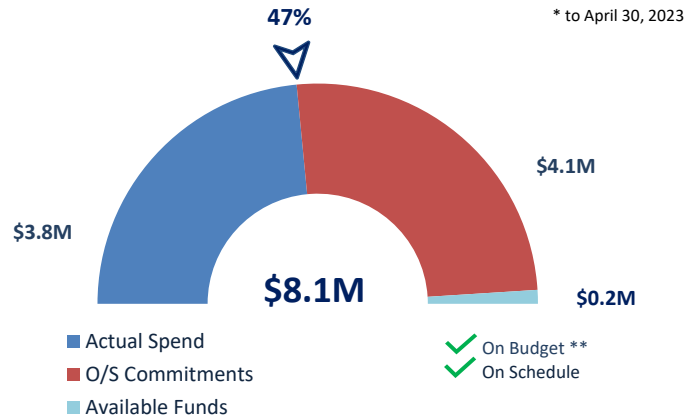
Funding Sources	Approved	Status	Notes
1. Faculty of Engineering	\$5.3M		In March 2022, the project scope was changed by the Dean of Engineering who has committed the Faculty of Engineering to fully funding the project with one-time funds currently available for this purpose.

Capital Projects Quarterly Report
to April 30, 2023

Chiller Replacement

Board Approval Date: December 2021
Substantial Completion Date: Summer 2023

Total Project Spend*



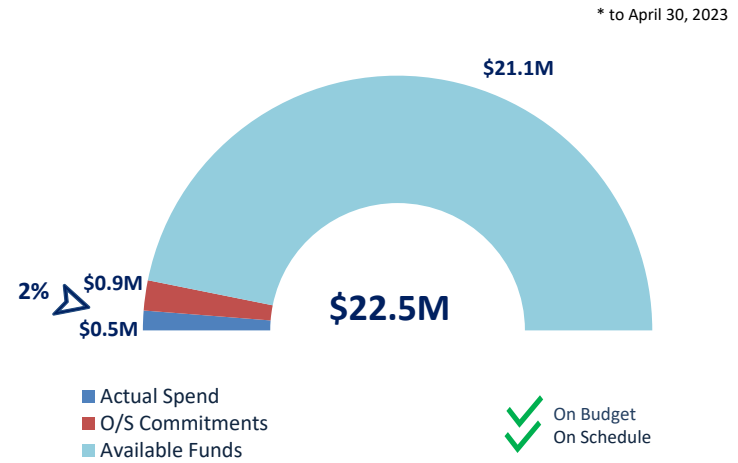
** the metrics for this project have been updated following the February 2023 board approval of budget increase

Funding Sources	Approved	Status	Notes
1. Internal financing	\$2.7M		Deferred Maintenance Strategy including \$1.7M from Facilities Renewal Government Grant
2. One-time contribution from Operating funds	\$3.6M		(Energy Projects Fund – generated from utility savings); funds currently available
3. Energy Sustainability Fund	\$1.6M		Contribution from Energy Sustainability Annual Funding Strategy
4. External incentive	\$0.2M		Enbridge incentive

Residence West

Board Approval Date: January 2023
Substantial Completion Date: January 2025

Total Project Spend*



Capital Projects Quarterly Report
to April 30, 2023

Active Projects with a Budget of \$1.5M - \$2.5M

Project Name	Budget	Expenditures and O/S Purchase Orders	Notes
HK_2022_Accessibility Ramp	\$2.3M	\$0.1M	<p>Project Status - \$720K funded from Enabling Accessibility for mid-sized projects Federal program. Construction began May 2023.</p> <p>Substantial completion - June 2024</p> <p>Funding Source - DMS4 \$1M, Central One-Time \$500K & Enabling Accessibility Grant \$720K</p>
Essex Hall_2023_Classroom 186_Renovation	\$1.8M	\$0.2M	<p>Project Status - Low bidder for seating has closed. Includes renovation to corridor and new universal washrooms.</p> <p>Substantial completion - August 2023</p> <p>Funding Source - DMS4 - FRP 2023/24</p>
TERF_2023_Campus Classroom Renovations	\$1.8M	\$0.8M	<p>Project Status - 50% gov't funded. Supply chain restraints with delivery of AV. Gov't is on board with financing arrangements (payment to be made for 50% of AV as a down payment) and 8 classrooms chosen (2 HK, 2 Odette, 2 HEC, MEB, EH).</p> <p>Substantial completion - December 2023</p> <p>Funding Source - TERF2022/23 & UW</p>

University of Windsor
Board of Governors

4.8.4: **Capital Debt Policy**

Item for: **Approval**

Forwarded by: **Board Resource Allocation Committee**

MOTION: That the Board of Governors approve the proposed Capital Debt Policy.

Rationale:

- The proposed policy addresses recommendation 1 of the Auditor General of Ontario's report, which states that there should be a Board-approved Capital Debt Policy. Debt limits established pursuant to this policy would be monitored and adhered to by the Board regularly.
- The 2016 Board resolution on capital projects approval thresholds has been incorporated into Appendix A, with one revision which allows for the President to delegate approval of projects under \$2.5m. If approved, this policy will supersede the 2016 resolution.

See attached.

Policy Title: Capital Debt Policy

Policy Number:

Date Established: June 2023

Office with Administrative Responsibility: Office of the Vice-President, Finance and Operations

Approver: Board of Governors

Revision Date(s):

1.1. Purpose & Scope

Capital projects and other long-term university priorities require a combination of funding sources including internal funding, external debt, donations and gifts, future revenue streams, and grants. External debt is an integral component of the University's overall capital structure.

The purpose of this policy is to ensure that the University has a robust debt management and monitoring review process. The policy will provide credit rating agencies, the holders of University debt, and other external stakeholders, with comfort that the University has a disciplined approach to managing its long-term debt obligations.

This policy assists in ensuring that debt is used strategically to support the University's mission and strategic objectives.

In order for the University administration to preserve the overall financial health and credit worthiness of the University, the University and Board of Governors (Board) will monitor and manage its long-term debt obligations, and, develop and update its strategies to refinance and/or repay its obligations as they become due. The University will obtain Board approval to use debt to finance long-term capital projects, including ancillary capital projects.

Long-term debt should be used to fund long term assets for the institution, generally land and buildings. The University will not use long-term debt to finance operations.

1.2. Objectives

The objectives of this Policy are to:

- ensure that debt is used prudently to meet the mission and strategic objectives of the University;
- align the strategic use of debt with the University's investment policies in order to manage the overall cost of capital, minimize long-term costs for debt service, and ensure the overall level of risk does not exceed acceptable levels;
- consider the University's assets, liabilities and market conditions when evaluating different debt strategies and instruments;
- ensure that the University maintains access to capital markets; and,
- guide ongoing relationships with the rating agencies, bond purchasers and other external constituents by communicating the financings strategies undertaken by the University.

1.3. Responsibility

University administration has the authority to implement financing plans and external debt financing transactions approved by the Board consistent with this Policy. University administration shall compile and report the policy ratios listed below (described under Section 3. Policy Ratios) to the Board at least on an annual basis.

University administration will also compile the specific debt covenant calculations required by external lenders and the Ontario Ministry of Colleges and Universities and provide summary reports to the Board (through its Committees) at least on an annual basis. Such reports shall include actual results based on the University's audited financial statements.

The Board is responsible for the approval of financing strategies and major capital projects (Appendix A) and reviewing the University's debt management strategies and compliance with ratios on an annual basis.

1.4. Frequency of review

The Debt Policy shall be reviewed at least every three (3) years as may be required due to changing conditions which may include, the financial situation of the University, changing market conditions for long-term debt, changing legislation, or other similar circumstances.

2. Policy Statement

Capital borrowing will be undertaken by the University administration only following approval of the financing strategy by the Board of Governors. Such approval shall include the debt vehicle to be used (debentures, term loans, etc.), the repayment period, expected cost of debt, and the potential impact of the financing strategy on the institution's operating budget, MCU metrics and on credit ratings. When the financing strategy proposed involves a delayed principal repayment (in the case of debentures), a principal repayment strategy will be provided.

The University will seek to borrow funds from the lowest-cost source of financing available from a Schedule 1 Canadian Financial Institution, as defined in the Bank Act.

Surplus internal funds may be advanced to finance projects until external financing is obtained. Surplus debt not yet deployed will be invested in accordance with the Statement of Investment Policies and Procedures for the Working Capital Funds of the University of Windsor.

The University will obtain at least one (1) credit rating from an independent credit rating agency annually.

3. Policy Ratios

University administration will calculate the following debt related ratios, and propose long-range institutional targets for the ratios annually to support the Board in evaluating the university's borrowing capacity and compliance with this policy. The ratios will be reviewed on a one-year, as well as a three (3) year rolling average basis.

VIABILITY RATIO = Expendable Net Assets / Long-term Debt

- Expendable Net Assets include unrestricted surplus/(deficit), internally restricted net assets, and internally restricted endowments, adjusted for the non-cash component of employee future benefits
- Long-term debt is the amount of external debt as presented on the University's financial statements (excluding the current portion of long-term debt; net of Externally Restricted Sinking Fund investments held for the series A debentures)

For comparability purposes with other institutions, the Viability Ratio will also be calculated by adjusting for the Externally Restricted Sinking Fund investments; whereby the amount of investments are added back to both the Expendable Net Assets and Long-term Debt defined above.

Viability ratio is an indicator of an institution's financial health, as it provides an indication of the funds on hand that can be used should an institution be required to settle its long-term obligations.

INTEREST BURDEN RATIO = Total Interest Expense / Total Operating Expenses

- Total Interest Expense is defined as all annual interest payments
- Total Operating Expenses are total University expenses less amortization

Interest burden ratio is a measure of debt affordability that compares the level of current debt service with the institution's total expenses. It examines the percentage of total expenses used to cover an institution's cost of servicing its debt.

DEBT PER FULL TIME EQUIVALENT (FTE) = Total Debt / Total Student FTE

- Total debt is the amount of external debt as presented on the University's financial statements (including current & long-term portions, net of Sinking Fund investments held for the Series A debentures)
- Total Student FTE is calculated as the sum of Fiscal Full-Time Equivalent (FFTE) undergraduate students and Full-Time Equivalent graduate students for an academic year.

This metric is commonly used by other universities and credit rating agencies as an easy comparator for the industry. Please note that the metric is not an indicator of the University's ability to service its debt obligations.

The policy ratios are not to be considered as legal covenants for the purposes of the underlying debt instruments or borrowing commitments.

On an annual basis, the Board or its delegated Committees will review the University's debt management, which will include the following:

- A review of the University's debt rating, as provided by debt rating agencies
- A review of the University's debt rating as compared to other universities
- The financial metrics outlined in this policy
- The balances of the university's internally and externally restricted sinking funds

4. Appendices

- Appendix A: Major Capital Project Approval Guidelines

5. Cross-references

- [Statement of Policies and Procedures for the Working Capital Funds of the University of Windsor](#)

Appendix A: Major Capital Project Approval Guidelines

When proposing a major capital project, including those for the ancillary or research funds of the institution, University administration will apply the guidelines as follows:

Project Materiality

- Projects under \$2.5 Million require the approval of the President or delegate.
- Projects with a total capital cost (including non-refundable HST) in excess of \$2.5 Million are considered Major Capital Projects, and will be brought to the Board for approval, on the recommendation of the Resource Allocation Committee.
- Projects ranging from \$1.5 Million to \$2.499 Million are to be brought to the Board, through the Resource Allocation Committee, for information annually through an Annual Capital Plan.
- When a Board-approved project has exceeded its budget by a material amount, University administration will seek approval for an amended project budget amount.

Project Approval Components

The components of an approval for a major capital project shall at minimum include:

- Project overview, including scope of work, timeline, and expected outcomes
- Project governance structure
- Capital budget
- Business case, including qualitative and quantitative assessment
- Financing and funding strategy (including advancement support plans)
- Impact on the institutional operating budget
- Risk assessment

The funding strategy for all major capital projects is expected to include a component of advancement support. Where support from advancement is set at less than 15% of the total project value, University administration will provide a rationale.

Project Monitoring

The Board (through its Committees) will be updated on capital project progress not less than semi-annually.