

BOARD OF GOVERNORS

The material contained in this document is the Agenda for the next meeting of the Board of Governors.

Tuesday, September 29, 2020 at 4:00 p.m.

Via ZOOM Web Conference

OPEN SESSION

Please send regrets by email to shelley.foster@umanitoba.ca, no later than 9:00 a.m. on the day of the meeting.

OFFICE OF THE UNIVERSITY SECRETARY



**University
of Manitoba**

BOARD OF GOVERNORS OPEN SESSION

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Tuesday, September 29, 2020 at 4:00 p.m.
By Zoom Webconference

To join Zoom Meeting, click here:

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Meeting ID: 964 8725 4222

Passcode: 989380

	<u>AGENDA ITEM</u>	<u>Presenter</u>	<u>Page</u>	<u>Est. Time</u>
1.	ANNOUNCEMENTS			4:00 p.m.

FOR ACTION

2.	APPROVAL OF THE AGENDA	Chair	2	4:05 p.m.
3.	MINUTES (OPEN)			
3.1	Approval of the Minutes of the August 11, 2020 OPEN Session as circulated or amended	Chair	4	4:05 p.m.
3.2	Business Arising - none	Chair		

4.	UNANIMOUS CONSENT AGENDA	Chair		4:10 p.m.
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If any member of the Board wants to ask a question, discuss or oppose an item that is marked for the consent agenda, the member can have an item removed from the consent agenda by contacting the Secretary of the Board prior to the meeting or by asking that it be removed before the Chair calls for a mover and seconder for the motion to approve or receive, by unanimous consent, the items listed.

4.1	<u>Consent Items from Executive (for information)</u>			
4.1.1	Reports of the Senate Committee on Awards [Dated June 11, 2020]	President	12	(consent)
4.2	<u>Consent Items from Finance, Administration, & Human Resources (for approval)</u>			
4.2.1	Investment Policy Statement for the University Investment Trust (UIT)	K. Lee	29	(consent)

5.	NEW BUSINESS			
5.1	Report from the President	M. Benarroch	35	4:10 p.m.

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	<u>AGENDA ITEM</u>	<u>Presenter</u>	<u>Page</u>	<u>Est. Time</u>
5.2	First Year Experience Initiatives – Fall 2020	L. Schnaar	n/a	4:25 p.m.
5.3	Enrolment Update	J. Ristock	52	4:45 p.m.
6.	FROM FINANCE, ADMINISTRATION, & HUMAN RESOURCES			
6.1	Revision to the <i>Respectful Work and Learning Environment Policy and the Sexual Assault Policy</i> , and Related Procedure	K. Lee	54	4:50 p.m.

MOTION TO MOVE TO CLOSED & CONFIDENTIAL SESSION



**Minutes of the OPEN Session of the
Board of Governors
Held by Web Conference on August 11, 2020 at 4:00 p.m.**

Present: J. Lieberman, Chair
J. Leclerc, Secretary

J. Anderson M. Benarroch J. Dela Cruz L. Hyde K. Lee J. Linden
C. Loewen A. Mahon T. Matthews N. Murdock K. Osiowy S. Prentice
L. Reimer S. Sekander K. Smith J. Taylor

Regrets: K. Clarke M. McNicholl Absent: D. Hunter

Assessors Present: J. Morrill S. Woloschuk

Officials Present: C. Cook S. Foster D. Jayas J. Kearsey
A. Konowalchuk J. Ristock L. Zapshala-Kelln

Guests: N. Andrew T. Mondor

1. ANNOUNCEMENTS

FOR ACTION

1. APPROVAL OF THE AGENDA

It was moved by Ms. Loewen and seconded by Dr. Reimer:

THAT the agenda for the August 11, 2020 meeting be approved as circulated.

CARRIED

2. MINUTES (Open) Session

2.1 Approval of the Minutes of the June 23, 2020 Open Session as circulated or amended

It was moved by Dr. Reimer and seconded by Ms. Loewen:

THAT the minutes of the June 23, 2020 Open session be approved as circulated.

CARRIED

2.2 Business Arising

There was no business arising from the minutes.

FOR INFORMATION

3. Report from the President

Dr. Benarroch provided his report verbally. He noted that he met with members of government in recent weeks; including the Minister of Economic Development and Training, the Honourable Ralph Eichler, and the Deputy Minister, as well His Worship Mayor Brian Bowman, and Mr. Terry Duguid, Member of Parliament. He expressed his hope that he would meet with other senior provincial and federal officials very soon. He said it was clear in these meetings that government values the University and recognizes the uncertainty it faces due the COVID 19 pandemic.

Dr. Benarroch said the beginning of his term was unusual because of the constraints that were part of the pandemic response at the University and across the country. He said he is currently working remotely from Toronto and, although it has been difficult at times, he has been able to accomplish what he had set out to do in his first six weeks as President of the University.

President Benarroch stated he had engaged Dr. Bonnie Patterson to work with the senior team and facilitate an Executive Retreat. He said that Dr. Patterson has more than four decades of senior executive leadership in the higher education sector.

Dr. Benarroch said a presentation given at a recent Senate meeting, on the current COVID 19 situation at the University, will be provided to the Board of Governors today. Lastly, Dr. Benarroch said he was wholly committed to having an excellent fall term and ensuring a great experience for students.

4. Update on the COVID-19 Response

Dr. Benarroch introduced this item, stating that Dr. Mondor would make a presentation to the Board about the University's response to the COVID 19 pandemic.

Dr. Mondor began his presentation, noting that the University's Emergency Response Plan (ERP) was activated on March 23, 2020. He said the ERP is a tool used to guide actions, decision-making processes, communications, and coordination of the University's response to an emergency. The ERP includes a Crisis Management Team comprised of members of the President's Executive Team, the Chief Risk Officer (as Chair), the Director of Security Services, and selected individuals with relevant expertise. He detailed three committees that were established to assist in planning and steering the response:

- i. COVID-19 Recovery Working Group (reporting to the Vice-President (Administration))
 - Review academic, research and other recovery plans for a safe, slow, and phased-in return to on-campus activity.

- ii. COVID-19 Response Planning Committee (reporting to the Recovery Working Group)
 - Develop plans, strategies, and tactics necessary to maintain high-quality academic programming and consider academic unit recovery plans.
- iii. Academic Planning Working Group (reporting to the Provost)
 - UM's coordinated response to positive COVID cases on campus, including consideration of privacy matters and liaison with public health authorities.

Dr. Mondor reviewed the guiding principles for the University's pandemic recovery, which are:

- The health and safety of students, staff, faculty, and visitors is the overarching priority.
- All students, staff, and faculty will work remotely unless approval has been granted to work on campus.
- Any activity on campus, whatever its nature, will be carried out while strictly respecting the constraints of public health authorities in accordance with government guidelines and directives.
- Recovery of on-campus activities will be gradual and in keeping with the University's stated principles and recovery plan.
- The University will continue to take into consideration special circumstances for staff, faculty, and students, including individual health conditions.

With respect to prevention measures in place as the University moves through the phases of recovery, Dr. Mondor listed the following guidelines:

- Stay informed and follow public health directives;
- Limited access to campus facilities and spaces;
- Health screening will play a role in assessing access to facilities;
- Continue to practice good hygiene;
- Maintain a physical distance of not less than two meters and do not exceed one person per ten square meters;
- Do not go to campus if you display any symptoms;
- Wear a mask or other appropriate face covering if you are unable to maintain the minimum two-meter distance. Wearing a mask is strongly encouraged when working in the proximity of others;
- Ensure frequent disinfecting, especially of high-touch surfaces and objects.

Dr. Mondor stated that the phases of pandemic recovery at the University are expected to correspond to the academic year, as follows:

- Initial Response/Phase One: March 2020
- Phase Two Recovery: Summer Term 2020
- Phase Three Recovery: Fall Term 2020
- Phase Four Recovery: Winter Term 2021

Dr. Mondor noted that Phase Two of the recovery meant working remotely for most employees while facing increased demand to support the transition to remote working; to carry out enhanced cleaning and disinfecting procedures; to manage global supply-chain shortages; and to develop space plans for a return to on-campus activity. He added that some on-campus activity was deemed essential and almost 400 employees remained on campus to support University operations. He said that communications staff managed increasingly complicated and critical communications which were necessary to share information with the internal and external community.

Dr. Mondor stated that there were a number of Ancillary Services closures in Phase One, including the Bookstore, the Retail businesses in UMSU University Centre, Parking and Transportation Services, Retail Dining Services, and Conference and Catering Services. He added that other ancillary units were scaled back to support essential activities, including Student Residences, Residence Dining Services, and the University Centre Pharmacy (which must remain open as per legislation).

Dr. Mondor explained that in Phase Two, the following Ancillary areas reopened with some modifications:

- The Fort Garry Bookstore fulfilled online & phone orders and arranged procurement for fall term courses with a partial opening on August 4 with restrictions and reduced hours.
- The Bannatyne Bookstore offered a pick-up option for summer term.
- Student Residences offered a summer meal plan for 325 students who remained in private rooms.
- The Focal Point Optician was open by appointment only.
- The Active Living Centre opened July 27, 2020 at a reduced capacity.
- The University field house, turf fields, and soccer fields were open on a reduced scale to allow Bison athletes to train.
- The Bruce D. Campbell Food and Farm Discovery Center at Glenlea was open by appointment.

Dr. Jayas spoke to the pandemic response in the research portfolio. He noted that although the University's buildings were locked on March 23, many researchers required access to buildings in order to look after animals, other living organisms, and critical cell lines; to continue multi-year critical studies; to maintain equipment; and to prevent the loss of years of research progress and/or funding. He reviewed the process by which researchers submitted requests to continue their research, noting that 196 requests of 218 submitted were approved between March 24 and May 24, 2020.

Dr. Jayas said the same guiding principles were followed in the initial response phase in the research area. He added that some research continued and critical COVID-19 research began. In phase two, he said, there was further opening in research with 50 percent occupancy in some labs, facilities, and field research stations. He added that this phase did not include research that could be conducted remotely. In Phase two, he said, numerous forms were submitted for

access to facilities, with almost 1200 researchers who requested access, and the majority of these requests were accommodated.

In phase three of recovery, Dr. Jayas said, researchers who were approved in phase two were permitted to continue their research without reapplying. He noted that more research was permitted in phase three, with many researchers requiring access to libraries and requests to begin or resume research involving human participants.

Dr. Mondor summarized the phased recovery in academic programs, noting a number of steps taken in response to the pandemic in phase one, including:

- Moving to providing remote learning instead of in-person classes as of March 23, 2020.
- Suspending sections of the *Responsibilities of Academic Staff with Regards to Students Policy (ROASS)* to allow this switch in delivery methods.
- Extending the time during which students could voluntarily withdraw from courses,
- No in-person final exams or SEEQ's (teaching evaluations) were conducted.
- Approving Duolingo English Language Proficiency tests for Fall 2020 and Winter 2021
- Suspending the requirement for medical notes and suspending the *repeated course policy*.
- Offering flexibility in course grading for students, with the option to accept the standard approach (letter grade), accepting a letter grade that is excluded from University of Manitoba Grade Point Average (GPA) calculations, or accepting a pass/fail in the course.

Regarding spring convocation 2020, Dr. Mondor stated that convocation was held virtually at the end of June, and was very successful. He noted that 4,255 students graduated and the ceremonies were viewed online around the world. He said that the thirty-first annual Traditional Graduation Pow Wow was a live-streamed celebration for 60 Indigenous graduates that featured Indigenous musical performances and messages from Indigenous community and alumni. He added that this event was viewed live by 250 viewers and on video by watched 6,600 viewers.

Dr. Mondor spoke to the work of the Centre for the Advancement of Teaching and Learning in supporting instructors and students in remote learning and for on-line exams. He noted that a toll-free number was established for video-conferencing for students with limited internet connectivity.

In phase two (summer term 2020), Dr. Mondor noted that University buildings remained locked and the term start was delayed until June 1. He added that the term was declared as being solely by remote learning; however, there were some limited in-person activities on campus, including:

- Teaching support for summer course and preparation for Fall term;
- Essential research activities; and
- Essential services and/or activities that could not be completed by remote means, such as providing library materials by curbside pickup for faculty and graduate students.

Dr. Mondor stated that summer 2020 undergraduate student participation was greater than in summer 2019, and there was also slightly more graduate student participation this summer. He added that conversion and acceptance rates were similar to previous years, which indicates higher student engagement.

Moving to phase three (fall term 2020); Dr. Mondor said that all possible courses were offered through remote learning. He added that some courses and some activities within courses that could not be offered remotely were approved for in-person instruction because they were required courses for program or degree requirements. He said they were offered in order to avoid a significant delay in progression for students. He noted that 205 courses were approved for in-person instruction out of the 1775 courses offered.

Dr. Mondor said that Laurie Schnarr, Vice-Provost (Student Affairs), and Mark Torchia (Vice-Provost, Teaching and Learning) were key in ensuring students were supported throughout the term. He noted that all student support programs, services, and supports were delivered remotely. He added that a COVID 19 Emergency Relief fund was established that disbursed approximately \$2.1 million to students, and technology support was provided by refurbishing University computers for students, and providing funds to students to purchase technology. Additionally, Dr. Mondor said that the University established UM Commons, a virtual gateway for students to access resources, supports, and connections, such as a web hub, modules to support transition to university, Math Boot Camp, Prep Week, and Welcome Day.

With respect to support for Faculty, Dr. Mondor said a number of changes were made to assist faculty members in their work, including:

- Digitization work in Libraries, HathiTrust & curbside pick-up for faculty and students;
- Extending the tenure period;
- Offering paid training on remote teaching for sessional instructors;
- Providing enhanced support through the Centre for Academic Teaching and Learning (CATL) for remote teaching, including a robust suite of in-person and online supports for instructors; and
- Ensuring flexibility regarding changes to research study leaves.

Dr. Mondor stated that the University is implementing an articulated approach to recovery. He explained that remote work will continue where possible and practical and priority will be given to activity that supports on-campus instruction and research plans. He added that on-campus activity must adhere to the public health guidelines outlined on the University of Manitoba COVID Recovery website, and should be limited using a phased or staggered approach. He noted that all physical distancing, and health and safety standards must be met and self-assessment tools must be used.

Dr. Mondor noted the following practices that will be implemented in phase three:

- As of September 1, the maximum percentage of employees within a Faculty or unit that may be permitted to attend on- campus at a given time is restricted to 40%.

- This percentage is to include all research, teaching, support and administrative activities within a Faculty/Unit.
- Deans and Unit heads will have the responsibility for determining access.
- Building occupancy will be tracked and monitored.
- In the event of a resurgence in the pandemic or an increase in risk to the UM community, activity may need to be reduced and restrictions strengthened.

The Chair thanked Dr. Mondor and Dr. Jayas for the presentation and invited comments and questions from Board members.

Comments were made about the need to provide support for faculty members, beyond the excellent support already provided by CATL and IST. In particular, it was noted that many faculty members are struggling with increased workloads and childcare issues, and some have been disproportionately affected. Dr. Benarroch agreed that these concerns should be recognized. He said Management appreciates the significant effort that all are making to get to this point.

A question arose about plans for the winter term. Dr. Ristock said that decisions about the winter term must be made soon, as it is unlikely that large in-person classes will not be permitted. She noted that some components of classes will be held on campus. She added that this is something she has been discussing with colleagues at other universities.

A suggestion was made about the importance of ensuring the committees have sufficient breadth by including Indigenous people and students in the membership. Dr. Benarroch agreed that is an important first step to take. Dr. Ristock agreed, noting that a wider representation will offer a better understanding of the situation.

In responding to a question, Dr. Benarroch said that the committees mentioned in the presentation will make recommendations to Administration when decisions need to be made regarding the return to on-person activity on the campuses. He added that there will be a number of things to consider in making those decisions, including space requirements for ensuring social distancing, which classes could be held in person, and cleaning and sanitizing requirements. He said that evaluating the fall term and monitoring the changing pandemic situation will help to determine how the University proceeds in the winter term.

Regarding international students, Dr. Benarroch said that it is not yet known how many will return to Winnipeg. He added that the University wants to find a way to help these students transition when they return. He explained that the University is working to make arrangements for the returning international students to quarantine, which may include making hotel arrangements, and having someone at the airport to meet them and ensure they get where they need to go without unnecessary movement around the city.

The Chair stated that the Board has been amazed at the efforts made to allow continuation of classes and offer exams online. He thanked everyone for their work.

MOTION TO MOVE TO CLOSED AND CONFIDENTIAL SESSION

It was moved by Dr. Anderson and seconded by Mr. Osiowy:

THAT the meeting move into Closed and Confidential Session

CARRIED

Chair

University Secretary



Approval Discussion/Advice Information

AGENDA ITEM:

Report of the Senate Committee on Awards [dated June 11, 2020]

RECOMMENDED RESOLUTION:

THAT the Board of Governors approve three new offers, two amended offers, and the withdrawal of four offers, as set out in Appendix A of the Report of the Senate Committee on Awards [dated June 11, 2020].

CONTEXT AND BACKGROUND:

At its meeting on June 11, 2020, the Senate Committee on Awards approved three new offers, two amended offers, and the withdrawal of four offers, as set out in Appendix A of the Report of the Senate Committee on Awards [dated June 11, 2020].

RESOURCE REQUIREMENTS:

The awards will be funded from the sources identified in the Report.

CONNECTION TO THE UNIVERSITY PLANNING FRAMEWORK:

N/A

IMPLICATIONS:

N/A

ALTERNATIVES:

N/A

CONSULTATION:

These award decisions are consistent with the policy on *Student Awards*. They will be reported to Senate for information on October 7, 2020.

REPORT OF THE SENATE COMMITTEE ON AWARDS

Preamble

Terms of reference for the Senate Committee on Awards include the following responsibility:

On behalf of Senate, to approve and inform Senate of all new offers and revised offers of awards that comply with the Student Awards Policy.

Observations

At its meeting of June 11, 2020, the Senate Committee on Awards approved 3 new offers, 2 revised offers, and the withdrawal of 4 awards as set out in the *Report of the Senate Committee on Awards (June 11, 2020)*.

Recommendations

On behalf of Senate, the Senate Committee on Awards recommends that the Board of Governors approve 3 new offers, 2 revised offers, and the withdrawal of 4 awards as set out in the *Report of the Senate Committee on Awards (June 11, 2020)*. These award decisions comply with the Student Awards Policy.

Respectfully submitted,

Dr Jared Carlberg

Chair, Senate Committee on Awards

SENATE COMMITTEE ON AWARDS

June 11, 2020

1. NEW OFFERS

Norway House Cree Nation Community Health & Wellness Foundation Bursary

Through the newly formed Norway House Cree Nation Health & Wellness Foundation, the Norway House Cree Nation Health Centre of Excellence established an annually funded bursary valued at \$6,000 per year for a period of four years. The purpose of this bursary fund is to financially support students who are members of the Norway House Cree Nation band who are in an undergraduate degree program in the Rady Faculty of Health Sciences at the University of Manitoba. When funds are available, the Manitoba Scholarship and Bursary Initiative may make a contribution to the award. Each year, beginning in 2020-2021 and ending in 2023-2024, two bursaries valued at \$3,000 each will be offered to two undergraduate students who:

- (1) have self-declared as First Nations, Métis or Inuit people from Canada;
- (2) have self-declared as a member of the Norway House Cree Nations band;
- (3) are enrolled full-time (minimum 60% course load) in any year of an undergraduate degree program offered by the following Faculty and Colleges at the University of Manitoba:
 - (a) Rady Faculty of Health Sciences Interdisciplinary Health Program;
 - (b) Max Rady College of Medicine;
 - (c) College of Rehabilitation Sciences;
 - (d) College of Pharmacy;
 - (e) College of Nursing; or
 - (f) Dr. Gerald Niznick College of Dentistry;
- (4) have either:
 - (a) if enrolled in any of the Interdisciplinary Health programs offered by the Rady Faculty of Health Sciences, have met the minimum entry requirements;
 - (b) if a continuing student, have achieved a minimum degree grade point average of 2.5, or
 - (c) if enrolled in the Max Rady College of Medicine, are in good standing; and
- (5) have demonstrated financial need on the standard University of Manitoba bursary application form.

In the event that there is only one student or no students who do not meet all of the above criteria, the bursary or bursaries will be given to a student or students who have graduated from a high school within the Province of Manitoba, and who meet criteria (1), (3), (4) and (5) above.

In the event that there is only one student or no students who not meet criteria (1), (3), (4), (5) and who have graduated from a high school within Manitoba as outlined in the paragraph directly above, the bursary or bursaries will be given to a student or students who have met criteria (1), (3), (4) and (5) above.

The Director of Financial Aid and Awards (or designate) will name the selection committee for this award.

This agreement may be amended by the mutual consent of the donor (or designate) and the University of Manitoba. All such amendments shall be in writing. In the absence of the donor (or designate), and providing all reasonable efforts have been made to consult, the Board of Governors of the University of Manitoba has the right to modify the terms of this award if, because of changed conditions, it becomes necessary to do so. Such modification shall conform as closely as possible to the expressed intention of the donor in establishing the award.

Faculty of Education Indigenous Education Scholarship

In response to the Truth and Reconciliation Calls to Action, the Faculty of Education established an endowment fund at the University of Manitoba with an initial gift of \$25,000 in 2019. Initially funded by the Faculty of Education's Endowment Fund, the purpose of the fund is to recognize the achievements of undergraduate students in the Faculty of Education at the University of Manitoba who are engaging in, and contributing to, Indigenous (First Nations, Inuit, and Métis) Education in Canada. Each year, beginning in 2021-2022, the available annual income from the fund will be used to offer one or more scholarships to undergraduate students who:

- (1) are enrolled part-time or full-time in any Bachelor of Education degree program offered by the Faculty of Education;
- (2) have achieved a minimum degree grade point average of 3.0;
- (3) have demonstrated a commitment, interest, and involvement in Indigenous Education in Canada by having a combination of two or more of the following:
 - (a) a teachable major or minor in Native Studies;
 - (b) a teachable major or minor in Heritage, Aboriginal (Indigenous) and International Languages, specifically Indigenous languages in Canada;
 - (c) a strong record of service work/volunteerism (e.g. school, local band or community, city, region, province);
 - (d) active involvement in organizations and/or schools that offer educational programming for Indigenous children and/or youth; and/or
 - (e) other outstanding achievements related to Indigenous Education.

In order to be considered for this scholarship, candidates must either:

- i. self-nominate by submitting (a) a current *curriculum vitae*, and (b) a written statement (maximum 500 words) which outlines how they meet criterion (3); or
- ii. be nominated by one of the following people with a letter of nomination and support:
 - a. a faculty member (professor or instructor);
 - b. practicum advisor (supervisor for the practicum);
 - c. teacher or school leader from their practicum school; or
 - d. a relevant individual who can speak directly to the student's experience.

Letters of nomination and support must demonstrate the student's commitment, interest, and involvement related to Indigenous Education. The nomination may include supporting material (e.g. lesson and learning plans, photos).

Each year the Faculty of Education will advertise the call for applications in March.

The selection committee will have the discretion to determine the number and value of awards offered in each year based on the available funds, as outlined in the criteria above.

The selection committee will be named by the Dean of the Faculty of Education (or designate) and may include a representative of the Faculty of Education's Indigenous scholars (or designate).

This agreement may be amended by the mutual consent of the donor (or designate) and the University of Manitoba. All such amendments shall be in writing. In the absence of the donor (or designate), and providing all reasonable efforts have been made to consult, the Board of Governors of the University of Manitoba has the right to modify the terms of this award if, because of changed conditions, it becomes necessary to do so. Such modification shall conform as closely as possible to the expressed intention of the donor in establishing the award.

John M. Vail Memorial Scholarship

Prof. John M. Vail established an endowment fund at the University of Manitoba with an initial gift of \$25,000 in 2019. The purpose of the fund is to reward the highest academic achievements of students who excel in math and science with an emphasis on physics, and who are pursuing studies in the Faculty of Science at the University of Manitoba. Each year, beginning in 2021-2022, the available annual income from the fund will be used to offer one scholarship to an undergraduate student who:

- (1) has graduated from Gordon Bell High School;
- (2) is enrolled full-time (minimum 80% course load) in the first year of study in the Faculty of Science via the Direct Entry option; and
- (3) of the students who meet (1) and (2) above, has achieved the highest combined standing in the following high school courses:
 - a. 40S Physics,
 - b. one 40S science course in either Chemistry or Biology, and
 - c. one 40S math course in either Applied or Pre-Calculus Math.

Gordon Bell High School will nominate one candidate each year. The nomination, along with any alternates, will be forwarded to the Financial Aid and Awards office at the University of Manitoba.

The Director of Financial Aid and Awards (or designate) will name the selection committee for this award.

This agreement may be amended by the mutual consent of the donor (or designate) and the University of Manitoba. All such amendments shall be in writing. In the absence of the donor (or designate), and providing all reasonable efforts have been made to consult, the Board of Governors of the University of Manitoba has the right to modify the terms of this award if, because of changed conditions, it becomes necessary to do so. Such modification shall conform as closely as possible to the expressed intention of the donor in establishing the award.

2. AMENDMENTS

Donald J. Forsyth Memorial Scholarship

The following amendments were made to the terms of reference for the **Donald J. Forsyth Memorial Scholarship**:

- The preamble was revised to:

In memory of Donald J. Forsyth, a 1936 graduate in Pharmacy from The University of Manitoba, Mrs. Z. Forsyth offers an annual scholarship to students in the Pharmacy degree program. Each

year, beginning in 1990-1991, the available annual income from the fund will be used to offer one scholarship to an undergraduate student who:

- The numbered criteria was revised to:
 - (1) *is enrolled full-time (minimum 80% course load) in the third year of study in the degree program in the College of Pharmacy at the University of Manitoba;*
 - (2) *has achieved a minimum degree grade point average of 3.5; and*
 - (3) *has achieved high standing in the second year of the degree program in the College of Pharmacy.*
- The following paragraph was removed:

If for any reason the winner does not register as required, then the scholarship will be awarded by reversion to the next qualified candidate.
- The selection committee paragraph was revised to:

The selection committee for this award will be the College of Pharmacy Professional Program Awards Committee.
- The standard Board of Governors statement was added.

Mary and Joe Zeal Prize

The following amendments were made to the terms of reference for the **Mary and Joe Zeal Prize**:

- The preamble was revised to:

In memorial tribute to Mary and Joe Zeal, a fund was established by members of their family circle to reward a student who demonstrates outstanding achievement in completing the requirements of the second year in the College of Pharmacy at the University of Manitoba. Each year, the available annual income from the fund will be used to offer one prize to an undergraduate student who:
- The numbered criteria were revised to:
 - (1) *was enrolled full time (minimum 80% course load) in the second year in the Doctor of Pharmacy (PharmD) program in the College of Pharmacy in the year in which the award was tenable; and*
 - (2) *has achieved a minimum degree grade point average of 3.5;*
- The following paragraph was removed:

This prize shall be awarded to a student who shows outstanding merit in completing the requirements of second year Pharmacy at The University of Manitoba.
- The selection committee statement was revised to:

The selection committee will be The College of Pharmacy Professional Program Awards Committee.
- The standard Board of Governors statement was added.

3. WITHDRAWALS

Manitoba Association of Registered Respiratory Therapists Future Leader Prize

At the request of the donor

Merck Sharp & Dohme Scholarship

At the request of the donor

Merck Scholarship in Pharmacy

At the request of the donor

Pfizer Bursary/Scholarship

At the request of the donor



AGENDA ITEM:

Investment Policy Statement for the University Investment Trust (UIT)

RECOMMENDED RESOLUTION:

THAT the Board of Governors approve the new Investment Policy Statement that governs the investment and administration of the assets of the UIT, which is more commonly known as the Endowment Fund.

CONTEXT AND BACKGROUND:

The Trust Investment Committee has general authority over the investment and administration of the assets of the University Investment Trust (“UIT”). The Trust Investment Committee is an advisory committee accountable to the Board of Governors through the Finance, Administration and Human Resources Committee. One of the responsibilities of FAHRC is financial matters, which includes “the general investment policy and management of the University’s investments”. The Trust Investment Committee is chaired by the Vice-President (Administration), and the Trust Investment Committee acts as an advisory committee to the Chair, who will submit the recommendations to the Board of Governors for approval.

The governing document of the UIT is the Investment Policy Statement (“IPS”). The current IPS has served the Trust Investment Committee well for many years. However, like any policy, it became dated and did not incorporate best practices. Aon is the investment consulting firm of the UIT and they helped review the current IPS and made recommendations for the new IPS. As of June 2020, the UIT has over \$750 million in assets, so the IPS is a critical document that serves as the foundation for managing the UIT’s investment program. It articulates the UIT’s long-term investment objectives and outlines policies and procedures that help achieve these goals. It provides guidance to risk tolerance; it helps monitor the investment program and measures outcomes against objectives; it helps new staff, board and committee members understanding of the investment programs; and it serves as a road map for the fiduciaries of the fund.

RESOURCE REQUIREMENTS:

None.

CONNECTION TO THE UNIVERSITY PLANNING FRAMEWORK:

The UIT supports all of the strategic priorities: Inspiring Minds, Driving Discovery and Insight, Creating Pathways, Building Community, and Forging Connections.

IMPLICATIONS:

The IPS will be shared with Trust Investment Committee members, investment companies, investment consultants, custodian banks, donors, University staff, and any stakeholder of the endowment fund.



ALTERNATIVES:

The only alternative is to continue on with the current format of the IPS. The preferred option is to adopt the new IPS.

CONSULTATION:

The Trust Investment Committee consulted with Aon, and reviewed various other Investment Policies of other Universities and Foundations.

ROUTING TO THE BOARD OF GOVERNORS:

<u>Reviewed</u>	<u>Recommended</u>	<u>By</u>	<u>Title</u>	<u>Date</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Lance McKinley	Director, Treasury	July 16, 2020
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Vice-President (Administration)	August 20, 2020
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		President & Vice-Chancellor	August 20, 2020
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	FAHR		Sept. 16/20
<input type="checkbox"/>	<input type="checkbox"/>			

SUBMISSION PREPARED BY: Lance McKinley, Director Treasury

ATTACHMENTS:

The proposed new Investment Policy Statement.



Investment Policy Statement
University Investment Trust
Draft – for approval by Board of Governors

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The University of Manitoba

Investment Policy Statement – University Investment Trust

I. Introduction, Scope and Purpose

The University Investment Trust (“UIT”) holds assets donated by the friends and alumni of the University of Manitoba, has a long-term focus, and is a pooled fund of individual donor named endowments and quasi-endowments. The fund is part of the University entity, and not legally set up as a separate foundation. The University of Manitoba is a registered charity in Canada. The effective date of this registration is January 1967. As a *registered charity* under Section 149(1)(f) of the *Income Tax Act*, the University is exempt from income tax. The University of Manitoba is an *organization exempt from income tax* in the United States. The effective date of this registration is May 1969. Under section 501(c)(3) of the Internal Revenue Code, the University is exempt from income tax in the U.S.

The UIT is managed as a unitized pool whereby each individual endowed account is pooled for investment purposes and tracked using a net asset market value per unit. The UIT’s purpose is to support the educational mission of the University by providing a reliable source of funds for current and future use. Intergenerational equity is achieved by maintaining the purchasing power of the of the fund’s assets, in perpetuity, while earning sufficient investment returns to sustain the level of spending to support current beneficiaries at the University. Primary beneficiaries are students, faculty and school program/operating costs, Chairs and Professorships, research, athletics, and libraries.

This Investment Policy Statement (“IPS”) establishes policies for the administration and investment of these assets, and formally documents the goals, objectives and guidelines of the UIT’s investment program which are intended to provide the greatest probability that the UIT’s objectives are met in a prudent manner, consistent with the established guidelines. This document is meant to guide primarily the Trust Investment Committee, but also investment managers, investment staff, investment consultants, and the custodian. This IPS will remain in effect until modified by the Trust Investment Committee, which will review the IPS, at minimum, on an annual basis.

II. Roles and Responsibilities

Trust Investment Committee. The Trust Investment Committee (“Committee”) has general authority over the investment of assets of the UIT, and shall be accountable to the University’s Board of Governors through the Finance, Administration, and Human Resources Committee (FAHR). As such, the Committee is an advisory committee to the Board, and the policies for the administration and investment of assets is approved by the Board through approval of this document. The Board also approves the hiring of new investment managers, and setting the spending policy of the UIT.

The Committee shall be comprised of the President; Vice-President (Administration); the Provost (or designate); the Comptroller; the Director of Treasury Services; the Chair of FAHR (or designate), the Vice-Chair of FAHR (or designate); and a minimum of two and maximum of five community members. Community members may be employees or retirees of the University, members of the Board of Governors or any of its committees, or members of the investment community. Community members will be appointed for a term of three years, and are eligible for re-appointment for three year periods

thereafter. The Vice-President (Administration) shall serve as Chair of the Committee. The Committee's primary responsibilities include:

- Establishing the investment objectives for the UIT;
- Establishing the asset allocation and manager mandates for the investments;
- Establishing the rebalancing policy for the UIT;
- Establishing the spending policy for the UIT;
- Selecting and monitoring the Investment Consultant, Investment Managers, and Fund Custodian;
- Establishing, monitoring, and updating the investment process;
- Review overall performance and individual investment manager performance.

In executing its primary responsibilities, the Committee shall:

- Act in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances;
- Incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the University and the skills available to the University;
- Make a reasonable effort to verify facts relevant to the management and investment of the UIT;
- Consider the following factors, if relevant:
 - General economic conditions;
 - The possible effect of inflation or deflation;
 - The role that each investment or course of action plays within the overall investment portfolio of the UIT;
 - The expected total return from income and appreciation of assets; and
 - The needs of the University and the UIT to make distributions and to preserve capital.
- Make investment decisions about an individual asset not in isolation, but rather in the context of the UIT's portfolio of investments as a whole and as a part of the University's overall investment strategy, including the risk and return parameters set forth in this IPS.
- Delegate to an external agent the management and investment of all or part of the UIT to the extent that the University could prudently delegate under the circumstances.

Internal Management/Staff. The Office of Treasury Services is responsible for the accounting of the investments of the UIT; calculating the unit value of the UIT (net asset value); the day-to-day interaction with the Investment Managers, Investment Consultant, and Custodian; calculating the spending allocation and making disbursements to beneficiaries of the UIT; obtaining and evaluating compliance related information from managers; and communicating relevant information to the Committee on a periodic basis.

Investment Consultant. The Investment Consultant is responsible for providing proactive advice and education with regards to investment guidelines, asset allocation, and investment managers. The Investment Consultant will provide information and advice in the selection of new investment managers, and will alert the Committee of any important developments with current manager's firms. On a regular basis, the Investment Consultant shall meet with the Committee and report on the investment managers and the overall portfolio of the UIT. This reporting will include firm and industry updates, performance versus benchmarks, performance versus peer groups, performance attribution, and any relevant metrics covering risk/return that the Committee wishes to review.

The Investment Consultant will ensure that, if required, appropriate registration under *The Securities Act* (Manitoba) has been obtained by both the consulting firm and the individual(s) providing advice to the University, and both the firm and individual(s) remain in good standing with regulatory authorities

Investment Managers. The Investment Managers selected by the Committee are responsible for management of invested assets under their advisement in accordance with the guidelines and objectives set forth in this IPS, as well as their respective contract, service agreement, limited partnership agreement or similar account documentation. When granted discretionary authority by the Committee, Investment Managers are expected to exercise full discretion with respect to determining investment strategy, investment selection and timing of purchases, managing, and selling assets held in their portfolio(s) in accordance with this IPS. Most importantly, they must use the same care, skill, prudence and due diligence that experienced investment professionals acting in a like capacity would in the management of their own affairs or the affairs of others, with highest regard to the stewardship of assets considering probable income, risk, time horizon, suitability and preservation of capital. Investment Managers must provide the Office of Treasury Services and the Investment Consultant with quarterly compliance letters. Compliance letters will detail the Investment Manager's compliance with this IPS, compliance with the firm's own investment restrictions and guidelines that govern the portfolio, and compliance with the firm's own policies, procedures and Code of Ethics.

The Investment Managers will ensure that appropriate registration under *The Securities Act* (Manitoba) has been obtained by both the investment management firm and the individual(s) providing investment advice and/or exercising discretionary authority over the portfolio assets of the UIT, and that both the firm and individual(s) remain in good standing with regulatory authorities.

Fund Custodian. The Custodian, or Custody Bank, is responsible for the safekeeping of portfolio assets; portfolio accounting; communication with investment managers regarding trades and settlements; income collection; recovery of withholding taxes; and monthly reporting to the Office of Treasury Services.

III. Investment Objective

The UIT's investment objective is to preserve the real purchasing power of assets in perpetuity, while providing a continuing and stable funding source to support the current beneficiaries of the fund. To achieve this objective, the UIT seeks to achieve a total return that will exceed the annual spending allocation, all expenses associated with managing the fund, and the eroding effects of inflation. This objective can be quantified as a hurdle rate, where:

Hurdle Rate (UIT investment return) \geq Spending Rate + Administrative Expenses + Inflation

UIT investment return is defined as dividends, interest, realized capital gains and unrealized capital gains. The spending rate is as defined in Section VIII of this IPS. Administrative expenses are the fees of the investment managers, investment consultant, custodian, Treasury Office, and an allocation for fundraising. Inflation is defined as the annual change in the Consumer Price Index for Canada.

IV. Time Horizon

The UIT has a long-term time horizon with relatively low liquidity requirements. As such, the UIT can tolerate short-term volatility provided that long-term investment returns meet or exceed its investment objective. The Committee will monitor the fund's short-term returns, however to evaluate the success of the UIT achieving its longer-term investment objective, performance over full market cycles as well as rolling 5 and 10 year returns will be a better measure of the UIT's success. The hurdle rate will be measured over these periods on an annualized basis.

V. Risk Tolerance

The Committee seeks a return on investment that is consistent with levels of investment risk that are prudent and reasonable given the investment objective and time horizon as defined above in sections III and IV. While the Committee recognizes the importance of capital preservation, it also recognizes that to achieve the goal of its investment objective requires prudent risk taking, and that risk is necessary to generate investment returns equal to or in excess of the hurdle rate. Risk cannot be eliminated, but it should be managed by ensuring risk exposures are identified, measured, monitored and tied to the responsible parties.

The most significant risk is the failure to meet inter-generational equity (long-term) and failure to support payouts to current beneficiaries (short-term). Volatility of returns, permanent loss of capital, and poor strategic tactical decisions could result in either of these failures. The Committee is the party most responsible for managing these risks, and does so through asset allocation, selection of Investment Managers, investment constraints, and rebalancing. The return objective supports a strong bias to return-seeking assets, with equity investments having the largest weighting in the portfolio. Due to a large equity weighting and long time horizon, there is willingness for the Committee to accept some degree of short-term risk and volatility, but not to impair the ability to pay beneficiaries in any one year. Therefore, the calculation of the spending policy would have to incorporate time horizons well beyond one year (section VIII).

This long time horizon also allows the UIT to take advantage of less liquid investments like real estate and infrastructure which typically have higher risk-adjusted returns that compensate for the lack of liquidity. Liquidity risk is less of a concern given the prevalence of new gifts to the fund, and the benefit of the UIT being part of the University therefore allowing it to access temporary leverage if it was required.

Benchmark risk is accepted if Investment Managers have a tracking error and active share that indicates the manager is taking these risks, but at the same time adding value by taking these risks. The Committee and Investment Consultant will monitor the Sharpe Ratio and Information Ratio of active Investment Managers to ensure they are adding value within the risks they are taking within their portfolios.

Finally, seeking Investment Managers and investments that mitigate the risk of permanent loss of capital is a priority of the Committee, and the Committee has a bias to quality investing, as described in Section IX of this IPS.

VI. Asset Allocation

Asset allocation is the single most important determinant of the UIT's investment performance over the long-term. It is also functions to help control various investment risks. Based on investment objectives and risk tolerances, the Committee, with input from the Investment Consultant, will approve a specific allocation of investments from different asset classes considered prudent given the UIT's objectives, time horizon, and constraints, and considering multiple measures of investment risk.

The Committee and Investment Consultant have modelled the expected return, volatility, and covariance of the portfolio in order to arrive at the asset allocation decision, and both will review the asset allocation periodically. Each asset class in the portfolio is expected to provide at least one or more of the following principal investment roles:

- Growth of market value in real terms over a long-term investment timeframe;
- Diversification to mitigate the volatility of an equity-oriented portfolio;
- Protection against inflation and macro-economic risks like recessions.

The strategic asset allocation adopted by the Committee is:

Asset Class	Policy Target	Policy Range
Canadian Equity	25%	20% - 30%
U.S. Equity	25%	20% - 30%
International Equity	15%	13% - 17%
Canadian Real Estate	15%	13% - 17%
Infrastructure	10%	7% - 13%
Canadian Government Bonds	10%	8% - 12%

All equities are public equities and are expected to provide growth and diversification; real estate is expected to provide growth, diversification, and a hedge against inflation; infrastructure is expected to provide diversification and a protection against both inflation and economic contractions; and bonds are expected to reduce risk and provide diversification.

Covariance of asset classes will be a key consideration at the time of setting an asset allocation, and after implementation covariance will be monitored to ensure the desired diversification between the asset classes is being achieved.

Performance benchmarks for the above asset classes are as follows:

Asset Class	Performance Benchmark
Canadian Equity	S&P/TSX Composite
U.S. Equity	S&P 500
International Equity	MSCI EAFE (Net)
Canadian Real Estate	MSCI/REAL PAC Canada Quarterly Property Index
Infrastructure	Canadian Consumer Price Index (CPI) + 5%
Canadian Government Bonds	FTSE Canada Mid Term Government Bonds Index

The total portfolio policy benchmark will be a weighted average of the above performance benchmarks vis-à-vis their relative asset class policy target weightings. Performance benchmarks are necessary to properly measure and evaluate the success of each asset class and the overall investment program. Net of fee investment returns of actively managed equity and bond mandates are expected to exceed their performance benchmarks over longer periods, generally three to five years. Given the inherent limitations of real asset benchmarks, absolute performance and diversification will be as important as relative performance against a benchmark.

VII. Rebalancing Guidelines

In order to maintain the discipline of the investment process, and to best capture the risk/return profile of the asset allocation, any deviations from the asset class policy targets outside of the allowable ranges must be rebalanced within the tolerance range, and not necessarily back to target. The Office of Treasury Services will make every effort to rebalance with the cash inflows of the fund. In order to avoid transactional costs, rebalancing the portfolio by means of liquidating assets will be the exception and will transpire only when an asset class is outside of its allowable range, and there is no cash available to rebalance. In general, new cash will be added to the asset class that has deviated the furthest under its target.

In addition, the Committee recognizes that investing in certain illiquid investments, like real estate and infrastructure, makes it more challenging to adjust to the asset allocation policy ranges. Furthermore, the pace of commitments to these asset classes can take some time and result in assets deviating from their policy ranges. As a consequence of these constraints, deviations from policy may occur.

Persistent deviations from asset class policy ranges will be reported at Committee meetings.

VIII. Spending Policy

The Committee's goal in setting the spending policy is to set a rate that is achievable for the UIT's hurdle rate, as established in Section III. In addition, the calculation must help reduce the volatility of annual distributions, allowing those that budget for and receive the annual distributions a higher degree of certainty of the amount available to them. The Committee feels that a 4-year period helps smooth annual distributions and adds to the predictability of amounts available to beneficiaries.

Annually, the UIT will make available for spending an amount of 4.25% of the average markets values for the rolling 48-month preceding period. In addition, the Committee can recommend a change to the amount in any one year, with a floor set at 3.50% of the preceding 48-month period, and a ceiling of 5.00% of the preceding 48-month period. This change would only arise in circumstances where the net real rate of return of the fund had deteriorated or improved to the extent an adjustment to the rate of spending is warranted. This would depend on the net real return of the UIT over the past 5 and 10 year periods; current investment market conditions; the outlook of future investment markets; and assessing the effect of such an adjustment on current and future beneficiaries of the fund. Any one-year adjustment to the spending rate would have to be recommended by the Committee, and approved by the University's Board of Governors.

IX. Selection and Retention Criteria for Investment Managers

In order to be selected and retained, an Investment Manager must demonstrate a consistency of investment style that is evident and measurable through full market cycles. The stability and experience of the management and ownership of the firm, as well as the portfolio management team, is a critical factor in being selected and retained. The Committee has a bias to firms with controlled growth and manageable levels of assets under management; as well as firms with interests that are aligned with those of their clients by having a meaningful amount of executive and employee dollars invested in funds along with their clients. Firms must demonstrate competitive long-term risk-adjusted performance, net of fees.

The Committee does not favor the practice of seeking equity managers that are classified as value managers or growth managers. Furthermore, there is no intended offset for manager styles in any asset class, such as having a growth manager and a value manager within the same asset class, in order for their styles to act as performance hedges in any given market cycle. Instead, the Committee has a bias towards quality investing, identified by relative strength in criteria such as financial strength, attractive valuation, corporate governance, business model and market positioning. Investments in quality assets, whether that is in equities, bonds or real assets, will also help protect the portfolio from the adverse effect of loss of capital. Thus, the Committee favors managers that have portfolios that exhibit strong downside protection. An equity portfolio that has relatively average bull/up market capture but very strong bear/down market capture would be a preferred portfolio in the UIT. Not all mandates require these exact characteristics; however a meaningful portion of the overall equity portfolio should have good downside protection, given its asset class dominance and its vulnerability to significant stock market downturns.

Investment managers that strive to protect their client's capital will always be favored over managers that invest in assets that are at higher risk to permanent loss of capital.

To be retained as Investment Managers of the UIT, firms must continue to demonstrate that their organization and investment process has not changed in any meaningful way that detracts from the very reasons they were hired. Any sustained relative underperformance by a manager will be reviewed closely by the Committee in the context of the current investment markets and the known investment style/process of the manager. When necessary, the Committee will seek approval from the Board of Governors for the termination and replacement of investment managers.

X. Strategic Investment Guidelines and Constraints

Active vs Passive: the Committee recognizes that many of the capital markets exhibit high levels of security pricing efficiency - particularly in large highly traded markets such as those for large capitalization equities, for example in regions like the U.S. These markets exhibit broad ownership by institutional investors, and extensive coverage of individual companies by the investment analyst community. In such cases, the Committee may use a passive investment strategy for the asset class, or a portion of the asset class. The Committee may also use a passive investment strategy as part of an asset transition.

Foreign Exposure and Currency: The Committee does not target a specific level of foreign currency exposure. Greater emphasis is placed on selecting core asset classes and their appropriate weighting in the overall portfolio that over long periods of time will meet both the UIT's desired risk profile and return requirements. In this regard, a number of core assets that contribute to the most optimal portfolio required to meet the long-term objectives may be denominated in foreign currencies. While foreign exchange movements over shorter time periods may materially affect performance, it is believed that over the much longer investment time horizon of an endowment fund these foreign exchange swings will be both positive and negative and largely offsetting over time thus minimizing the potential for material long-term adverse consequences. As such, the UIT does not actively or passively hedge its exposure to any foreign currency. This doesn't prohibit the opportunity to strategically hedge an exposure given the right circumstances, or an investment manager hedging within its mandate.

Proxy Voting: The Committee delegates the responsibility for exercising proxy votes to Investment Managers. In doing so, the Committee expects Investment Managers to act prudently and in the best interest of the UIT as a shareholder. Investment Managers must report to the Committee annually that all proxies were voted under the firm's guidelines as indicated in their Proxy Voting Policy.

Tax: As registered charity in Canada, the UIT is prohibited from holding 20% or more of the interest in a limited partnership, as CRA would consider it to be carrying on a business solely because of the extent of this ownership.

Investment Limitations and Restrictions: Diversification among asset classes is provided through the asset allocation guidelines set forth in Section VI of this IPS. Assets may be held in separate accounts or pooled investment vehicles. In the case of pooled investment vehicles, the investment guidelines and restrictions defined by the vehicle will apply. The asset class definitions stated below indicates the type of securities

and strategies that can be used. The Committee acknowledges each Investment Manager's separate account will detail their specific guidelines, however those guidelines must reflect the guidelines below unless the Committee has knowingly allowed the manager to employ a strategy or invest in a security that doesn't comply with the general guidelines as stated below. This deviation must be stated in writing by the Committee.

Public Equities

- Approved: includes Canadian, U.S., and International equity securities traded through a marketplace, as well as listed equity substitutes that are convertible into equities traded through those same marketplaces. It also includes income and royalty trusts, exchange traded funds, institutional passive investment accounts, American Depository Receipts, rights and warrants, instalment receipts, equity futures, IPOs, and convertible securities. Derivatives that reduce risk and do not directly or indirectly leverage the portfolio are allowed.
- Constrained: prohibited are commodity and commodity futures, the use of futures or options to establish a leverage position, uncovered options and short selling, derivatives and leverage of any type that would encumber any UIT assets. No privately held companies will be invested in. Prohibited is any one separate portfolio with less than 20 individual securities or more than 10% invested in the securities of any single company in a separate portfolio.

Fixed Income and Public Debt

- Approved: includes Government of Canada bonds; Provincial bonds with a minimum DBRS rating of A; Municipal bonds with a minimum credit rating of A; and mortgage backed securities backed by NHA insured mortgages. Also included are domestic government and corporate issued Guaranteed Investment Certificates, Banker's Acceptance, and T-Bills with a minimum DBRS rating of R-1(low).
- Constrained: prohibited are domestic and non-domestic corporate bonds; non-domestic sovereign bonds; private placements; private debt; derivatives and leverage.

Real Assets

- Approved: includes Canadian real estate in pooled investment vehicles that is diversified by property type and region. Also includes diversified infrastructure in OECD developed markets invested through open-ended vehicles. Derivative financial and currency related instruments are permitted provided that such participation is not for speculative purposes.
- Constrained: prohibited are direct investments or investments in closed ended funds. Also prohibited are real estate investments outside of Canada, and infrastructure investments outside of OECD countries.

XI. Conflict of Interest

If any Committee member has an actual or perceived conflict of interest that impairs their ability to exercise independent and unbiased judgement with respect to their fiduciary duties as a member, he or she shall disclose such conflicts to the Chair and other Committee members before any meaningful discussion of the relevant matters take place and shall not vote on any resolution to which the disclosure is required.

The University recognizes the value of having experts from the external community as members of the Trust Investment Committee. From time to time, however, these members might find themselves privy to information in regards to the University's investment and other financial interests that might put them in conflict to interest relating to their employment with their company or organization or with respect to their other outside activities. External members shall therefore make a self-declaration in writing to hold such information in strict confidence and privacy.

Investment Managers must also disclose the Committee any perceived conflicts of interest, such as self – dealing or any other conflict of interest related to the companies and boards of those companies of securities that the portfolio of the UIT invests in.

PRESIDENT'S REPORT: September 29, 2020

GENERAL

The University of Manitoba has planned carefully for the return to campus for the Fall term, both virtually and physically. The University's [ResUMe 2020/21 Covid-19 Recovery Plan](#) outlines all the processes by which faculties and units will resume limited operations, is based on the advice of provincial health authorities, and reflects five guiding principles:

1. The health and safety of students, staff, faculty and visitors is the overarching priority.
2. All students, staff and faculty will work remotely unless approval has been granted to work on campus.
3. Any activity on campus, whatever its nature, will be carried out while strictly respecting the constraints of public health authorities and in accordance with government guidelines and directives.
4. Recovery of on-campus activities will be gradual and in keeping with the university's stated principles and recovery plan.
5. The university will continue to take into consideration and accommodate special circumstances for students, staff and faculty, including health conditions.

The committee structure that oversees the University's COVID-19 recovery efforts has been reviewed and updated and discussed with Senate. The new COVID-19 Recovery Steering Committee is chaired by Todd Mondor, Deputy Provost (Academic Planning and Programs) and will report to the Provost and Vice-President (Academic) through to the President/President's Executive Team. The Steering Committee will receive recommendations from four teams: Academic, chaired by Mark Torchia, Vice-Provost (Teaching and Learning); Research, chaired by Jay Doering, Associate Vice-President (Research and International); Health and Safety, chaired by Marcia Anderson, Vice-Dean, Indigenous Health, Rady Faculty of Health Sciences; and Operations, chaired by Andrew Konowalchuk, Associate Vice-President (Administration).

The Royal Society of Canada (RSC) announced the election of two UM professors as Fellows of the RSC, Dr. Joan Durrant (Community Health Sciences) and Dr. Thomas Nesmith (History), and Canada Research Chair in Population Health, Dr. Marcelo Urquia (Community Health Sciences/Manitoba Centre for Health Policy) has been elected as member of the RSC's College of New Scholars, Artists and Scientists.

- Durrant is a world-renowned scholar in child maltreatment prevention whose research has revolutionized professional practice and public policy, while also supporting families in their local communities.
- Nesmith has had an impact on scholarship in Canada by leading the transformation of the study of archives from a marginal academic subject into a vibrant body of complex theoretical and applied research.
- Urquia is internationally recognized for his contributions to the reproductive health of immigrants and the social determinants of marginalized groups' health and well-being.

Fellows, members and award winners from across the country will be officially inducted and honoured during the annual Celebration of Excellence and Engagement, Nov. 23-29, in Toronto. The event will be a weeklong scholarly, scientific and artistic exploration combining in-person activities with enhanced digital engagement.

These new inductees bring UM's number to 51 RSC Fellows and 10 Members of the College of New Scholars, Artists and Scientists.

First day enrolment numbers for Fall term, though subject to change, show an increase in overall enrolment from the first day of Fall term 2019 of 2.7 per cent, comprising an increase of 1.4 per cent in full-time enrolment and 3.7 per cent in part time enrolment.

ACADEMIC MATTERS

- Kelsey Wog, plant biotechnology student and UM Bison was named the winner of the 2020 Lieutenant Governor Athletic Awards, as U SPORTS Female Athlete of the Year for the 2019-20 season. She is the second Bison to be named U SPORTS Athlete of the Year, and first since basketball star Terri-Lee Johannesson in 1997.
- Dr. Vanessa Poliquin, obstetrics, gynecology and reproductive sciences, was awarded the Canadian Medical Association Award for Young Leaders (Early Career). Dr. Poliquin is one of two Canadian physicians to receive the award which is given annually to doctors who have demonstrated exemplary dedication and leadership, shown creativity and initiative, and acted as a positive role model for colleagues and peers.
- Arezou Zaresani, economics, was awarded the 2020 Young Economists Award by the International Institute of Public Finance (IIPF). The "IIPF Young Economists Award" was instituted in 2008, with the aim of encouraging young scholars who present their papers at the IIPF Annual Congress.
- Colette Simonot-Maiello, Faculty of Music and the students of MUSC 3084: Romantic Music History, partnered with Scott Miller, Education & Outreach Coordinator, Manitoba Opera, to learn about community engagement. After Scott visited the class to discuss community engagement in the arts and outlined the community projects he develops for Manitoba Opera, the students developed their own community engagement plans for an opera of their choice over the course of the term.
- Grace Nickel, assistant professor, Michael Zajac, sessional instructor and Janine-Annette Littman, MFA candidate, School of Art, were among the winners of the Manitoba Craft Council's Judith Ryan Award 2020 for their collaborative works in Lens Reflex. The Judith Ryan Award is presented as part of the Manitoba Craft Council's regular juried exhibitions to encourage excellence in Manitoba craft.
- MFA graduate Grace Han, School of Art, was short-listed for the Winifred Shantz Award, the highest honour bestowed in ceramics in Canada. This award is administered through the Canadian Clay and Glass Gallery and celebrates artists who have been working in ceramics professionally for ten years or less and show exceptional dedication, quality, and innovation in their practice.

- Faculty member Katherine Boyer, School of Art, was included in an Exhibition of unprecedented scope called Kwaata-nihtaawakihk – A Hard Birth, at the Winnipeg Art Gallery. This exhibition commemorates the 150th anniversary of the founding of the Province of Manitoba. Katherine Boyer was one of four artists commissioned to create new work to be exhibited along-side archival documents, historic objects, and the work of 15 contemporary Indigenous artists. Because of COVID-19 the exhibition was postponed until 2022.
- The Canadian Society of Animal Science recently announced their 2020 award recipients: Martin Nyachoti, Animal Science, received the Technical Innovation in Enhancing Production of Safe Affordable Food; Laurie Connor and Karin Wittenberg were both awarded Honorary Lifetime Memberships.
- Bradley Feltham, Food and Human Nutritional Sciences Ph.D. student, received the Prairie Indigenous Knowledge Exchange Network (PIKE-Net) Graduate Fellowship as well as FGS Doctoral Award for Indigenous Students.
- Joanne Thiessen Martens, Soil Science Ph.D. student, received this year's Karl Ivarson Scholarship, which is awarded annually to students in soil science and related disciplines.
- Biosystems Engineering students were winners of the 2020 Canadian Society for Bio Engineering (CSBE/SCGAB) awards. George Dyck received the Undergraduate Thesis Award and Navjot Brar Kaur received the Graduate Thesis Award (M.Sc.). Eva Kwok received the Undergraduate Scholarship, which is presented to a student member of the Society with the highest GPA in the preceding semester.
- Max Rady College of Medicine student Jakob Weirathmueller received a Canadian Medical Hall of Fame (CMHF) award. Second-year medical students with an established track record of community leadership, superior communication skills and demonstrated interest in advancing knowledge are recognized with the CMHF award.
- First-year medical students began their journey to becoming doctors after reciting the Physician's Pledge at this year's Inaugural Day Exercises and White Coat Ceremony. The 110 members of the Class of 2024 cloaked themselves in their first white coats in keeping with safety protocols and physical distancing during the COVID-19 pandemic.
- A new undergraduate program in Data Science is slated to start in the fall 2021. This program is interdisciplinary; combining a foundation in mathematics, statistics, and computer science with newly developed courses in data science projects from across the disciplinary fields, applications to broad swatches of industry, and a strong coop component.
- Graduate students in Faculty of Science will have the opportunity to participate in a series of interactive workshops on science communication to earn a Certificate of Science Communication. Interactive workshops will inspire students to foster science literacy in communities, which is especially relevant in this time of misinformation.

- A new Faculty of Science Lead for Equity Diversity and Community (EDC) was established and started by leading a survey to poll Science faculty on their EDI (Equity, Diversity and Inclusion) priorities to help guide directions moving forward. EDI seminars will be part of the faculty's regular seminar series going forward, with twice-yearly EDI presentations joining our repertoire of interdisciplinary science, pedagogy, and Indigenous Science talks.
- The new Science Public Online Talk (SPOT) series was launched in May, featuring presentations for a general audience by Science alumni (including our Nobel Prize winner Jim Peebles) and faculty. This series was initiated to create an inclusive and informed science ecosystem, support student engagement, and bring the community together (virtually) during covid-19.
- As part of the new Science Kindness Initiative, which seeks to remind us of all the helping and guiding hands we benefit from each and every day in science and our support for one another, science kindness masks were designed distributed to the faculty and staff.
- The Faculty of Science has launched the Indigenous Wawatay Project, a comprehensive approach to recruiting, retaining and graduating highly motivated Indigenous students. Named the Wawatay (Anishinaabe for Northern Lights) Project is aimed to dramatically change the environment for Indigenous students at both the undergraduate and graduate levels by infusing an appreciation of Indigenous approaches, engaging students in research early and often, and growing their science proficiency.

RESEARCH MATTERS

- At this time, research at the University of Manitoba (UM) is continuing remotely to the extent possible. UM has developed a phased approach to the recovery, cautiously resuming critical research and essential activities on our campuses, while ensuring a strong focus on health and safety. We are currently in Phase 3: September 1 to December 31 (Fall Term). Details on the phased approach for the campus can be found on the webpage [COVID-19 UM Recovery: Resources and Updates](#). Details on the guiding principles, process for requesting access and preventative measures are available in the updated [Researcher FAQs section of the COVID-19 webpage](#).
- In June, five outstanding UM graduate students were awarded 2019 Vanier Canada Graduate Scholarships. These awards, considered the Canadian equivalent of the United Kingdom's Rhodes Scholarships, help recruit and keep in Canada top doctoral students from across the country and around the world. Each recipient will receive \$150,000 over three years towards their research programs. The recipients are:
 - [Javad Alizadeh](#), Human Anatomy & Cell Science, will study how the recycling of old and damaged parts of the cell can control the escape of lung cancer to other organs, thanks to support from the Canadian Institutes of Health Research (CIHR).
 - [Ashley Hayward](#), Peace and Conflict Studies, will begin her project titled: "Incarcerated mother's experience with pregnancy and childbirth: A narrative inquiry," thanks to support from CIHR.
 - [Sarah Turner](#), Community Health Sciences/Children's Hospital Research Institute of Manitoba, will gain an understanding of the link between breastfeeding and child behaviour in the Canadian CHILD birth cohort study, thanks to support from CIHR.

- [Rachel Nickel](#), Physics & Astronomy, will begin her project titled: “Building magnetic nanoparticles to eliminate bacterial biofilms: A common source of hospital acquired infections,” thanks to support from the Natural Sciences and Engineering Research Council of Canada (NSERC).
- [Belal Zia](#), Psychology, will begin his study titled: “Developing an educational intervention to improve treatment seeking attitudes and intentions among Canadian Muslims,” thanks to support from the Social Sciences and Humanities Research Council (SSHRC).

In addition to the five Vanier Scholarships awarded, the federal government also announced the awarding of a total of \$2,205,000 in scholarships to [71 UM master’s and doctoral student researchers](#) through the Canada Graduate Scholarship programs (including Frederick Banting and Charles Best, Alexander Graham Bell, Joseph-Armand Bombardier scholarships, funded by the three granting agencies).

- Professor Tracie Afifi (Community Health Sciences/Psychiatry), a world-renowned expert in child maltreatment and mental health, has been awarded a Tier 1 Canada Research Chair (CRC) in Childhood Adversity and Resilience. The award provides \$1.4 million over seven years for her research through the Canada Research Chair Program and Canadian Institutes of Health Research. Her research uses a public health approach to understand how the experiences of child maltreatment are associated with negative mental and physical health outcomes. Her research focuses on preventive efforts and has proposed innovative research questions that go beyond clinical observations with the examination of nationally representative data. Regularly quoted in international and national media outlets, she has informed the global debate on not using physical punishment as a means of child discipline.
- The 2019 Winnipeg Rh Institute Foundation Awards recipients were celebrated on September 22. Distinguished Professor Dr. Aniruddha Gole, Electrical and Computer Engineering, NSERC Industrial Research Chair in Power Systems Simulation was awarded the Dr. John M. Bowman Memorial Winnipeg Rh Institute Foundation Award. Due to the global pandemic, an online celebration was held to honour the recipients.
- The 2019 Terry G. Falconer Memorial Rh Institute Foundation Emerging Researcher Awards were also celebrated. These awards recognize academic staff members who are in the early stages of their careers and who display exceptional innovation, leadership and promise in their respective fields. The recipients were:
 - **Applied Sciences** – Dr. Guozhen Zhu (Mechanical Engineering)
 - **Health Sciences** – Dr. Kellie Thiessen (Nursing); Dr. Frederick Zeiler (Surgery)
 - **Humanities** – Dr. Jonathan Peyton (Environment and Geography)
 - **Interdisciplinary** – Dr. Pingzhao Hu (Biochemistry and Medical Genetics)
 - **Natural Sciences** – Dr. Jacob Burgess (Physics and Astronomy)
 - **Social Sciences** – Dr. Will Oxford (Linguistics)

- Thirty-three researchers received a total of \$10,887,902 in grant funding for 34 COVID-19 related research projects:

PI	Sponsor	Title	Awarded
Azad, Meghan (Pediatrics and Child Health)	CIHR COVID-19 Rapid Research	Rapid research in the CHILD Cohort to inform Canada's response to the COVID-19 pandemic: Investigating the prevalence and predictors of SARS-CoV-2 infection, and the health and psychosocial impact of the COVID-19 crisis on Canadian families	\$1,589,795
Coombs, Kevin (Medical Microbiology and Infectious Diseases)	CIHR COVID-19 Rapid Research	Integrated multi-omic delineation of SARS-CoV-2-dysregulated cellular processes	\$790,162
Lavoie, Josee (Community Health Sciences)	CIHR COVID-19 Rapid Research	Developing strategies to support First Nation communities' decision-making during COVID-19 outbreaks	\$475,836
Nickel, Nathan (Community Health Sciences)	CIHR COVID-19 Rapid Research	A distinction-based study on equity in COVID-19 testing and associated outcomes for Manitoba First Nations, Metis and Inuit	\$317,917
Wilkinson, Lori (Sociology)	CIHR COVID-19 Rapid Research	COVID-19's differential impact on Indigenous peoples and newcomers: A socioeconomic analysis of Canada, US and Mexico	\$671,332
Zarychanski, Ryan (Internal Medicine)	CIHR COVID-19 Rapid Research	Anti-thrombotic therapy to ameliorate complications of COVID-19 (ATTACC): A randomized, international, multi-centre, adaptive, controlled clinical trial	\$3,573,336
Wilkinson, Lori (Sociology)	Mitacs Accelerate COVID-19 Rapid Response	What are the socioeconomic impacts of COVID-19 on Canadians	\$30,000
Thompson, Shirley (Natural Resources Institute)	Mitacs Accelerate Entrepreneur	Development of low-cost air purifiers for use in First Nation houses to improve indoor air quality affected by mould, smoke particulate, and air-borne viruses such as COVID-19	\$90,000
Friesen, Marcia (Electrical and Computer Engineering)	NSERC Alliance COVID-19	Developing algorithms that use individual mobility data to support tracking and contact tracing of SARS-CoV-2 causing COVID-19 and future pandemics	\$50,000
Irani, Pourang (Computer Science)	NSERC Alliance COVID-19	Investigating trust and adoption of contact tracing for mitigating the spread of COVID-19	\$48,504
Mark, Brian (Microbiology)	NSERC Alliance COVID-19	Bioengineering plant resilience to viral infection	\$120,000
Moussavi, Zahra (Electrical and Computer Engineering)	NSERC Alliance COVID-19	Post discharge tele-monitoring of COVID-19 survivors for long-term impacts and point-of-care	\$50,000
Moussavi, Zahra (Electrical and Computer Engineering)	NSERC Alliance COVID-19	A touchless tool to screen for Covid-19 for reopening industries	\$49,880

Torabi, Mahmoud (Community Health Sciences)	NSERC Alliance COVID-19	Modeling of COVID-19 pandemic in Canada: Projection and interventions	\$50,000
Tranmer, Geoffrey (Pharmacy)	NSERC Alliance COVID-19	FlowCoV: Development of flow chemistry methods related to COVID-19	\$49,985
Yuan, Qiuyan (Civil Engineering)	NSERC Alliance COVID-19	Developing a wastewater surveillance system for the estimation of the scale of COVID-19 infection	\$50,000
Azad, Meghan (Pediatrics and Child Health)	Research Manitoba COVID-19 Rapid Response	Rapid research in the CHILD Cohort to inform Manitoba's response to the COVID-19 pandemic: Investigating the prevalence and predictors of SARS-CoV-2 infection, and the health and psychosocial impact of the COVID-19 pandemic on Manitoban families	\$100,000
Chochinov, Harvey Max (Psychiatry)	Research Manitoba COVID-19 Rapid Response	Death, dying and dignity in the time of the COVID-19 pandemic	\$235,676
Decker, Kathleen (Community Health Sciences)	Research Manitoba COVID-19 Rapid Response	Evaluating the impact of the health care system's response to COVID19 on cancer patients in Manitoba	\$122,154
Eltonsy, Sherif (Pharmacy)	Research Manitoba COVID-19 Rapid Response	The impact of population-level physical distancing during COVID-19 pandemic on health care services in Manitoba: a focus on vulnerable populations	\$150,000
Haigh, Jody (Pharmacology and Therapeutics)	Research Manitoba COVID-19 Rapid Response	Development of humanized Ace2 mouse models for COVID-19 research	\$65,500
Halas, Gayle (School of Dental Hygiene)	Research Manitoba COVID-19 Rapid Response	Virtual visits and management of primary care in a pandemic environment	\$184,677
Leong, Christine (Pharmacy)	Research Manitoba COVID-19 Rapid Response	Evaluating the impact of COVID-19 on healthcare utilization, psychotropic drug use, and mortality among individuals living with mental illness: A population-based study using administrative data	\$100,000
Liu, Song (Biosystems Engineering)	Research Manitoba COVID-19 Rapid Response	Potent rechargeable anti-viral face mask	\$200,063
MacKenzie, Lauren (Internal Medicine)	Research Manitoba COVID-19 Rapid Response	Manitoba COVID-19 Serology (MaCS) Network	\$448,500
Nickel, Nathan (Community Health Sciences)	Research Manitoba COVID-19 Rapid Response	A distinction-based study on equity in COVID-19 testing among Manitoba First Nations, Metis and Inuit	\$99,435
Reynolds, Kristin (Psychology)	Research Manitoba COVID-19 Rapid Response	Dissemination and evaluation of a cognitive behavioral therapy e-health and m-health intervention for anxiety in pregnancy and postpartum during COVID-19	\$104,945

Roos, Leslie (Psychology)	Research Manitoba COVID-19 Rapid Response	The PACT program: Parenting Apart while Coming Together	\$198,232
Torabi, Mahmoud (Community Health Sciences)	Research Manitoba COVID-19 Rapid Response	Projection of COVID-19 pandemic and possible interventions in Manitoba	\$68,500
Udod, Sonia (Nursing)	Research Manitoba COVID-19 Rapid Response	The healthcare leader's role during the COVID-19 pandemic: Integrating crisis leadership and organizational resilience	\$95,876
Graham, Morag (Medical Microbiology and Infectious Diseases)	University of Alberta - Canadian COVID-19 Rapid Research	Rapid RNA sequencing of coronavirus for public health surveillance and transmission	\$231,107
Van Domselaar, Gary (Medical Microbiology and Infectious Diseases)	University of Alberta - Canadian COVID-19 Rapid Research	Rapid RNA sequencing of Coronavirus for public health surveillance and transmission	\$151,940
Pickering, Brad (Medical Microbiology and Infectious Diseases)	University of Montreal - COVID-19 Rapid Research	SARS-CoV-2 immunization strategies to enhance protective immunity with reduced risk of antibody-dependent enhancement (ADE)	\$250,000
Metge, Colleen (Community Health Sciences)	University of Windsor - COVID-19 Rapid Research	Development of an implementation framework to advance provincial and national system supply chain management of the COVID-19 pandemic	\$74,550

- Fifty-two researchers received a total of \$17,338,851.75 in grant funding for 132 projects from a variety of sponsors. Those projects receiving more than \$25,000 are:

PI	Sponsor	Title	Awarded
Azad, Meghan (Pediatrics and Child Health)	CFI IOF	Manitoba Interdisciplinary Lactation Center (MILC): A provincial infant feeding database and human milk biorepository	\$59,525
Bakker, Matthew (Microbiology)	CFI JELF	Investigating plant-associated microbiomes	\$159,990
Bakker, Matthew (Microbiology)	Research Manitoba John R. Evans Leaders Fund	Investigating plant-associated microbiomes	\$159,990
Budisa, Nediljko (Chemistry)	CFI JELF	Biomaterials discovery platform	\$159,139
Budisa, Nediljko (Chemistry)	Research Manitoba John R. Evans Leaders Fund	Biomaterials discovery platform	\$159,139
Gerstein, Aleeza (Microbiology)	CFI JELF	High-throughput genotypic and phenotypic fungal analysis research facility	\$239,631
Gerstein, Aleeza (Microbiology)	Research Manitoba John R. Evans Leaders Fund	High-throughput genotypic and phenotypic fungal analysis research facility	\$239,631
Gibbs, Jason (Entomology)	CFI JELF	Evolutionary ecology of prairie pollinators	\$206,558
Gibbs, Jason (Entomology)	Research Manitoba John R. Evans Leaders Fund	Evolutionary ecology of prairie pollinators	\$206,558
Jeffries, Kenneth (Biological Sciences)	CFI JELF	High-throughput examination of stress in fish	\$150,250

Jeffries, Kenneth (Biological Sciences)	Research Manitoba John R. Evans Leaders Fund	High-throughput examination of stress in fish	\$150,250
Jones, Meaghan (Biochemistry and Medical Genetics)	CFI JELF	Breaking the link between environmental exposures and health: Lessons from epigenetics	\$159,261
Jones, Meaghan (Biochemistry and Medical Genetics)	Research Manitoba John R. Evans Leaders Fund	Breaking the link between environmental exposures and health: Lessons from epigenetics	\$159,261
Liang, Xihui (Mechanical Engineering)	CFI JELF	Infrastructure for development of advanced condition monitoring techniques for gears and bearings	\$159,603
Liang, Xihui (Mechanical Engineering)	Research Manitoba John R. Evans Leaders Fund	Infrastructure for development of advanced condition monitoring techniques for gears and bearings	\$159,603
Livi, Lorenzo (Computer Science)	CFI JELF	Deep learning on graph-structured data for predicting protein-ligand interactions	\$160,000
Livi, Lorenzo (Computer Science)	Research Manitoba John R. Evans Leaders Fund	Deep learning on graph-structured data for predicting protein-ligand interactions	\$160,000
Schindler, Michael (Geological Sciences)	CFI JELF	Environmental nano-geoscience facility	\$238,498
Schindler, Michael (Geological Sciences)	Research Manitoba John R. Evans Leaders Fund	Environmental nano-geoscience facility	\$238,498
Scribbans, Trisha (Faculty of Kinesiology and Recreation Management)	CFI JELF	An integrative approach to understanding shoulder movement across the lifespan	\$156,891
Scribbans, Trisha (Faculty of Kinesiology and Recreation Management)	Research Manitoba John R. Evans Leaders Fund	An integrative approach to understanding shoulder movement across the lifespan	\$156,890
Zeiler, Frederick (Surgery)	CFI JELF	Multi-modal monitoring of cerebral autoregulation in cranial neurotrauma	\$155,600
Zeiler, Frederick (Surgery)	Research Manitoba John R. Evans Leaders Fund	Multi-modal monitoring of cerebral autoregulation in cranial neurotrauma	\$155,600
Jayas, Digvir (Office of the Vice-President (Research and International))	Canada Research Chair Program	Equity, diversity and inclusion (EDI) stipend	\$50,000
Afifi, Tracie (Community Health Sciences)	CIHR Catalyst Grant	Vaping and health outcomes, and use of the health care system among parents and adolescents in Manitoba	\$99,421
Balneaves, Lynda (College of Nursing)	CIHR Catalyst Grant	Cannabis vaping experiences and decisions among youth and young adults in Manitoba (The CaVED Project)	\$100,000
Mookherjee, Neeloffer (Internal Medicine)	CIHR Chair: Sex and Gender Science Chair	Sex and asthma: Immunomodulatory mechanisms of airway inflammation	\$694,484
Pascoe, Chris (Physiology & Pathophysiology)	CIHR Catalyst Grant	Understanding the pathology of vaping associated lung damage in young adults	\$100,000
Schultz, Annette (Nursing)	CIHR Fellowship	Identity as visibility: Gathering knowledge around the collection of racial and ethnic	\$110,000

		identifiers from the perspectives of Indigenous patients and health data collectors	
Osiowy, Carla (Medical Microbiology and Infectious Diseases)	Canadian Liver Foundation	Development of hepatitis B virus (HBV) serum RNA biomarker assay as a surrogate measure of intrahepatic HBV replication	\$40,000
Protudjer, Jennifer (Pediatrics and Child Health)	Children's Hospital Research Institute of Manitoba	The mental health impact and needs of those living with food allergy: Perceptions from children, parents and care providers to inform needs based multi-faceted support programs and policy	\$85,000
Roos, Leslie (Psychology)	Children's Hospital Research Institute of Manitoba	The PACT Program: Parenting Apart while Coming Together	\$50,000
Wicklow, Brandy (Pediatrics and Child Health)	Children's Hospital Research Institute of Manitoba	Genetic and environmental influences on development of type 2 diabetes in childhood: The next generation longitudinal birth cohort	\$60,000
Bassuoni, Mohamed (Civil Engineering)	City of Winnipeg	Improving soil conditions under pavements using cement and nanoparticles	\$91,000

Hanson, Mark (Environment & Geography)	Dalhousie University	Validating environmental and human health improvements associated with wastewater treatment upgrades in Arctic communities	\$242,500
Dhaliwal, Perry (Surgery)	Health Sciences Centre Foundation	Intraspinal pressure monitoring for acute traumatic spinal cord injury: A validation study	\$70,000
Poliquin, Vanessa (Obstetrics, Gynecology and Reproductive Sciences)	Health Sciences Centre Foundation	Prospective cohort study comparing two models of penicillin allergy-delabelling in pregnancy	\$32,600
Wright, Galen (Pharmacology and Therapeutics)	Health Sciences Centre Foundation	Fine-mapping of neurodegenerative disorder genomic risk loci for the prioritization of novel drug targets	\$70,000
Wright, Galen (Pharmacology and Therapeutics)	Health Sciences Centre Foundation	Precision medicine approaches in neurological disorders	\$125,000
Clark, Shawn (Civil Engineering)	KGS Group Winnipeg	Critical shear stress field assessment of glacial till	\$37,400
Gardiner, Phillip (Physiology & Pathophysiology)	Manitoba Paraplegia Foundation Inc	Technical salary support for Spinal Cord Research Centre	\$25,000
Choukou, Amine (College of Rehabilitation Sciences)	Mitacs Accelerate	A Virtual reality (VR)-based yoga exercise program targeting upper and lower extremities function in stroke survivors who are discharged home	\$60,000
Cicek, Nazim (Biosystems Engineering)	Mitacs Accelerate	Effectiveness of using engineered floating treatment wetlands to reduce nutrients, pharmaceuticals, and antibiotic resistant bacteria and genes in wastewater	\$120,000
Filizadeh, Shaahin (Electrical and Computer Engineering)	Mitacs Accelerate	Grid-forming techniques for converter-dominated power systems	\$80,000
Fraser, Kevin (Biological Sciences)	Mitacs Accelerate	Breeding and migratory habitat use in Eastern Whip-poor-will in relation to forest management	\$120,000
Irani, Pourang (Computer Science)	Mitacs Accelerate	Space-efficient health data visualization and interaction on smartwatches	\$45,000
Irani, Pourang (Computer Science)	Mitacs Accelerate	Effective and improved telerehabilitation in physical therapy	\$45,000
Jeffrey, Ian (Electrical and Computer Engineering)	Mitacs Accelerate	Applying machine learning to develop meaningful rail condition indices	\$32,500
Kindrachuk, Jason (Medical Microbiology and Infectious Diseases)	Mitacs Accelerate	Broad spectrum CoV therapeutic; rhACE2 Immunoadhesin to treat COVID19	\$45,000
Kinsner, Witold (Electrical and Computer Engineering)	Mitacs Accelerate	Implementation of an optimal system for the detection and avoidance system on an Unmanned Aircraft System (UAS)	\$45,000
Leung, Carson (Computer Science)	Mitacs Accelerate	Design and development of a big data analytics system to accommodate	\$120,000

		dynamic risk modeling of emergency responder delays at active rail crossings	
Leung, Carson (Computer Science)	Mitacs Accelerate	Constrained dynamic pricing for airport parking reservations	\$30,000
McLachlan, Stephane (Environment & Geography)	Mitacs Accelerate	Integration of indigenous knowledge and western science to produce value-added fishery products in northern Manitoba	\$110,000
Muthukumarana, Saman (Statistics)	Mitacs Accelerate	Assessing and identifying indoor environmental quality gaps in commercial buildings using wireless sensors and big data analysis tools	\$53,333
Ng, Marcus (Internal Medicine)	Mitacs Accelerate	Exploring the effects of functional connectivity to depict key differences between stages of sleep to determine why REM protects against seizures	\$30,000
Ripat, Jacqueline (Occupational Therapy)	Mitacs Accelerate	Capturing change: Understanding the physical and psychosocial impacts of adaptive bikes	\$45,000
Sri Ranjan, Ramanathan (Biosystems Engineering)	Mitacs Accelerate	Evaluating tile drainage/water management effects on wheat, canola, and soybeans productivity in heavy clay soils	\$45,000

Azad, Meghan (Pediatrics and Child Health)	Molly Towell Perinatal Research Foundation	Impact of human-derived human milk fortifiers (H2MF) on gut microbiota development and oxidative stress in premature infants	\$30,000
Durocher, Stephane (Computer Science)	NSERC Discovery Accelerator Supplement	Algorithms for summarizing, representing and analyzing trajectories of moving objects	\$120,000
Ehn, Jens (Centre for Earth Observation Science)	NSERC Discovery Grant	Seasonal decay and break-up of sea ice in the Arctic coastal domain	\$125,000
Ehn, Jens (Centre for Earth Observation Science)	NSERC Northern research supplement	Seasonal decay and break-up of sea ice in the Arctic coastal domain	\$75,000
Deconinck, Wouter (Physics and Astronomy)	NSERC Subatomic physics	Precision electroweak studies of the standard model	\$100,000
Chopek, Jeremy (Physiology & Pathophysiology)	Research Manitoba - New Investigator Operating Grant	Integration between locomotor and sympathetic spinal neural circuitry	\$129,900
Jones, Meaghan (Biochemistry and Medical Genetics)	Research Manitoba - New Investigator Operating Grant	Epigenetic mechanisms of biological embedding of prenatal cigarette smoke	\$130,000
Liang, Xihui (Mechanical Engineering)	Research Manitoba - New Investigator Operating Grant	Development of embedded sensors for bearing condition monitoring	\$50,000
Logue, Susan (Human Anatomy and Cell Science)	Research Manitoba - New Investigator Operating Grant	Understanding the contribution of the unfolded protein response to secretome regulation post-therapy in triple negative breast cancer cells	\$130,000
Prehna, Gerd (Microbiology)	Research Manitoba - New Investigator Operating Grant	Deciphering the molecular mechanism of protein assembly in the type six secretion system warhead	\$50,000
Protudjer, Jennifer (Pediatrics and Child Health)	Research Manitoba - New Investigator Operating Grant	A mixed methods investigation into the bidirectional association of atopic dermatitis and maternal-infant bonding	\$129,454
Schellenberg, Benjamin (Kinesiology and Recreation Management)	Research Manitoba - New Investigator Operating Grant	Fuelled by passion: Applying the quadripartite approach to passion with sports fans	\$38,157
Jayas, Digvir (Office of the Vice-President (Research and International))	SSHRC Canada Research Continuity Emergency Fund Stage 1	Canada Research Continuity Emergency Fund (CRCEF) - Stage 1	\$7,800,958
Au, Yik (Accounting and Finance)	SSHRC Insight Development Grant	Workplace racial discrimination and firm value	\$70,662
Bartlett, Nadine (Educational Administration, Foundations and Psychology)	SSHRC Insight Development Grant	Prevention and intervention: An examination of community mobilization responses to crime	\$66,645
Brown, Brenda (Landscape Architecture)	SSHRC Insight Development Grant	Manitoba farmstead shelterbelt landscapes: Documentations, analyses, stories	\$67,487

Cui, Hong (Victor) (Business Administration)	SSHRC Insight Development Grant	"When You Wish Upon a Star": The impact of Star Inventors on Firm Exploratory Innovation	\$56,440
Desmarais, Annette (Sociology)	SSHRC Insight Development Grant	Transitioning to agroecology in the Canadian Prairies: A research and visual methods pilot project	\$59,998
Hechter, Richard (Curriculum, Teaching and Learning)	SSHRC Insight Development Grant	Mah-Kom: Cultivating empathy through ethnoastronomy	\$63,718
Seniuk Cicek, Jillian (Centre for Engineering Professional Practice and Engineering Education)	SSHRC Insight Development Grant	Are Canadian access programs making space for indigenous students in postsecondary education?	\$62,650
Smandych, Russell (Sociology)	SSHRC Insight Development Grant	Reframing media studies of crime, insurgencies, and counterterrorism in Nigeria: Toward a new multi-disciplinary criminology-mass communication stakeholder approach	\$58,487
Wu, Zhenyu (Business Administration)	SSHRC Insight Development Grant	Climate risk and financial quality: International evidence	\$63,180
Jayas, Digvir (Office of the Vice-President (Research and International))	SSHRC	New Frontiers Research Fund Exploration - Indirect Costs	\$263,986
Peschken, Christine (Internal Medicine)	University Medical Group	Bridge funding for research programs	\$25,000
Azad, Meghan (Pediatrics and Child Health)	University of Manitoba (Gates (Bill and Melinda) Foundation)	International Milk Composition Consortium (IMiC)	\$75,000
Harris, Steven (Biological Sciences)	University of Maryland	Collaborative Research: Using multi-omic analyses and dynamic modeling to understand fungal cell wall stress responses	\$34,522

ADMINISTRATIVE MATTERS

- The Office of Sustainability is planning events to celebrate Sustainability Month (October), by highlighting sustainability work taking place on-campus and giving sustainability tips while working or studying from home. These events include weekly 'Green Flicks', Expert Chats featuring UM researchers, the Waste Reduction and Management survey for Waste Reduction Week (October 19-25) as well as other fun facts on social media.
- UM Dining Services and the Office of Sustainability are working together to implement a reusable food container program in Pembina Hall. This program will use tokens that students will initially have to purchase and exchange for container usage at every takeaway meal. This will run as a pilot project with the goal being to have this program in all food services locations on campus.

- The Office of Sustainability in partnership with Learning and Organizational Development has created an online Sustainability 101 course aimed at increasing sustainability knowledge and actions of UM staff and faculty. The course offers an overview of basic sustainability principles, real world examples of sustainability, overview of campus sustainability and resources and develops the participant's skills to take action in their department. First offering will be in October 2020.
- A new Data Classification guideline and Data Storage guidelines were created jointly with the Access and privacy office and will be published in September 2020.
- Office 365 Student/Staff tenant merger was successfully completed. Over 110,000 student and alumni accounts were migrated from the student tenant to the staff tenant, including all e-mail content for over 40,000 enrolled students.
- Staff Relations is actively bargaining with UMFA, CUPE 3909 Units 1 and 2, and AESES. The CUPE 1482 collective agreement has also expired, but they have not yet indicated an interest in beginning negotiations.
- Learning & Organizational Development (LOD) launched the UM Human Resources Essentials Program (UMHREP) in August. This certificate program provides a comprehensive foundation in how HR functions are performed at the university. Developed by subject matter experts throughout Human Resources, the program includes workshops relating to the employee life cycle, hiring, development, and staff relations and concludes with a capstone panel presentation where participants demonstrate learning by proposing a solution to a practical case to a panel of their peers and representatives from HR.
- In order to support employees working remotely, Learning & Organizational Development (LOD) has doubled the number of workshop sessions available this fall in a synchronous online format for groups and teams. Fourteen sessions are now available ranging from 90 minutes to three hours and are designed to support groups in communication and collaboration through engaging learning activities. These sessions are a valuable tool to help team building and provide a creative space for groups to virtually gather to learn and connect. New offerings include Social Intelligence: Building Impactful Relationships, Time Management, Virtual Meetings, Conversation Skills, Decision Making, and Respect in the Workplace.
- In June, Learning & Organizational Development (LOD) offered a new, online series of Managers' Forums to support supervisors and managers transitioning to leading their teams remotely. Three forums were held on the topics of Communication, Collaboration and Community Building.
- On June 22, 2020 both Access Copyright and York University sought leave to appeal the Federal Court of Appeal decision respecting the applicability of the Access Copyright tariffs and fairness of York's Fair Dealing Guidelines to the Supreme Court of Canada. At the Federal Court of Appeal the Access Copyright tariffs were found to be non-mandatory for post-secondary institutions, and York's guidelines (which are similar to those used in educational institutions throughout Canada) were found to be unfair. This case has ongoing significance for copyright management practices at the University of Manitoba and in post-secondary institutions across Canada.

- The Legal Office is working on the creation of a Brief and Temporary Student Absence Policy that establish a process for students to submit documentation when an absence due to brief illness will cause them to miss a for-credit assignment or assessment. This Procedure would create unified process across UM programs, would increase our ability to keep track of student absences and better assess when students may need accommodations or supports, and will reduce demands on the healthcare system by eliminating the existing requirement of a doctor's note for illness-related absences. The Legal Office is incorporating feedback received from stakeholder consultations, and anticipate that the newest draft will be provided to our collective bargaining units for consultation in mid-September.
- The Legal Office been reviewing, negotiating, and finalizing several clinical trials agreements related to the COVID-19 virus, as well as a number of material transfer agreements and data sharing agreements, which are also related to COVID-19 related research. The legal office has negotiated clinical trial agreements for sites in numerous countries including Canada, the USA, and Brazil.
- The Access and Privacy Office, Legal Office, and Copyright Office worked with IST Security and Compliance and the Centre for the Advancement of Teaching and Learning to create guidance documents for the University community to ensure the tools and processes used in virtual classrooms are compliant with privacy and copyright regulation, are safe and secure, and that they support academic integrity.

EXTERNAL RELATIONS

- Communications support around the safe return to campus and virtual learning is ongoing. New information is being actively communicated through UM news and social media channels, and using a variety of tools including videos, newsletters, emails and digital and print signage.
- Donor activity is beginning to increase and several \$1M+ philanthropic gifts have been confirmed in the current reporting period. Plans to publicly announce these significant investments are underway.
- Virtual Learning for Life, a nine-week seminar series sponsored by our affinity partner, IA Financial Group, was hosted in May and June. With nearly 1,100 alumni and friends registering for at least one of the sessions and based on very positive feedback, we will be hosting a fall program series beginning on September 30. Many thanks to the UM faculty members who shared their research with our alumni community during these sessions.
- UM Café on 10,000 Coffees, a Canadian-based online career-mentoring platform sponsored by RBC Future Launch, was launched in mid-June as a collaboration between Alumni Relations and Career Services. This program enables alumni and students/new graduates to connect online to share career journey advice and guidance. Over 1,600 alumni and students have joined the program to date.

- UM's first-ever online book club was launched in early June, sponsored by the Alumni Association. The first book – The Glass Castle – was selected by the book club host, Chancellor Anne Mahon, and the second book – The Break – written by Winnipeg author Katherena Vermette – was selected by book club members. Over 600 alumni and friend members from around the world have joined the book club to date.
- To mark the 40th anniversary of the Marathon of Hope, John Kearsy, Vice-President (External), joins 39 revered Canadians in recounting Terry Fox's legacy in Forever Terry: A Legacy in Letters released on September 1. The release of the book has received extensive national and international recognition.
- Migration of web content to the newly designed umanitoba.ca continues, targeting an early 2021 completion. The Student Viewbook, a key marketing tool targeted to prospective students, is now available in a digital format for the first time.
- Preparations continue for the UM Intranet, targeting an initial launch in late 2020 with migrations continuing into 2021.
- For the first time in its 99-year history, the Alumni Association will hold its Annual General Meeting virtually on September 30 from 6:30 to 7:30 p.m. CT. Guest speakers include the Honourable Janice Filmon, Lieutenant Governor of Manitoba, President Benarroch and John Kearsy, Vice-President (External). Please join Alumni Association Chair, Peter Wheatley, and fellow alumni from around the world for the AGM. All are welcome to attend.
- Fall Homecoming 2020 will be celebrated through a virtual ceremony on October 22 with President Benarroch, Chancellor Mahon and our Deans delivering congratulatory messages to the Class of 2020 along with a virtual student procession.
- Homecoming 2020 will not be celebrated in any official capacity either in-person or virtually and all in-person milestone reunion celebrations have been postponed to 2021.
- The Distinguished Alumni Awards (DAA) Celebration of Excellence gala event scheduled for October 1, has been cancelled. Instead, the nine DAA recipients will be announced in the Fall 2020 issue of UM Today: The Magazine and an in-person celebration will be hosted in 2021.
- President Benarroch and John Kearsy, Vice-President (External) met with Premier Brian Pallister on September 14, and will meet with the Treasury Board in October 2020 to discuss the University's commitment to advancing the province's economic strategy and shared priorities.

University of Manitoba
First Day of Classes - Fall Term Enrolment
Summary Report
September 9, 2020

Important Note

As a result of the COVID-19 pandemic, most on-campus courses have shifted to delivery through remote-learning, with a small number of courses offered in person. These changes will have varying effects on faculties, colleges, and schools, and will affect the comparability of some year-over-year figures.

Fall Term Enrolment

Student enrolment for the First Day of Classes is 30,888, surpassing last year's First Day record enrolment, and marks the first time that the University of Manitoba has been above 30,000 students on first day. Overall enrolment increased 3.7% from last year's First Day enrolment of 29,793. Full-time enrolment increased 1.4%, from 25,709 students to 26,060 students, while part-time enrolment increased 18.2%, from 4,084 to 4,828.

Undergraduate enrolment increased 4.2%, from 25,613 students in Fall Term 2019 to 26,679 students in Fall Term 2020. Graduate enrolment increased by 38 students, or 1.1%, from 3,476 students to 3,514 students.

International enrolment increased from 5,811 students in Fall Term 2019 to 6,249 students in Fall Term 2020, an increase of 7.5%.

Indigenous enrolment increased from 2,426 students in Fall Term 2019 to 2,537 students in Fall Term 2020, an increase of 4.6%.

Undergraduate student credit hours were up 4.5%, from 281,171 in Fall Term 2019 to 293,874 in Fall Term 2020. Distance and Online Education credit hours, excluding remote-learning, increased 29.0%, from 31,638 credit hours in Fall Term 2019 to 40,799 credit hours in Fall Term 2020.

Next Reporting Period

The next set of enrolment reports for the 2020 Fall Term will follow in two weeks, after the end of the course change period.

Office of Institutional Analysis

ENROLMENT (PRELIMINARY)
University of Manitoba
First Day of Classes - Fall Term¹

Faculty/College/School	Full-Time		Part-Time ²		TOTAL		
	2020	2019	2020	2019	2020	2019	% Change
Undergraduate Students							
Agricultural & Food Sciences	610	599	58	61	668	660	1.2%
Agriculture, School of ³	127	143	9	7	136	150	-9.3%
Architecture	267	288	22	14	289	302	-4.3%
Art, School of	278	280	48	44	326	324	0.6%
Arts	3,806	3,718	973	689	4,779	4,407	8.4%
Business, Asper School of	1,713	1,609	138	157	1,851	1,766	4.8%
Education ⁴	373	335	326	310	699	645	8.4%
Engineering, Price Faculty of ⁵	1,739	1,701	162	140	1,901	1,841	3.3%
Environment, Earth, and Resources, Clayton H. Riddell Faculty of	388	357	81	54	469	411	14.1%
Extended Education ⁶	335	329	365	367	700	696	0.6%
Health Sciences, Rady Faculty of ⁷	179	150	10	13	189	163	16.0%
Dentistry, Dr. Gerald Niznick College of	127	127	0	0	127	127	0.0%
B.Sc. Dentistry ⁸	19	20	0	0	19	20	-
Dental Hygiene, School of	56	60	2	0	58	60	-3.3%
Medicine, Max Rady College of ⁹	479	574	15	13	494	587	-15.8%
B.Sc. Medicine ⁸	75	86	0	0	75	86	-
Nursing, College of	697	699	58	50	755	749	0.8%
Pharmacy, College of ¹⁰	143	148	0	0	143	148	-3.4%
Rehabilitation Sciences, College of	46	47	1	0	47	47	0.0%
Kinesiology & Recreation Management	472	439	23	30	495	469	5.5%
Law	313	312	10	12	323	324	-0.3%
Music, Marcel A. Desautels Faculty of ⁴	203	190	13	12	216	202	6.9%
Science	5,293	4,905	935	726	6,228	5,631	10.6%
Social Work ¹¹	443	424	244	281	687	705	-2.6%
University ¹²	4,206	4,512	799	581	5,005	5,093	-1.7%
Undergraduate Total	22,387	22,052	4,292	3,561	26,679	25,613	4.2%
Graduate Studies ¹³	2,978	2,953	536	523	3,514	3,476	1.1%
Post-Graduate Medical Educ.	695	704			695	704	
University Total	26,060	25,709	4,828	4,084	30,888	29,793	3.7%

1. Due to the COVID-19 pandemic and resulting changes to program/course delivery, Fall Term 2020 may not be comparable to previous years.
2. Students enrolled in Distance Education or off-campus studies are included in their faculty/college/school of registration.
3. Agriculture Diploma registration incomplete, as at First Day of Classes.
4. Students in the integrated B.Mus./B.Ed. program are in Music for years 3 and 4 and Education for year 5.
5. The Faculty of Engineering changed its name to the Price Faculty of Engineering in 2020.
6. Includes students in General Studies and the diploma programs coordinated by Extended Education.
Students enrolled in online, off-campus, or distance education credit courses are shown in their faculty/college/school of registration.
7. Beginning in Fall Term 2017, the Rady Faculty of Health Sciences has an option for admission directly from high school.
8. B.Sc. (Dentistry)(Medicine) are second or third year Dental and Medical students who registered for the B.Sc. Program in the summer term.
9. Students no longer admitted to the Family Social Sciences program within Max Rady College of Medicine, effective Fall Term 2019.
10. The College of Pharmacy did not have an intake in Fall Term 2019, as it is transitioning to a new PharmD program.
11. Includes William Norrie Centre, Distance and Northern programs.
12. The University 1 program was introduced in 1998-99. Most "new" students, with limited or no university experience, have registered under this program.
13. Includes all Joint Master's Program students.



AGENDA ITEM:

Revisions to the *Respectful Work and Learning Environment Policy*, *Sexual Assault Policy*, and *RWLE and Sexual Assault Procedure*

RECOMMENDED RESOLUTION:

THAT the Board of Governors approves:

- The revisions to the *Respectful Work and Learning Environment Policy*
- The revisions to the *Sexual Assault Policy*
- The revisions to the *RWLE and Sexual Assault Procedure*

CONTEXT AND BACKGROUND:

The Advanced Education Administration Act requires a comprehensive review to the University's sexual violence policy every four years. Further, the University has made an internal commitment in the existing *Sexual Assault Policy* to review every three years. The *Respectful Work and Learning Environment (RWLE) Policy* and the *Sexual Assault Policy* were most recently revised as of September 1, 2016, and the Policy Review Committee has been working on this current review process since 2017.

In addition, changes to policy were recommended in the *Responding to Sexual Violence, Harassment & Discrimination at the University of Manitoba: A Path Forward* (the Path Forward Report). Where possible, these recommendations have been incorporated into the current policy drafts.

The following general changes have been made to the *RWLE Policy* and the renamed *Sexual Violence Policy* and *Disclosures and Complaints Procedure*:

- All three documents have seen some structural modifications in order to increase comprehension and allow them to be read more effectively.
- The *Sexual Assault Policy* and the *RWLE and Sexual Assault Procedure* have been renamed the *Sexual Violence Policy* and the *Disclosures and Complaints Procedures* (respectively). These titles better reflect the function of the governing documents.
- Sexual harassment has been removed from the *RWLE Policy*. Both sexual harassment and sexual assault are now addressed under the newly named *Sexual Violence Policy* in order that all behaviour relating to sexual violence be housed within the same governing document.
- Clarification on the difference between a "Disclosure" and a "Formal Complaint" has been added and a specific definition of "Disclosure" has been introduced. An individual who discloses to the Office of Human Rights and Conflict Management (OHRCM) may receive accommodations and/or supports without filing a Formal Complaint.

- There is now an updated definition of “Consent” that explains that consent must be expressed at the time of the activity, rejecting the idea of “advanced consent”.
- Intersectionality is now referenced as part of the Guiding Principles in the new *Sexual Violence Policy* and is included as a definition. The addition of “Intersectionality” falls in line with the University’s overall commitment to furthering efforts of equity, diversity, and inclusion.
- Additional language has been included to emphasize the University’s commitment to protect its members from reprisal. Many community members expressed fear around reprisals. Adding examples in the definitions will ensure information about protections from reprisal is included near the beginning of the document.
- Language in all documents has been changed for clarity:
 - What was previously referred to as a “Report” is now referred to as a “Formal Complaint”.
 - The definition of “Informal Resolution” has been added in all documents.
 - The definition of “Disclosure” has been added in the new *Sexual Violence Policy* and the new Procedure.
 - Per the above, the term “Formal Complaint” now provides more clarity, and also shows that Formal Complaints are distinct from Disclosures and Informal Resolution processes. These terms were not well defined in the previous policies, or were used in ways that caused confusion.
- In order to ensure that supports and resources are known and accessible to the University Community, language and commitments regarding supports and resources have been added to the documents. Accommodations, safety planning and online resources have been highlighted within the new documents.

Key Changes to Each Governing Document

Respectful Work and Learning Environment Policy

- With respect to the new *RWLE Policy*, information on Sexual Harassment has been removed from the *RWLE Policy* and placed in the *Sexual Violence Policy*. As a result, all behaviour that constitutes sexual violence will be housed under the same policy.

Sexual Assault Policy

Based on provisions within *The Advanced Education Administration Act*, as well as feedback from our community members, the new Policy has been expanded to include all acts of sexual violence and has been renamed to better reflect its purpose. Overall changes are listed as follows:

- The *Sexual Assault Policy* has been renamed the *Sexual Violence Policy*.
- All behaviour that constitutes sexual violence is now housed under the *Sexual Violence Policy*.
- Sections on “Guiding Principles”, “University Commitments”, “University Community Responsibilities”, and “Education and Training” have been added. These changes more clearly reflect the purpose of the Policy and have been expanded to:
 - Include the recognition of impacts of societal factors;
 - Highlight the need for a collective effort from the University Community in order to address sexual violence; and,

- Emphasize the University's commitment to pursuing and providing access to educational materials and training opportunities related to sexual violence.
- A definition of Sexual Violence has been added to the Policy in accordance with definitions provided by *The Advanced Education Administration Act*.
- All components of annual reporting have been formalized. The new Policy has been expanded to require that annual reporting include anonymized data relating to complainants and respondents, observations regarding the Policy's impact and information on activities undertaken to promote awareness and prevention. These changes provide the University with insight into the effectiveness of its programming and potential patterns within its community.

Disclosure and Complaints Procedure

The new Procedure aims to clarify for students, staff and faculty what their individual and collective rights and responsibilities are with respect to harassment, discrimination and sexual violence. Generally, the following changes have been made:

- The *RWLE and Sexual Assault Procedure* has been renamed the *Disclosures and Complaints Procedure*. This change is being made in response to feedback suggesting that the previous title created confusion for respondents as to whether they were the subject of a complaint of sexual violence or a complaint under the RWLE Policy.
- The new Procedure has been expanded to include additional information on the Informal Resolutions process. This will allow members to better understand that informal resolution alternatives are available to them beyond Formal Complaints.
- Similar to the new *Sexual Violence Policy*, a definition of Sexual Violence has been added to the Procedure in accordance with definitions provided by *The Advanced Education Administration Act*.
- The OHRCM's practice has always been trauma-informed, but the previous Procedure lacked explicit language prohibiting questions regarding past sexual history and sexual activity. Based on feedback from community members, an express prohibition has been added.
- The investigation practice has never included cross-examination. This practice is now explicitly prohibited within the new Procedure.
- Additional information has been included to better define interim measures and explain how they are imposed.
- The new Procedure provides that the University will not pursue disciplinary action should an individual come forward with a Disclosure or Formal Complaint that involves alcohol or substance use.
- Many community members expressed the desire for either extending the limitation period of one year for filing formal complaints, or removing the limitation period entirely. The University must balance its procedural fairness obligations with the reality that those who experience trauma from sexual violence can take longer than one year to disclose. Following the recommendation from the Path Forward Report, the limitation period for disclosing or filing a complaint has been removed, although the OHRCM may decline to proceed should there be reason to believe that the passage of time will have a material impact on fairness.
- A section has been added that explains the difference between Formal Investigations and Disclosures. Importantly, the new Procedure sets out some of the many supports and resources available to individuals coming forward.
- Many community members expressed general concern over confidentiality obligations for themselves, the University, and others who are involved in an Investigation. To address this,

sections have been added in order to clarify confidentiality obligations and expectations at various stages of a Formal Complaint.

- The new Procedure includes a provision that would, in rare cases, allow the University to disclose limited information regarding the process to impacted groups, Faculties or Departments. This would only occur in instances where an entire group has been affected by a Formal Complaint or Disclosure to ensure that group members are informed of the process and know that the University is taking steps to address the Formal Complaint or Disclosure.

RESOURCE REQUIREMENTS:

None.

CONNECTION TO THE UNIVERSITY PLANNING FRAMEWORK:

The policy consultations and revision process is part of a larger initiative by the University of Manitoba to foster a safer campus and create a culture of consent, and are consistent with the University's values of accountability, equity and inclusion.

IMPLICATIONS:

Revising these policies will ensure that the University is both compliant with its obligations under provincial legislation and consistent with best practices. As President Barnard noted in September 2019 with the release of the Path Forward Report, implementing the Report's Recommendations will require consistent focus by the University.

ALTERNATIVES:

The alternative to approving these proposed revisions would mean leaving the current versions of the policies in place, and would result in the University being noncompliant with its statutory requirements under *The Advanced Education Administration Act* as of September 2020.

CONSULTATION:

The review committee was co-chaired by the Associate Vice-President (Fair Practices & Legal Affairs) and the Vice-Provost (Students), and included among other members the Associate Vice-President (Human Resources), the Vice-Provost (Academic Affairs), the Vice-Provost (Graduate Education), the Chief Risk Officer, the Provost's Faculty Relations Officer, and the Director of Student Advocacy and Case Management.

Community consultation on potential revisions to the *RWLE Policy*, *Sexual Assault Policy*, and the *RWLE and Sexual Assault Procedure* took place from May 2018 to November 2018.

Consultation Process

Feedback for the policies was sought through several means, including an online feedback

website, in-person targeted consultation sessions, community town hall sessions, as well as through written requests for feedback from stakeholder groups.

Diversity and representation were prioritized in the consultation process, and feedback was sought from a variety of areas and groups from all University of Manitoba campus locations.

Community members were eager to participate in the process: the University received **124** unique responses through the online feedback website, and spoke with nearly **260** community members through in-person sessions and town halls. The feedback and suggestions received were key in influencing changes to our policies.

Consultation Sessions (in-person or through written request for feedback)
Consultation Period: (October 1-November 30 2018)

Students

1. Bannatyne Board of Senior Sticks
2. Inner City Student Council
3. International Students' Community
4. University of Manitoba Graduate Students' Association (UMGSA) Council
5. University of Manitoba Students' Union (UMSU) Board of Directors

Faculty and Staff

6. Council of Student Affairs (CoSA)
7. Associate Dean's Research
8. Associate Deans Undergraduate
9. Faculty of Health Sciences Dean's Council
10. Inner City Social Work
11. LASH Committees
12. Local Disciplinary Committee Chairs
13. Provost's Council & Deans
14. St. John's College & St. Andrew's College Residences' Staff
15. Student Accessibility Services
16. Disabilities Studies
17. Student Support




Combination

18. Accessibility for Manitoban's Act (AMA) Steering Committee
19. Community Town Hall (BC)
20. Community Town Hall (FG)
21. Indigenous Community
22. LGBTTQIA+ Community
23. Ongomiizwin
24. Residence Life Staff and Advisors
25. Sexual Assault & Violence Steering Committee
26. University Disciplinary Committee members
27. Women's Constituency
28. Thompson Social Work Program

UMFA Consultation

In addition, we had one 40-day consultation process with UMFA in early 2019, and a second 40-day consultation process in early 2020.

ROUTING TO THE BOARD OF GOVERNORS:

<u>Reviewed</u>	<u>Recommended</u>	<u>By</u>	<u>Title</u>	<u>Date</u>
<input type="checkbox"/>	<input type="checkbox"/>		AVP (Fair Practices & Legal Affairs)	Aug 25/20
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		Vice-President (Administration)	August 25, 2020
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		President & Vice-Chancellor	Aug. 27, 2020
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	FAHR		Sept. 16/20
<input type="checkbox"/>	<input type="checkbox"/>			

SUBMISSION PREPARED BY: Joel Lebois, Human Rights Counsel

ATTACHMENTS:

- *Respectful Work and Learning Environment Policy*
- *Sexual Violence Policy*
- *Disclosures and Complaints Procedure*

UNIVERSITY OF MANITOBA POLICY

Policy:	RESPECTFUL WORK AND LEARNING ENVIRONMENT
Effective Date:	
Revised Date:	September 1, 2016, September 1, 2018
Review Date:	September 1, 2022
Approving Body:	Board of Governors
Authority:	The University of Manitoba Act , s.4(t), s.16(1), s.18
Responsible Executive Officer:	President
Delegate:	Vice-President (Administration)
Contact:	General Counsel
Application:	Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment at the University, students, volunteers, external parties, contractors and suppliers

Part I Reason for Policy

- 1.1 The University of Manitoba does not condone behaviour that is likely to undermine the dignity, self-esteem or productivity of any of its members and prohibits any form of discrimination or harassment whether it occurs on University property or in conjunction with University-related activities. The University of Manitoba is committed to providing an inclusive and respectful work and learning environment, free from discrimination or harassment as prohibited in the Manitoba Human Rights Code; and also an environment that does not detract from the academic freedom of the University's Academic Staff.
- 1.2 The reason for this Policy is to:
- (a) Promote and support a respectful work and learning environment at the University; and
 - (b) Ensure compliance with relevant legislation, including [The Human Rights Code](#) (Manitoba), [The Workplace Safety and Health Regulation](#) (Manitoba), and [The Freedom of Information and Protection of Privacy Act](#) (Manitoba).

Part II Policy Content

Definitions

2.1 The following terms are defined for the purpose of this Policy:

- (a) **"Academic Staff"** refers to all individuals whose primary assignment is instruction, research, and/or service/academic administration. This includes employees who hold an academic rank such as professor, associate professor, assistant professor, instructor, lecturer, librarian, or the equivalent of any of those academic ranks. The category also includes a dean, director, associate dean, assistant dean, chair or head of department, visiting scholars, senior scholars, and those holding unpaid academic appointments, insofar as they perform instructional, research, and/or service/academic administrative duties.
- (b) **"Breach"** means any conduct, behaviour, action or omission which is prohibited under this Policy or the Procedure, including but not limited to Discrimination, Harassment, and Reprisals.
- (c) **"College"** means a Professional College as defined under the [Definitions of Academic Units](#) Policy.
- (d) **"Complainant"** means the individual or individuals bringing forward a complaint of a Breach.
- (e) **"Designated Officer"** means the Vice-President (Administration), or designate.
- (f) **"Discrimination"** has the same meaning as defined in section 2.5 of the Procedure.
- (g) **"Faculty"** means a Faculty as defined under the [Definitions of Academic Units](#) Policy.
- (h) **"Formal Complaint"** means a complaint to the Office of Human Rights and Conflict Management that is in writing and contains, at minimum, the following information:
 - (i) The name of the Complainant and contact information for the Complainant;
 - (ii) A description of the alleged Breach;
 - (iii) The approximate date of the alleged Breach;
 - (iv) The name of the Respondent;

- (v) Contact information for the Respondent, if known;
- (vi) An indication that the Complainant desires the complaint to be the subject of an Investigation;
- (i) "**Harassment**" refers to Personal Harassment or Human Rights Based Harassment as defined in section 2.10 of the Procedure.
- (j) "**Informal Resolution**" means the resolution of an alleged Breach to the satisfaction of the Complainant and the Respondent, without an Investigation being completed, as per sections 2.23 to 2.32 of the Procedure.
- (k) "**Investigation**" means a formal investigation of an alleged Breach conducted in accordance with the Procedure.
- (l) "**Investigator**" means one or more persons appointed as the investigator of an alleged Breach, pursuant to section 2.59 of the Procedure.
- (m) "**Office of Human Rights and Conflict Management**" or "**OHRCM**" means the unit appointed by the University of Manitoba to implement this Policy and the Procedure.
- (n) "**Policy**" means this Respectful Work and Learning Environment Policy.
- (o) "**Preliminary Assessment**" means the initial review of a Formal Complaint, in accordance with sections 2.36 to 2.41 of the Procedure.
- (p) "**Procedure**" means the Disclosures and Complaints Procedure.
- (q) "**Protected Characteristic**" has the same meaning as defined in section 2.6 of the Procedure.
- (r) "**Reasonable Accommodation**" means an accommodation of the special needs of any individual or group, if those special needs are based upon any Protected Characteristic, that is reasonable but not necessarily perfect in the circumstances, that does not cause undue hardship to the University, and does not compromise bona fide and reasonable requirements of the University.
- (s) "**Reprisal**" means any measures taken against a Complainant, Respondent, or any other person because they have asked for advice regarding this Policy or Procedure, brought forward allegations of a Breach or made a Formal Complaint, cooperated with an Investigation, or rejected a sexual solicitation or advance. Reprisal measures include, but are not limited to:
 - (i) Discipline;

- (ii) Academic penalties (in the case of students);
 - (iii) Demotion;
 - (iv) Termination of employment;
 - (v) Termination of an academic appointment;
 - (vi) Any other measure which significantly adversely affects working conditions or educational experience; and
 - (vii) A threat to take any of the measures referred to above.
- (t) **"Respondent"** means an individual or individuals accused of having caused or contributed to a Breach.
 - (u) **"School"** means a "School of the University" or a "School of the Faculty", as those terms are defined under the [Definitions of Academic Units](#) Policy.
 - (v) **"Unit Head"** refers to the individual with direct supervisory authority over a Unit, including Deans, Directors, the University Librarian, the President, Vice-Presidents, Associate Vice-Presidents and Vice-Provosts with respect to their Units.
 - (w) **"University"** means The University of Manitoba.
 - (x) **"University Community"** means all Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment with the University, students, volunteers, external parties, contractors and suppliers.
 - (y) **"University Matter"** has the same meaning as defined in section 2.3 of the Procedure.

Vision for the University Community

- 2.2 The University wishes to promote and support a community which embraces diversity and inclusion, provides for equity, and recognizes the dignity of all people.
- 2.3 Members of the University Community, including every student and employee, are entitled to a respectful work and learning environment that is:
 - (a) Free from Discrimination and provides for Reasonable Accommodation;
 - (b) Free from Harassment; and
 - (c) Collegial and conducive to early resolution of conflict between members of the University Community.

- 2.4 A respectful work and learning environment is critical to the success and proper functioning of the University. Whether behaviour is viewed as respectful can be influenced by place, time, and context.
- 2.5 The University wishes to encourage early resolution of conflict between members of the University Community, and to provide guidance to managers, Academic Staff and Unit Heads on addressing behaviour that falls short of Harassment or Discrimination, but that nevertheless has a negative impact on the work and learning environment for which they are responsible.
- 2.6 Managers, Academic Staff and Unit Heads must establish and maintain a climate of respect and demonstrate and model appropriate behaviours within any work and learning environments for which they are primarily responsible. They are expected to identify and address issues of concern in a timely manner, recognizing the value of early intervention. The University will provide training and resources to assist managers, Academic Staff and Unit Heads to fulfil these expectations.

Implementation of Vision

- 2.7 In furtherance of its vision, the University will:
 - (a) Through various academic and administrative units and programs, educate members of the University Community about:
 - (i) The University's general expectations for respectful conduct;
 - (ii) The rights and obligations of members of the University Community under this Policy and the Procedure; and
 - (iii) Best practices to facilitate early resolution of conflict between members of the University Community and/or to address behaviour that falls short of Harassment or Discrimination, but nevertheless has a negative impact on the work and learning environment.
 - (b) Ensure, so far as is reasonably practicable, that:
 - (i) No member of the University Community is subjected to Discrimination or Harassment while participating in a University Matter;
 - (ii) No employee is subjected to Discrimination or Harassment in the workplace; and
 - (iii) No student is subjected to Discrimination or Harassment in the learning environment;

- (c) Adopt procedures, protocols, and practices which will encourage individuals to bring concerns about an alleged Breach to an appropriate authority, including provisions to protect against Reprisal those who bring forward such allegations;
 - (d) Provide supports to encourage and facilitate the Informal Resolution of an alleged Breach where appropriate;
 - (e) Take action respecting any person under the University's direction who subjects a student, an employee, or any other member of the University Community, to Discrimination or Harassment;
 - (f) Supplement existing policies, procedures or bylaws, by providing a mechanism for the Investigation of an alleged Breach; and
 - (g) Adopt procedures, protocols and practices which promote the creation of a respectful environment, including providing guidance on how to deal with matters of concern which do not constitute Harassment or Discrimination.
- 2.8 The University is committed to promoting a respectful work and learning environment that is harassment and discrimination-free by encouraging all members of the University Community to:
- (a) Bring forward credible evidence of a Breach of which they become aware, to an appropriate authority;
 - (b) Provide reasonable cooperation in an Investigation of a Breach; and
 - (c) Be aware of their rights and responsibilities under this Policy.
- 2.9 Managers, Academic Staff and Unit Heads should contact the Office of Human Rights and Conflict Management and other administrative units as appropriate to receive advice and assistance in dealing with situations of concern.
- 2.10 Discipline may be implemented against any person whose behaviour is found to have caused or contributed to a Breach or other violation of this Policy and the Procedure.

Awareness Building and Responsibilities

- 2.11 All members of the University Community have a responsibility to educate themselves as to expectations for respectful conduct and reporting requirements as outlined in this Policy and the Procedure.
- 2.12 All members of the University Community, especially those in an instructional, supervisory or managerial position, have a duty to educate those for whom they are responsible regarding expectations for respectful conduct which is harassment and discrimination-free, including this Policy and the Procedure. It is

further the duty of such individuals to deal appropriately with allegations regarding Breaches or other violations of this Policy and the Procedure, and individuals should consult with the Office of Human Rights and Conflict Management in fulfilling this duty.

- 2.13 The University, through the Office of Human Rights and Conflict Management and other units as appropriate, will provide information to and respond to inquiries from the University Community regarding the University's expectations for respectful conduct that is harassment and discrimination-free and the rights and obligations of members of the University Community under this Policy and the Procedure.

Annual Report

- 2.14 The OHRCM will produce and provide an annual report to the Designated Officer, outlining:
- (a) Information on activities undertaken to raise awareness and contribute to prevention including the type of activity and the number of students and staff who attend;
 - (b) De-identified data regarding the number and types of Disclosures and Formal Complaints received;
 - (c) De-identified data on process factors such as the number and types of Investigations conducted and whether they resulted in a finding of Breach or No Breach;
 - (d) Aggregate anonymized data on Complainant and Respondent roles as either Faculty, Staff, Students, or Other at the University;
 - (e) De-identified data on fairness factors such as time to process and the identity of investigators;
 - (f) Information regarding observable trends and commentary on the implementation and effectiveness of the Policy; and
 - (g) Other relevant information which may further the implementation of the Policy and its Procedures.

- 2.15 The annual report will be made available to the University Community.

Balancing of Rights

- 2.16 Nothing in this Policy or the Procedure is intended to detract from the academic freedom of the University's Academic Staff.
- 2.17 Nothing in this Policy or the Procedure is intended to compromise the University's academic standards or the integrity of its programs. The University encourages

diversity and Reasonable Accommodation, but will also vigorously defend bona fide academic requirements.

- 2.18 The University encourages informed debate which may, from time to time, include discussion of unpopular opinions or controversial material. Such material may be used to further scholarly pursuits, provided that the communication is compatible with the principles of human rights, the [Criminal Code](#), and the principles of respectful behaviour embodied in this Policy and the Procedure. Opinions must be expressed in a manner which is not in Breach of this Policy or the Procedure.
- 2.19 This Policy and the Procedure applies to the general workplace, but is not intended to:
- (a) Regulate teaching techniques, pedagogy, research, and service; or
 - (b) Limit the legitimate work of managers, supervisors and academic administrators to assign work and provide feedback on work or performance.

Additional Protections

- 2.20 Confidentiality obligations required of and related to the University, Complainants, Respondents, and witnesses are found at sections 2.68 and 2.69, and sections 2.87 to 2.95 of the Procedure.
- 2.21 Nothing in this Policy or the Procedure is intended to discourage or prevent a member of the University Community, including students and employees, from filing a complaint with, for example, the Winnipeg Police Service, the Manitoba Human Rights Commission, professional regulatory bodies, or from exercising any other legal rights pursuant to any other law.
- 2.22 Nothing in this Policy or the Procedure is intended to limit the rights of an employee governed by a collective agreement. If there is any ambiguity or conflict between this Policy or the Procedure, and a collective agreement, the collective agreement will prevail.

Part III Accountability

- 3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Policy is required.
- 3.2 The Vice-President (Administration) is responsible for the implementation, administration and review of this Policy.
- 3.3 All members of the University Community are responsible for complying with this Policy.

Part IV Authority to Approve Procedures

- 4.1 The Vice-President (Administration) may approve procedures, if applicable, which are secondary to and comply with this Policy, including but not limited to:
- (a) A procedure to supplement existing policies, procedures or bylaws, by providing a mechanism for the Investigation of an alleged Breach, including regarding:
 - (i) Receipt and review of Formal Complaints;
 - (ii) The circumstances under which an Investigation should take place;
 - (iii) Appointment of Investigators;
 - (iv) Conduct of an Investigation, in accordance with the principles of procedural fairness;
 - (v) Respecting the confidentiality of information collected in relation to Formal Complaints and Investigations;
 - (vi) Protecting individuals against Reprisal;
 - (vii) Protecting individuals against unfounded allegations of a Breach;
 - (viii) Producing a report at the conclusion of an Investigation; and
 - (ix) Providing information to appropriate disciplinary authorities, if necessary
 - (b) Generally defining the responsibility, authority and accountability of members of the University Community under this Policy.

Part V Review

- 5.1 Governing Document reviews shall be conducted every three (3) years. The next scheduled review date for this Policy is September 1, 2022.
- 5.2 In the interim, this Policy may be revised or repealed by Approving Body if:
- (a) The Vice-President (Administration) or the Approving Body deems it necessary or desirable to do so;
 - (b) The Policy is no longer legislatively or statutorily compliant; and/or
 - (c) The Policy is now in conflict with another Governing Document.

- 5.3 If this Policy is revised or repealed all Secondary Documents, if applicable, shall be reviewed as soon as possible in order that they:
- (a) Comply with the revised Policy; or
 - (b) Are in turn repealed.

Part VI Effect on Previous Statements

- 6.1 This Policy supersedes all of the following:
- (a) Respectful Work and Learning Environment Policy, dated September 1, 2016;
 - (b) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
 - (c) all previous Administration Governing Documents on the subject matter contained herein.

Part VII Cross References

- 7.1 This Policy should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
- (a) Disclosures and Complaints Procedure;
 - (b) Sexual Violence Policy;
 - (c) Academic Freedom and Responsibilities Policy;
 - (d) Access and Privacy Policy and Procedure;
 - (e) Definitions of Academic Units Policy;
 - (f) Records Management Policy and Procedure;
 - (g) Responsible Conduct of Research Policy;
 - (h) Student Discipline Bylaw;
 - (i) Student Non-Academic Misconduct and Concerning Behaviour Procedure;
 - (j) Student Discipline Appeal Procedure;

- (k) Violent or Threatening Behaviour Policy and Procedure;
- (l) Use of Computer Facilities Policy and Procedure;
- (m) Criminal Code, RSC 1985, c C-46.
- (n) The Human Rights Code, C.C.S.M. c. H175;
- (o) Workplace Safety and Health Regulation, 217/2006.
- (p) The Freedom of Information and Protection of Privacy Act, C.C.S.M. c. F175.
- (q) The Personal Health Information Act, C.C.S.M. c. P33.5

UNIVERSITY OF MANITOBA POLICY

Policy:	SEXUAL VIOLENCE
Effective Date:	September 1, 2019
Revised Date:	
Review Date:	
Approving Body:	Board of Governors
Authority:	<i>The University of Manitoba Act, s.4(t), s.16(1), s.18</i>
Responsible Executive Officer:	President
Delegate:	Vice-President (Administration)
Contact:	General Counsel
Application:	Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment at the University, students, volunteers, external parties, contractors and suppliers

Part I Reason for Policy

- 1.1 The reason for this Policy is to:
- (a) Articulate the University's Guiding Principles around Sexual Violence;
 - (b) Provide a framework for the provision of guidance, assistance and support to members of the University Community who have experienced Sexual Violence or who have received a Disclosure of Sexual Violence;
 - (c) Set out a consistent process for responding to a Disclosure or Formal Complaint of Sexual Violence that ensures that:
 - (i) This Policy and the Procedure will be implemented with transparency and fairness;
 - (ii) Those impacted by Sexual Violence will be treated with respect and compassion, as part of a trauma-informed approach that is rooted in Intersectionality and that is culturally sensitive to a person's background, perceptions and experiences;

- (iii) A clear explanation of the process, options available to Complainants, Respondents, and other participants, and potential outcomes of the process are made available through the Office of Human Rights and Conflict Management; and
- (iv) Members of the University Community understand their respective rights and obligations when reporting or responding to Sexual Violence;
- (d) Reduce instances of Sexual Violence through education and training;
- (e) Set out the means by which this Policy will be reviewed and reported; and
- (f) Ensure that the University is compliant with relevant legislation, including The Human Rights Code (Manitoba), The Workplace Health and Safety Regulation (Manitoba), The Freedom of Information and Protection of Privacy Act, The Personal Health Information Act, and The Advanced Education Administration Act (Manitoba).

1.2 Guiding Principles:

- (a) Sexual Violence is a significant and systemic social issue that can affect anyone at the University. Anyone can experience Sexual Violence, regardless of a person's social position or position within the University structures, hierarchies, and power relations.
- (b) Some individuals or groups experience Sexual Violence at higher rates and in different ways. Every effort to address Sexual Violence should be grounded in Intersectionality and an understanding that each person's experience will be affected by many factors.
- (c) Sexual Violence does not exist or operate in isolation. Acts of Sexual Violence can also be acts of discrimination. University strategies to address Sexual Violence are therefore informed by broader equity, diversity and anti-discrimination initiatives and goals.

Part II Policy Content

Definitions

2.1 The following terms are defined for the purpose of this Policy:

- (a) "**Breach**" means any conduct, behaviour, action or omission which is prohibited under this Policy or the Procedure, including but not limited to Sexual Violence and Reprisals.

- (b) **"College"** means a Professional College as defined under the [Definitions of Academic Units](#) policy.
- (c) **"Complainant"** means the individual or individuals bringing forward a Formal Complaint of a Breach.
- (d) **"Consent"** means the voluntary agreement to engage in physical contact or sexual activity and to continue to engage in the contact or activity. Consent means that all persons involved demonstrate, through words or actions, that they freely and mutually agree to participate in a contact or activity. More specifically:
- (i) consent must be given at the outset and at all stages of physical contact or sexual activity;
 - (ii) it is the responsibility of the initiator to obtain ongoing consent;
 - (iii) consent can be withdrawn at any time by any participant;
 - (iv) someone who is incapacitated cannot consent;
 - (v) there is no consent where one person abuses a position of trust, power, or authority over another person;
 - (vi) past consent does not imply future consent;
 - (vii) a person cannot give consent on behalf of another person;
 - (viii) silence or the absence of "no" is not consent;
 - (ix) the absence of perceived resistance is not consent; and
 - (x) there is no consent when there is coercion, force, threats, or intimidation towards any person, or where there is fraud or withholding of critical information that could affect a person's decision to consent.
- (e) **"Designated Officer"** means the Vice-President (Administration), or designate.
- (f) **"Disclosure"** means telling someone about an instance of Sexual Violence. For the purpose of this Policy and the Procedures, a Disclosure means telling the Office of Human Rights and Conflict Management. A Disclosure does not initiate an Investigation unless a Formal Complaint is made or the University initiates an Investigation in accordance with the Procedure.

- (g) **"Faculty"** means a Faculty as defined under the Definitions of Academic Units policy.
- (h) **"Formal Complaint"** means a complaint to the Office of Human Rights and Conflict Management that is in writing and contains, at minimum, the following information;
 - (i) The name of the Complainant and contact information for the Complainant;
 - (ii) A description of the alleged Breach;
 - (iii) The approximate date of the alleged Breach;
 - (iv) The name of the Respondent;
 - (v) Contact information for the Respondent, if known; and
 - (vi) An indication that the Complainant desires the Formal Complaint to be the subject of an Investigation.
- (i) **"Informal Resolution"** means the resolution of an alleged Breach to the satisfaction of the Complainant and the Respondent, without an Investigation being completed, as per sections 2.23 to 2.32 of the Procedure.
- (j) **"Intersectionality"** means a framework that promotes an understanding that individuals are shaped by interacting social locations and identities (e.g. race, sexuality, gender etc.).
- (k) **"Investigation"** means a formal investigation of an alleged Breach conducted in accordance with the Procedure.
- (l) **"Investigator"** means one or more persons appointed as the investigator of an alleged Breach, pursuant to section 2.59 of the Procedure.
- (m) **"Office of Human Rights and Conflict Management" or "OHRCM"** means the unit appointed by the University of Manitoba to implement this Policy and the Procedure.
- (n) **"Policy"** means this Sexual Violence policy.
- (o) **"Preliminary Assessment"** means the initial review of a Formal Complaint, in accordance with sections 2.36 to 2.41 of the Procedure.
- (p) **"Procedure"** means the Disclosures and Complaints Procedure.
- (q) **"Reprisal"** means any measures taken against a Complainant, Respondent, or any other person because they have asked for advice

regarding this Policy or Procedure, brought forward allegations of a Breach or made a Formal Complaint, cooperated with an Investigation, or rejected a sexual solicitation or advance. Reprisal measures include, but are not limited to:

- (i) Discipline;
 - (ii) Academic penalties (in the case of students);
 - (iii) Demotion;
 - (iv) Termination of employment;
 - (v) Termination of an academic appointment;
 - (vi) Any other measure which significantly adversely affects working conditions or educational experience; and
 - (vii) A threat to take any of the measures referred to above.
- (r) **"Respondent"** means an individual or individuals accused of having caused or contributed to a Breach.
- (s) **"School"** means a "School of the University" or a "School of the Faculty", as those terms are defined under the Definitions of Academic Units policy.
- (t) **"Sexual Assault"** means any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. Sexual Assault is characterized by a broad range of behaviours that involve the use of force, threats or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, and is carried out in circumstances in which the person has not freely provided Consent, or is incapable of providing Consent.
- (u) **"Sexual Harassment"** refers to one serious incident or a course of objectionable and unwelcome sexual conduct or comments directed at an individual that includes, but is not limited to:
- (i) Unwanted sexual attention, including persistent invitations for dates, by a person who knows or ought reasonably to know that such attention is unwanted or unwelcome;
 - (ii) Gender-based abusive or unwelcome conduct or comments that would objectively have the effect of creating an intimidating, humiliating, hostile or offensive work or learning environment;
 - (iii) Sexist jokes or remarks, including comments regarding a person's appearance or clothing;

- (iv) Leering, ogling, or other sexually oriented gestures;
 - (v) Questions about a person's sexual history, sexuality, sexual orientation, or sexual identity by a person who knows or ought reasonably to know that the questions are unwanted or unwelcome;
 - (vi) Offensive physical contact by a person who knows or ought reasonably to know that the contact is unwanted or unwelcome;
 - (vii) A single sexual solicitation or advance or a series of solicitations or advances made by a person who is in a position to confer any benefit on or deny any benefit to the recipient, and who knows or ought reasonably to know that the solicitation or advance was unwanted or unwelcome; or
 - (viii) A Reprisal for rejecting a sexual solicitation or advance.
- (v) **"Sexual Violence"** means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes, but is not limited to, Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Sexual Violence can occur in many contexts, including in person, in writing, online, on social media, through digital communication or via other technology.
 - (w) **"UMSS"** means the University of Manitoba's Security Services.
 - (x) **"University"** means The University of Manitoba.
 - (y) **"University Community"** means all Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment with the University, students, volunteers, external parties, contractors and suppliers.
 - (z) **"University Instituted Investigation"** means an Investigation initiated by the Designated Officer in consultation with the OHRCM, pursuant to sections 2.56 to 2.58 of the Procedure.
 - (aa) **"University Matter"** has the same meaning as defined in section 2.3 of the Procedure.

RESPONSIBILITIES OF THE UNIVERSITY AND UNIVERSITY COMMUNITY

University Commitments

- 2.2 The University of Manitoba is committed to maintaining a healthy and safe work, learning, living and social environment for all members of the University Community. The University is therefore committed to:
- (a) Making available and actively promoting programs to educate and train University Community Members on the prevention of and response to Sexual Violence;
 - (b) Encouraging individuals to bring concerns about an alleged Breach to an appropriate authority, and protecting those who bring forward such allegations against Reprisal;
 - (c) Supporting those impacted by Sexual Violence through academic, non-academic, workplace, medical and other supports or accommodations as required;
 - (d) Ensuring a trauma-informed and Intersectional approach to the implementation of this Policy and the Procedure;
 - (e) Ensuring barriers to the application of this Policy are reduced, including that individuals will not be asked to repeat their accounts more than is necessary for the implementation of this Policy or the Procedure;
 - (f) Ensuring that following a Disclosure or Formal Complaint of Sexual Violence, all University Community members are treated with compassion, dignity and respect, and provided with support throughout the process;
 - (g) Responding to Sexual Violence in a manner that minimizes re-traumatization and promotes recovery, empowerment, and self-determination, subject to the limits of confidentiality and the University's community safety obligations as set out in this Policy and the Procedure. This includes providing options to those impacted by Sexual Violence on how to access supports, and allowing them to determine whether or not to proceed with a Formal Complaint process;
 - (h) Providing information and exploring opportunities to engage in Informal Resolution where appropriate, and in matters involving members of a collective bargaining unit, where permissible under collective agreements.
 - (i) Investigating Formal Complaints of Sexual Violence when appropriate, and ensuring that Investigations represent a fair process for all Complainants, Respondents and other participants; that they respect procedural fairness; and where applicable, are in accordance with the collective agreement provisions;

- (j) Respecting the privacy of those impacted by Sexual Violence in accordance with the Procedure;
- (k) Implementing appropriate interim measures that ensure fairness;
- (l) Monitoring and updating University Policies and protocols to ensure that they remain effective and in line with other existing Policies and best practices; and
- (m) Implementing this Policy and the Procedure with transparency and accountability, including applying this Policy to all members of the University Community regardless of a person's social position, or position within the University structures or hierarchies.

University Community Responsibilities

2.3 Promoting a safe work and learning environment is a responsibility of all members of the University Community. The University calls for all members of the University Community especially those in instructional, supervisory, or managerial positions to:

- (a) Practise consent and respect, and create a culture in which consent and respect are foundational principles and practices;
- (b) Bring forward evidence of a Breach of which they become aware to the OHRCM;
- (c) Deal appropriately with allegations regarding Breaches or other violations of this Policy or Procedure;
- (d) Provide reasonable cooperation in an Investigation of a Breach;
- (e) Be aware of their responsibilities and educate themselves as to the expectations and reporting requirements under this Policy and the Procedure; and
- (f) Educate those for whom they are responsible regarding expectations for safe and respectful conduct, including this Policy and Procedure.

EDUCATION, TRAINING AND SUPPORT

Education and Training

2.4 Education is a fundamental aspect of the University's commitment to preventing and addressing Sexual Violence. The University will provide access to coordinated education and training programs pertaining to preventing, responding to, and raising awareness about Sexual Violence. Proactive measures that will be taken by the University will be grounded in the Guiding Principles of this Policy, and

include implementing and actively promoting education, awareness, prevention, and training programs, in multiple fully accessible formats and tailored to multiple audiences.

Sexual Violence Steering Committee

- 2.5 The University will establish an institution-wide committee comprising representatives from various stakeholder groups within the University Community in order to advise the University on issues relating to Sexual Violence, including training programs and educational initiatives.

Supports

- 2.6 The University will communicate and provide resources to support Complainants, Respondents, witnesses, and those affected by Sexual Violence, including online resources with links to on-campus and off-campus supports and resources that may be accessed by members of the University Community.

AUTONOMY IN DISCLOSURE AND/OR FORMAL COMPLAINTS

- 2.7 A person who has made a Disclosure and/or Formal Complaint of Sexual Violence has autonomy in decision-making, and in particular with respect to whom to Disclose, whether to make a Formal Complaint, whether to pursue recourse to the criminal or civil justice systems, and whether to access available supports and accommodations.
- 2.8 Notwithstanding section 2.7, the University also has an obligation to protect the University Community from harm. The University reserves the right to initiate a University Instituted Investigation in accordance with the Procedure, and/or to report the incident to local police services, even without the consent of the Complainant, if it believes that the safety of the University Community is at risk or if reporting is required by law (for example, in the case of a minor). In cases where actions are taken without the consent of the Complainant, reasonable efforts will be made to preserve the anonymity of the Complainant. In addition, the Complainant will be notified of the actions the University intends to take in order that the Complainant can work with the University to take any additional safety precautions that may be required as a result of the University's actions.

INVESTIGATIONS AND DISCIPLINE

Investigation

- 2.9 The University will investigate allegations of Sexual Violence in relation to a University Matter in accordance with the Procedure.

Discipline

2.10 Any member of the University Community who breaches this Policy or the Procedure in relation to a University Matter will be subject to discipline under the Procedure.

ANNUAL REPORT

2.11 The OHRCM will produce and provide an annual report to the Designated Officer, outlining:

- (a) Information on activities undertaken to raise awareness and contribute to prevention, including the type of activity and the number of students and staff who attend;
- (b) De-identified data regarding the number and types of Disclosures and Formal Complaints received;
- (c) De-identified data on process factors such as the number and types of Investigations conducted and whether they resulted in a finding of Breach or No Breach;
- (d) Aggregate anonymized data on Complainant and Respondent roles at the University;
- (e) De-identified data on fairness factors such as time to process and the identity of investigators;
- (f) Lessons learned flowing from after-action reviews;
- (g) Information regarding observable trends and commentary on the implementation and effectiveness of the Policy; and
- (h) Other relevant information which may further the implementation of the Policy and its Procedures.

2.12 The annual report will be made available to the University Community.

ADDITIONAL PROTECTIONS

2.13 The OHRCM will provide Complainants with a clear explanation of the available processes and options. Nothing in this Policy or the Procedure is intended to discourage or prevent a member of the University Community, including students and employees, from filing a complaint with, for example, the Winnipeg Police Service, the Manitoba Human Rights Commission, professional regulatory bodies, or from exercising any other legal rights pursuant to any other law.

- 2.14 In addition, nothing in this Policy or the Procedure is intended to limit the rights of an employee governed by a collective agreement. If there is any ambiguity or conflict between this Policy or the Procedure, and a collective agreement, the collective agreement will prevail.

Part III Accountability

- 3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Policy is required.
- 3.2 The Vice-President (Administration) is responsible for the implementation, administration and review of this Policy.
- 3.3 All members of the University Community are responsible for complying with this Policy.

Part IV Authority to Approve Procedures

- 4.1 The Vice-President (Administration) may approve procedures, if applicable, which are secondary to and comply with this Policy, including but not limited to:
- (a) A procedure to supplement existing policies, procedures or bylaws, by providing a mechanism for the Investigation of an alleged Breach, including regarding:
- (i) Receipt and review of complaints;
 - (ii) The circumstances under which an Investigation should take place;
 - (iii) Appointment of Investigators;
 - (iv) Conduct of an Investigation, in accordance with the principles of procedural fairness and natural justice;
 - (v) Respecting the confidentiality of information collected in relation to Formal Complaints, Disclosures and Investigations;
 - (vi) Protecting individuals against Reprisal;
 - (vii) Protecting individuals against unfounded allegations of a Breach;
 - (viii) Producing a report at the conclusion of an Investigation; and
 - (ix) Providing information to appropriate disciplinary authorities, if necessary.

- (b) Generally defining the responsibility, authority and accountability of members of the University Community under this Policy.

Part V Review

- 5.1 Governing Document reviews shall be conducted every three (3) years. The next scheduled review date for this Policy is **September 1, 2023**.
- 5.2 In the interim, this Policy may be revised or repealed by the Approving Body if:
 - (a) The Vice-President (Administration) or the Approving Body deems it necessary or desirable to do so;
 - (b) The Policy is no longer legislatively or statutorily compliant; and/or
 - (c) The Policy is now in conflict with another Governing Document.
- 5.3 If this Policy is revised or repealed all Secondary Documents, if applicable, shall be reviewed as soon as possible in order that they:
 - (a) Comply with the revised Policy; or
 - (b) Are in turn repealed.

Part VI Effect on Previous Statements

- 6.1 This Policy supersedes all of the following:
 - (a) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
 - (b) all previous Administration Governing Documents on the subject matter contained herein.

Part VII Cross References

- 7.1 This Policy should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
 - (a) Disclosures and Complaints Procedure;
 - (b) Respectful Work and Learning Environment Policy;

- (c) Definitions of Academic Units Policy;
- (d) Access and Privacy Policy and Procedure;
- (e) Records Management Policy and Procedure;
- (f) Student Discipline Bylaw;
- (g) Student Non-Academic Misconduct and Concerning Behaviour Procedure;
- (h) Student Discipline Appeal Procedure;
- (i) Use of Computer Facilities Policy and Procedure;
- (j) Violent or Threatening Behaviour sec and Procedure;
- (k) *Criminal Code*, RSC 1985, c C-46;
- (l) *The Human Rights Code*, C.C.S.M. c. H175;
- (m) *The Workplace Safety and Health Regulation* 217/2006;
- (n) *The Advanced Education Administration Act*, C.C.S.M. c. A6.3;
- (o) *The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175.
- (p) *The Personal Health Information Act*, C.C.S.M. c. P33.5

UNIVERSITY OF MANITOBA PROCEDURE

Procedure:	DISCLOSURES AND COMPLAINTS PROCEDURE
Parent Policies:	Respectful Work and Learning Environment; Sexual Violence
Effective Date:	
Revised Date:	
Review Date:	
Approving Body:	Board of Governors
Authority:	<i>The University of Manitoba Act, s.4(t), s.16(1), s.18</i>
Responsible Executive Officer:	President
Delegate:	Vice-President (Administration)
Contact:	General Counsel
Application:	Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment at the University, students, volunteers, external parties, contractors and suppliers

Part I Reason for Procedure

- 1.1 The reason for this Procedure is to:
- (a) Promote and support a respectful work and learning environment at the University that is free from all forms of Discrimination, Harassment, and Sexual Violence;
 - (b) Provide specific guidance to the University Community regarding expectations for appropriate conduct and behaviour;
 - (c) Set out a fair and consistent process for responding to Disclosures or Formal Complaints of Harassment, Discrimination, Sexual Violence or Reprisal that ensures that all University Community Members will be treated with compassion, dignity, and respect; and
 - (d) Ensure compliance with relevant legislation, including [The Human Rights Code](#) (Manitoba), [The Advanced Education Administration Act](#) (Manitoba) and [The Workplace Health and Safety Regulation](#) (Manitoba), [The Personal](#)

[Health Information Act](#), and the [Freedom of Information and Protection of Privacy Act](#).

- 1.2 Nothing in this Procedure is intended to detract from the academic freedom of the University's Academic Staff.
- 1.3 Nothing in this Procedure is intended to detract from the rights and duties of those with supervisory authority to manage, and if necessary to discipline faculty, employees and students, in accordance with applicable legislation or common law, collective agreements or University policies, procedures or bylaws.
- 1.4 This Procedure is not intended to be an exhaustive list of all issues of conduct which may arise in the University Community.

Part II Procedural Content

Definitions

- 2.1 The following terms are defined for the purpose of this Procedure:
 - (a) **"Academic Staff"** refers to all individuals whose primary assignment is instruction, research, and/or service/academic administration. This includes employees who hold an academic rank such as professor, associate professor, assistant professor, instructor, lecturer, librarian, or the equivalent of any of those academic ranks. The category also includes a dean, director, associate dean, assistant dean, chair or department head, visiting scholars, senior scholars, and those holding unpaid academic appointments, insofar as they perform instructional, research, and/or service/academic administrative duties.
 - (b) **"Breach"** means any conduct, behaviour, action or omission that is prohibited under the Respectful Work and Learning Environment Policy, the Sexual Violence Policy, or this Procedure, including but not limited to Discrimination, Harassment, Sexual Violence, and Reprisals.
 - (c) **"College"** means a Professional College as defined under the [Definitions of Academic Units](#) policy.
 - (d) **"Committee"** means the Human Rights Advisory Committee established pursuant to section 2.44 of this Procedure to hear appeals from Preliminary Assessment decisions.
 - (e) **"Complainant"** means the individual or individuals bringing forward a Formal Complaint of a Breach.

- (f) **"Consent"** means the voluntary agreement to engage in physical contact or sexual activity and to continue to engage in the contact or activity. Consent means that all persons involved demonstrate, through words or actions, that they freely and mutually agree to participate in a contact or an activity. More specifically:
- (i) consent must be given at the outset and at all stages of physical contact or sexual activity;
 - (ii) it is the responsibility of the initiator to obtain ongoing consent;
 - (iii) consent can be withdrawn at any time by any participant;
 - (iv) someone who is incapacitated cannot consent;
 - (v) there is no consent where one person abuses a position of trust, power, or authority over another person;
 - (vi) past consent does not imply future consent;
 - (vii) a person cannot give consent on behalf of another person;
 - (viii) silence or the absence of "no" is not consent;
 - (ix) the absence of perceived resistance is not consent; and
 - (x) there is no consent when there is coercion, force, threats, or intimidation towards any person, or where there is fraud or withholding of critical information that could affect a person's decision to consent.
- (g) **"Designated Officer"** means the Vice-President (Administration), or designate.
- (h) **"Disclosure"** means telling someone about an instance of Discrimination, Harassment, or Sexual Violence. For the purpose of this Procedure, Disclosure means telling the Office of Human Rights and Conflict Management. Disclosure does not initiate an Investigation unless a Formal Complaint is made or the University initiates an Investigation in accordance with this Procedure.
- (i) **"Discrimination"** has the same meaning as defined in section 2.5 of this Procedure.
- (j) **"Faculty"** means a Faculty as defined under the Definitions of Academic Units policy.

- (k) **"Formal Complaint"** means a complaint to the Office of Human Rights and Conflict Management under the Respectful Work and Learning Environment Policy or the Sexual Violence Policy that is in writing and contains, at minimum, the following information:
- (i) The name of the Complainant and contact information for the Complainant;
 - (ii) A description of the alleged Breach;
 - (iii) The approximate date of the alleged Breach;
 - (iv) The name of the Respondent;
 - (v) Contact information for the Respondent, if known;
 - (vi) An indication that the Complainant desires the complaint to be the subject of an Investigation;
- (l) **"Harassment"** refers to Personal Harassment or Human Rights Based Harassment, as defined in section 2.10 of this Procedure.
- (m) **"Informal Resolution"** means the resolution of a Disclosure or Formal Complaint to the satisfaction of the Complainant and the Respondent, without an Investigation being completed, as per sections 2.23 to 2.32 of this Procedure.
- (n) **"Interim Measures"** means changes to a University Member's living, working, or learning environment as per sections 2.49 to 2.55 of this Procedure. Interim Measures are non-disciplinary measures that may be imposed where there is reasonable cause to believe that such measures are necessary in order to protect the safety of the learning, working and living environment, discourage Reprisal, prevent further incidents, or preserve the University's ability to conduct a fair investigation. Where circumstances are urgent or immediate safety measures are required. Interim Measures may be imposed prior to the submission of a Formal Complaint.
- (o) **"Intersectionality"** means a framework that promotes an understanding that individuals are shaped by interacting social locations and identities (e.g. race, sexuality, gender etc.).
- (p) **"Investigation"** means a formal investigation of an alleged Breach conducted in accordance with this Procedure.
- (q) **"Investigation Report"** means a report that is issued by the Investigator at the end of an Investigation, as defined at section 2.71 of this Procedure.

- (r) **"Investigator"** means one or more persons appointed as the investigator of an alleged Breach, pursuant to section 2.59 of this Procedure.
- (s) **"Office of Human Rights and Conflict Management"** or **"OHRCM"** means the unit appointed by the University of Manitoba to implement this Procedure and its related Policies.
- (t) **"Preliminary Assessment"** means the initial review of a Formal Complaint, in accordance with sections 2.36 to 2.41 of this Procedure.
- (u) **"Procedure"** refers to this Disclosures and Complaints Procedure.
- (v) **"Protected Characteristic"** has the same meaning as defined in section 2.6 of this Procedure.
- (w) **"Reasonable Accommodation"** means an accommodation of the special needs of any individual or group, if those special needs are based upon any Protected Characteristic, that is reasonable but not necessarily perfect in the circumstances, that does not cause undue hardship to the University, and does not compromise bona fide and reasonable requirements of the University.
- (x) **"Reprisal"** means any of the following measures taken against a Complainant, Respondent, or any other person because they have asked for advice regarding the Respectful Work and Learning Environment Policy or the Sexual Violence Policy, brought forward allegations of a Breach or made a Formal Complaint, cooperated with an Investigation, or rejected a sexual solicitation or advance. Reprisal measures include, but are not limited to:
 - (i) Discipline;
 - (ii) Academic penalties (in the case of students);
 - (iii) Demotion;
 - (iv) Termination of employment;
 - (v) Termination of an academic appointment;
 - (vi) Any other measure which significantly adversely affects their working conditions or educational experience; and
 - (vii) A threat to take any of the measures referred to above.
- (y) **"Representative"** means:

- (i) in the case of a student, a Student Advocate, a representative from the University of Manitoba Students' Union, a representative from the Graduate Students' Association, a member of the student's immediate family, a lawyer, or support person as may be appropriate;
 - (ii) in the case of an employee, a union representative, lawyer, or support person as may be appropriate; and
 - (iii) In the case of another member of the University Community, a lawyer or support person as may be appropriate.
- (z) **"Respondent"** means an individual or individuals accused of having caused or contributed to a Breach.
 - (aa) **"School"** means a "School of the University" or a "School of the Faculty", as those terms are defined under the [Definitions of Academic Units](#) policy.
 - (bb) **"Sexual Assault"** has the same meaning as defined in section 2.14 of this Procedure.
 - (cc) **"Sexual Harassment"** has the same meaning as defined in section 2.15 of this Procedure.
 - (dd) **"Sexual Violence"** has the same meaning as defined in section 2.13 of this Procedure.
 - (ee) **"Student Advocate"** is a member of the University's Student Advocacy Office who provides students with information on their rights and responsibilities, as well as assistance with resolving problems or concerns resulting from actions or decisions taken by the University.
 - (ff) **"Unit"** means a Faculty, College, School, institute, centre, academic support unit (for example, libraries) or administrative unit whose Unit Head reports to the President or a Vice-President, Associate Vice-President or Vice-Provost. An academic department within a Faculty or School is not a Unit as the term is used within this Procedure.
 - (gg) **"Unit Head"** refers to the individual with direct supervisory authority over a Unit, including Deans, Directors, the University Librarian, the President, Vice-Presidents, Associate Vice-Presidents, and Vice-Provosts with respect to their Units.
 - (hh) **"University"** means The University of Manitoba.
 - (ii) **"University Community"** means all Board of Governors members, Senate members, Faculty/College/School Councils, employees, anyone holding an appointment with the University, students, volunteers, external parties, contractors and suppliers.

- (jj) **"University Instituted Investigation"** means an Investigation initiated by the Designated Officer in consultation with the OHRM as per section 2.56 to 2.58 of this Procedure.
- (kk) **"University Matter"** has the same meaning as defined in section 2.3 of this Procedure.

SCOPE

- 2.2 This Procedure applies to members of the University Community in relation to any University Matter.
- 2.3 **"University Matter"** means any activity, event, or undertaking in which a member of the University Community participates, which has a substantial connection to the University, such as:
 - (a) University-related activities or events, including but not limited to:
 - (i) Any activity or event on property owned or controlled by the University;
 - (ii) The leasing of space, including student residence rooms, on property owned or controlled by the University;
 - (iii) The offering of any service by the University, including educational services;
 - (iv) Student placements, practica, or clinical training;
 - (v) University research activities, whether on or off campus;
 - (vi) Student and/or employee exchanges arranged in connection with the University;
 - (vii) Social events or networking, where matters regarding the University or members of the University Community are a significant focus of the activity;
 - (viii) University field trips, travel-study tours, service-learning activities, and similar activities.
 - (b) Activities or events involving members of the University Community, where the actions of those members of the University Community may reasonably reflect upon or affect the University, including but not limited to:
 - (i) Any aspect of the employment or engagement of employees and contractors for roles and projects substantially connected to the University;

- (ii) Participation on a committee or board as a representative of the University;
- (iii) Writings, photographs, artwork, audio or video recordings, and/or electronic communications, including communications through social media, where matters regarding the University or members of the University Community are a significant focus of the communication;
- (iv) Matters related to The University of Manitoba Students' Union, the Graduate Students' Association, and their affiliated student groups to the extent that it affects the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments; or
- (v) Matters of off-campus conduct that have, or might reasonably be seen to have an adverse effect on the proper functioning of the University or the rights of a member of the University Community to use and enjoy the University's learning and working environments.

PROHIBITED CONDUCT

Discrimination

- 2.4 Subject to section 2.8 of this Procedure, any member of the University Community who commits Discrimination in relation to a University Matter will be subject to discipline.
- 2.5 **"Discrimination"** means an intentional or unintentional act or omission resulting in:
- (a) Differential treatment of:
 - (i) An individual on the basis of the individual's actual or presumed membership in or association with some class or group of persons, rather than on the basis of personal merit;
 - (ii) an individual or group on the basis of any Protected Characteristic;
 - (iii) an individual or group on the basis of the individual or group's actual or presumed association with another individual or group whose identity or membership is determined by any Protected Characteristic;
 - (b) Failure to make Reasonable Accommodation for the special needs of an individual or group, if those needs are based upon a Protected Characteristic.

2.6 **"Protected Characteristic"** means those characteristics listed in The Human Rights Code (Manitoba) (as amended from time to time) as being protected, which at the time of approval of this Procedure include:

- (a) Ancestry, including colour and perceived race;
- (b) Nationality or national origin;
- (c) Ethnic background or origin;
- (d) Religion or creed, or religious belief, religious association or religious activity;
- (e) Age;
- (f) Sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
- (g) Gender identity;
- (h) Sexual orientation;
- (i) Marital or family status;
- (j) Source of income;
- (k) Political belief, political association or political activity;
- (l) Physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;
- (m) Social disadvantage.

2.7 Examples of Discrimination include, but are not limited to:

- (a) Systemic discrimination resulting from interrelated actions, policies, or rules which together have a discriminatory effect;
- (b) Evaluations of performance based on a Protected Characteristic;
- (c) Establishment of a scholarship, bursary, or other award which provides for differential treatment of a particular group, subject to 2.8 of this Procedure;
or
- (d) Failure to provide a Reasonable Accommodation.

2.8 Acts or omissions are not Discrimination and are permitted under this Procedure where:

- (a) There is a bona fide and reasonable cause for the acts or omission.
- (b) The acts or omissions are intended and likely to:
 - (i) Make Reasonable Accommodation for the special needs of an individual or group; or
 - (ii) Ameliorate the conditions of disadvantaged individuals or groups, including those disadvantaged by a Protected Characteristic.
- (c) The acts or omissions are in the context of a research project that has received all required research ethics approvals.

Harassment

2.9 Any member of the University Community who commits Harassment in relation to a University Matter will be subject to discipline.

2.10 **"Harassment"** refers to:

- (a) **"Personal Harassment"**, which means offensive behaviour directed towards another person and not connected to a Protected Characteristic, including but not limited to:
 - (i) A severe single incident or a series of incidents of objectionable and unwelcome conduct or comments, directed toward a specific person or group, which does not serve a reasonable work or academic purpose, and objectively would have the effect of creating an intimidating, humiliating, hostile or offensive work or learning environment;
 - (ii) Verbal or written abuse, threats or intimidation that objectively is humiliating or demeaning;
 - (iii) Objectionable and unwelcome conduct or comments that objectively would have the effect of impacting the mental or physical health of another person;
- (b) **"Human Rights Based Harassment"**, which means offensive behaviour connected to a Protected Characteristic, including but not limited to:
 - (i) A severe single incident or a series of incidents of objectionable and unwelcome conduct or comments, directed toward a specific person or group, which objectively would have the effect of creating an

intimidating, humiliating, hostile or offensive work or learning environment;

- (ii) Verbal or written abuse, threats or intimidation that objectively is humiliating or demeaning;
- (iii) Objectionable and unwelcome conduct or comments that objectively would have the effect of impacting the mental or physical health of another person;
- (iv) Sexual Harassment as per section 2.15 of this Procedure.

2.11 It is not Harassment or otherwise a violation of this Procedure for:

- (a) A supervisor or manager to engage in the legitimate evaluation of the performance of an employee or contractor, or otherwise overseeing their work;
- (b) Academic Staff to engage in the academic evaluation of a student's work;
- (c) A good faith and formal evaluation of an Academic Staff member or supervisor to be conducted;
- (d) A legitimate peer review or other critique of research or academic work to be conducted;
- (e) A Unit Head to take actions intended to address or deter violent, threatening, or intimidating behaviour, or behaviour which significantly disrupts the University and members of the University Community.

Sexual Violence

2.12 Any member of the University Community who commits Sexual Violence in relation to a University Matter will be subject to discipline.

2.13 "**Sexual Violence**" means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person's consent, and includes, but is not limited to, Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism and sexual exploitation. Sexual Violence can occur in many contexts, including in person, in writing, online, on social media, through digital communications, or via other technology.

2.14 "**Sexual Assault**" means any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim. Sexual Assault is characterized by a broad range of behaviours that involve the use of force, threats or control towards a person, which makes that person feel uncomfortable,

distressed, frightened, threatened, and is carried out in circumstances in which the person has not freely provided Consent, or is incapable of providing Consent.

2.15 **"Sexual Harassment"** refers to one serious incident or a course of objectionable and unwelcome sexual conduct or comments directed at an individual that includes, but is not limited to:

- (a) Unwanted sexual attention, including persistent invitations for dates, by a person who knows or ought reasonably to know that such attention is unwanted or unwelcome;
- (b) Gender-based abusive or unwelcome conduct or comments that would objectively have the effect of creating an intimidating, humiliating, hostile or offensive work or learning environment;
- (c) Sexist jokes or remarks, including comments regarding a person's appearance or clothing;
- (d) Leering, ogling, or other sexually oriented gestures;
- (e) Questions about a person's sexual history, sexuality, sexual orientation, or sexual identity by a person who knows or ought reasonably to know that the questions are unwanted or unwelcome;
- (f) Offensive physical contact by a person who knows or ought reasonably to know that the contact is unwanted or unwelcome;
- (g) A single sexual solicitation or advance or a series of solicitations or advances made by a person who is in a position to confer any benefit on or deny any benefit to the recipient, and who knows or ought reasonably to know that the solicitation or advance was unwanted or unwelcome; or
- (h) A Reprisal for rejecting a sexual solicitation or advance.

2.16 The University recognizes that those impacted by Discrimination, Harassment, or Sexual Violence may be reluctant to come forward for fear of being sanctioned for alcohol or other substance use. The University will not subject any individual who makes a Disclosure or files a Formal Complaint to disciplinary action for alcohol or substance use occurring at or near the time of the incident(s), save for remedial measures to assist a University Community Member struggling with responsible alcohol or substance use.

Disclosures

2.17 University Community members impacted by Discrimination, Harassment, or Sexual Violence are encouraged to Disclose their experiences to the Office of Human Rights and Conflict Management. There is no time limit or limitation period for making a Disclosure. University Community members may choose to make

Disclosures for a variety of reasons, including to access supports and resources. University Community members who make Disclosures will have access to supports and resources whether or not they choose to make a Formal Complaint. A Disclosure is not a Formal Complaint and will not ordinarily initiate an Investigation. However, the University may initiate an investigation in response to a Disclosure in accordance with section 2.56 of this Procedure.

- 2.18 When responding to Disclosures, the Office of Human Rights and Conflict Management will refrain from questions or comments that imply judgment or blaming of the person making the Disclosure (such as questions or comments about the dress, conduct, language, emotional disposition, past sexual history, consumption of alcohol or drugs, or about the timing of the Disclosure).
- 2.19 A person receiving a Disclosure may be required to share the information they receive if:
- (a) A person is at risk of self-harm or of harming others;
 - (b) There is imminent risk of harm to the University Community and/or the broader community;
 - (c) A minor or vulnerable person is endangered; or
 - (d) Disclosing the information is otherwise required by law.

Immediate Response to Disclosures

- 2.20 For students affected by Discrimination, Harassment or Sexual Violence, the University will:
- (a) Provide reasonable academic accommodations (such as extensions on assignments, deferrals of exams, leaves of absences, authorized withdrawals, etc.); and
 - (b) Create a safety plan in consultation with the University's Student Support Case Manager, UMSS, and other offices as appropriate.
- 2.21 For employees affected by Discrimination, Harassment or Sexual Violence, the University will:
- (a) Provide reasonable work accommodations, in consultation with Human Resources; and
 - (b) Create a safety plan in consultation with the Unit Head, UMSS, and other offices as appropriate.
- 2.22 The University will maintain online resources to support those affected by Discrimination, Harassment or Sexual Violence, with links to on-campus and off-

campus supports and resources that may be accessed by members of the University Community.

INFORMAL RESOLUTION

- 2.23 Subject to section 2.32 of this Procedure, the OHRCM will provide information to both the Complainant and Respondent regarding the opportunities and resources available to facilitate Informal Resolution of an alleged Breach.
- 2.24 After the OHRCM has received a Disclosure or Formal Complaint, the University may, on its own initiative or at the request of the Complainant and/or the Respondent, explore proceeding by Informal Resolution. This process may occur before or during an Investigation.
- 2.25 In order to engage in Informal Resolution, the Complainant(s) and Respondent(s) must all voluntarily agree to the process.
- 2.26 The University retains the ability to conduct an Investigation even if a Complainant and/or Respondent requests Informal Resolution.
- 2.27 Informal Resolution may include but is not limited to: a restorative justice process, mediation or facilitated conversation between the participants, conflict coaching, an apology, a recognition of impact statement or letter, or an expectation letter or agreement.
- 2.28 Information disclosed by participants during the Informal Resolution process will not be made available to Investigators.
- 2.29 If the Informal Resolution process results in a resolution that the Complainant(s), the Respondent(s), and the University agree to, the terms of resolution will be put in writing. A copy of the terms of resolution will be confidentially retained by the University and will not be placed in official student or employment files except where necessary to enforce the terms of resolution.
- 2.30 Where an Informal Resolution is conducted during an Investigation and results in terms of resolution, the University will inform the Investigator and terminate the Investigation.
- 2.31 Where an Informal Resolution is conducted, but does not result in a resolution, a Complainant or the University may continue or pursue a Formal Complaint under this Procedure.
- 2.32 The OHRCM may decide not to facilitate an Informal Resolution process where:
 - (a) Successful resolution is unlikely; or

- (b) A full Investigation would better serve the University and the purposes of the Respectful Work and Learning Environment Policy and/or the Sexual Violence Policy.

Making a Formal Complaint

- 2.33 Any person, whether or not a member of the University Community, may contact the OHRCM to make a Formal Complaint regarding Discrimination, Harassment, Sexual Violence, or Reprisal. Any other concerns regarding conduct or conflict that is not supportive of a respectful work and learning environment should be addressed with the appropriate manager, Academic Staff, or Unit Head responsible for the affected environment, in accordance with section 2.6 of the Respectful Work and Learning Environment Policy.
- 2.34 If a Complainant wishes a Disclosure to be the subject of an Investigation, the Complainant will file a Formal Complaint with the Office of Human Rights and Conflict Management. Complainants are encouraged to file Formal Complaints as soon after the reported incident(s) as possible. Early disclosure can help the University provide Complainants with supports, preserve evidence, better ensure the integrity of an Investigation, and address community safety issues in a timely manner.
- 2.35 Where the Complainant is not the person against whom the Breach is alleged to have occurred, the OHRCM will have discretion:
 - (a) Not to accept the Formal Complaint unless the person against whom the Breach is alleged to have occurred consents to the filing of the Formal Complaint; or
 - (b) To conduct a Preliminary Assessment and/or recommend a University-Instituted Investigation.

Preliminary Assessment of Formal Complaints

- 2.36 The OHRCM or their delegate will conduct a Preliminary Assessment for each Formal Complaint to determine whether or not an Investigation should proceed in accordance with this Procedure. Except in extenuating circumstances, the OHRCM or their delegate will complete a Preliminary Assessment of a Formal Complaint within 30 working days of receiving the Formal Complaint. The person conducting a Preliminary Assessment may not be appointed as an Investigator in that same matter.
- 2.37 A Formal Complaint will not proceed to Investigation, and no further action is required by the OHRCM or the University, if the Formal Complaint does not meet the requirements of section 2.1(k) of this Procedure.
- 2.38 Notwithstanding section 2.37 of this Procedure, the OHRCM may exercise its discretion to accept a non-compliant Formal Complaint in extenuating

circumstances or to bring a non-compliant Formal Complaint to the attention of the Designated Officer for consideration of a University Instituted Investigation.

2.39 In making their Preliminary Assessment, the OHRCM will consider whether:

- (a) The Formal Complaint deals with a Breach to which the Respectful Work and Learning Environment Policy, the Sexual Violence Policy, or this Procedure applies;
- (b) The Formal Complaint appears credible and to have been made in good faith;
- (c) The issues disclosed by the Formal Complaint have not been or are not in the process of being addressed pursuant to a collective agreement or University policy, procedure or bylaw, which would deal comprehensively with the alleged Breach;
- (d) The issues disclosed by the Formal Complaint would more appropriately be dealt with in another forum or through another process;
- (e) An Investigation would support the principles under the Respectful Work and Learning Environment Policy and/or the Sexual Violence Policy;
- (f) Proceeding to an Investigation would create any issues regarding prejudice or fairness.

2.40 The OHRCM will advise the Complainant in writing of the decision on the Preliminary Assessment. Where the Formal Complaint will not proceed to an Investigation, the OHRCM will include brief reasons for the decision. Where the Preliminary Assessment was not completed within 30 working days, the Complainant will also be informed as to the reason for the delay.

2.41 A Formal Complaint that is not accepted to proceed to an Investigation after Preliminary Assessment and appeal of the Preliminary Assessment, if any, will require no further action by the OHRCM or by the University.

Appeal of Preliminary Assessment

2.42 If a Formal Complaint is dismissed on Preliminary Assessment, the Complainant may appeal the decision by giving notice and submissions in writing to the Designated Officer within 10 working days from the date of receipt of the decision. The submissions must include:

- (a) An explanation of the reasons for the appeal, with specific reference to section 2.43 of this Procedure;
- (b) A copy of the letter of decision; and

- (c) A copy of all of the documentation submitted with the Formal Complaint (no new documentation can be submitted at this time).
- 2.43 The reasons for an appeal of a Preliminary Assessment include:
- (a) Failure to follow the Respectful Work and Learning Environment Policy, the Sexual Violence Policy, or this Procedure;
 - (b) Failure to reasonably consider all factors relevant to the decision being appealed;
 - (c) Failure to comply with applicable legislation.
- 2.44 In the event of an appeal of a Preliminary Assessment, the University will establish the Human Rights Advisory Committee, with a membership consisting of:
- (a) The Associate Vice-President (Human Resources) or designate;
 - (b) The Vice-Provost (Students) or designate; and
 - (c) The Vice-Provost (Academic Affairs) or designate, provided that the designate holds an academic appointment with the University.
- 2.45 Members of the Human Rights Advisory Committee will have training in the diverse ways in which trauma and Intersectionality affect individuals.
- 2.46 The Designated Officer will immediately forward the Complainant's notice and submissions to the Committee, who will make a decision based on the written submissions within 10 working days. The Committee may:
- (a) Decide that the Formal Complaint proceed to Investigation; or
 - (b) Confirm the decision not to proceed to Investigation.
- 2.47 The Committee will provide brief written reasons for its decision to the OHRCM and the Complainant. The decision of the Committee will be final.
- 2.48 The Committee may develop and adopt additional guidelines and other documents secondary to and consistent with the Respectful Work and Learning Environment Policy, the Sexual Violence Policy and this Procedure for the process of appeal of a Preliminary Assessment.

Interim Measures

- 2.49 Interim measures involve the University making changes to a University Member's living, working, and/or learning environment before an investigation is concluded in order to protect the health and safety of all University Community members.

- 2.50 The need for interim measures, and which measures are imposed, will be determined on a case-by-case basis. This determination will take into account the circumstances of each situation, and where practicable, may include separate consultations with the Respondent and the Complainant on whether Interim Measures are required and, if so, what Interim Measures would be just and appropriate. This consultation may be conducted by telephone or email, and must proceed expeditiously.
- 2.51 Interim measures will not be construed as a decision or discipline against the Complainant or Respondent. Interim measures will not be weighed against the Respondent in a disciplinary process.
- 2.52 A Respondent shall provide in a timely manner to the Designated Officer all documents and any other information on any civil protection orders or criminal charges and conditions, including changes in these orders, charges and conditions such as bail or conditions of release, related to the incidents giving rise to Interim Measures or a Formal Complaint.
- 2.53 When warranted, the Violent or Threatening Behaviour Policy may be invoked either alone or in conjunction with Interim Measures under this Policy.
- 2.54 Where Interim Measures are just and appropriate, the University will advise the Complainant and Respondent in writing of the decision to impose Interim Measures and brief reasons for this decision.
- 2.55 The Complainant or Respondent may apply to the Designated Officer requesting that the Interim Measures be revised or withdrawn if reasonable cause to believe that such measures, as originally imposed, are no longer just and appropriate. The Designated Officer may revise or withdraw Interim Measures and the Complainant and Respondent shall be advised by the Designated Officer of any changes to Interim Measures.

University Instituted Investigation

- 2.56 The Designated Officer may at their discretion initiate a University Instituted Investigation.
- 2.57 When initiating a University Instituted Investigation the Designated Officer will consider situations where:
- (a) A non-compliant Formal Complaint was received, but disclosed a risk to the safety and security of the University Community;
 - (b) Matters come to the attention of the Designated Officer that lead them to believe there is risk to the safety and security of the University Community;
- or

- (c) It would be more practical to conduct a single broad Investigation rather than addressing a series of Formal Complaints from two or more individuals.

2.58 The Designated Officer will be deemed to be the Complainant for the purpose of the University Instituted Investigation. The University Instituted Investigation will proceed in the same manner as an Investigation under this Procedure, with methods of Investigation adapted as necessary to meet the circumstances.

Appointment of Investigator

2.59 If a Formal Complaint proceeds to an Investigation, the OHRCM will arrange for the appointment of an Investigator. Having regard to the seriousness and nature of the Formal Complaint, the OHRCM may appoint either an employee of the University or an external party to act as the Investigator for a particular Formal Complaint, provided that the Investigator:

- (a) Has skills and/or experience desirable in the circumstances, including trauma-informed investigation training;
- (b) Would be able to conduct the Investigation in an unbiased manner; and
- (c) Would not be placed in a conflict of interest.

Investigation

2.60 The Investigator may conduct the Investigation in any manner they deem appropriate, having regard to the nature of the particular Formal Complaint, and any admissions made during the Investigation. This may include some or all of:

- (a) Interviewing witnesses;
- (b) Reviewing documents and records (both paper and electronic);
- (c) Reviewing photographs, audio, and video recordings;
- (d) Examining physical evidence;
- (e) Arranging for testing of physical evidence;
- (f) With the consent of participants, arranging for medical or psychological evaluations; and/or
- (g) Submitting a Third Party Data Access Request Form to Information Services and Technology (IST) regarding accessing electronic systems in accordance with The Freedom of Information and Protection of Privacy Act and The Personal Health Information Act. IST will consult with Access & Privacy Office to facilitate the request.

- 2.61 The Complainant and Respondent will cooperate fully with the Investigator and provide any information reasonably required by the Investigator upon request. The Investigator may set reasonable timelines within which individuals must respond to requests for cooperation with the Investigation
- 2.62 Where an individual does not provide reasonable cooperation with the Investigation due to refusal, retirement, severance of the work or student relationship with the University, or termination of their status as a University Community Member, the Investigator will continue the Investigation and make a determination on the information available.
- 2.63 The Investigator will conduct the Investigation in accordance with section 2.94 of this Procedure and in accordance with the principles of procedural fairness. The Investigator will ensure that:
- (a) The Complainant is provided an opportunity to explain and provide evidence in support of the Formal Complaint;
 - (b) The Respondent is informed of the alleged Breach and provided a copy of the Formal Complaint;
 - (c) Complainants and Respondents are provided with a copy of all written replies to their own response, subject to section 2.94 of this Procedure;
 - (d) The Respondent is provided a reasonable opportunity to respond to the allegations. The Respondent is provided access to documentary and other evidence as required to ensure procedural fairness, subject to section 2.94 of this Procedure;
 - (e) The Respondent is informed that subject to section 2.94 of this Procedure, the Complainant will be provided with a copy of the Respondent's written reply for response;
 - (f) While strict rules of evidence do not apply, appropriate weight is given to evidence based on its credibility and reliability;
 - (g) Witnesses (including Complainants and Respondents) may consult with and be accompanied by a Representative; and
 - (h) No cross-examination is conducted as part of the Investigation.
- 2.64 An Investigation must normally be completed within 90 working days of the Formal Complaint being assigned to the Investigator. The OHRCM will at all times strive to oversee the completion of an Investigation within a timeline of no more than 90 working days, however in the event of extenuating circumstances the Investigator may make a request to the OHRCM for an extension of time of up to 30 working days. An Investigator may make multiple requests for extensions, but extensions may only be granted if reasonable in the circumstances and at a maximum of 30

working days at a time. The OHRCM will inform the Complainant and Respondent in writing of any extensions granted.

- 2.65 At the conclusion of an Investigation, the OHRCM will inform the Complainant, Respondent, and witnesses that the Investigation has concluded.
- 2.66 If, prior to or in the course of an Investigation:
- (a) The Complainant, the Respondent, and the University engage in Informal Resolution and agree to signed terms of resolution, the University will inform the Investigator and terminate the Investigation;
 - (b) The Investigator discovers that another Breach may have occurred, that others may have been involved in the Breach or there has been an allegation or act of Reprisal, the Investigator may make a request to the OHRCM to expand the scope of the Investigation;
 - (c) A subsequent Formal Complaint, a cross-complaint, allegation or act of Reprisal, or other matters related to a violation of the Respectful Work and Learning Environment Policy, the Sexual Violence Policy, or this Procedure is raised that would most efficiently be dealt with through the same Investigation, the OHRCM may expand the scope of the Investigation; or
 - (d) It becomes clear that a Formal Complaint would be most efficiently and thoroughly investigated jointly with another organization or institutional partner, the OHRCM may make arrangements for a joint Investigation, so long as reasonable provisions are made to respect confidentiality.
- 2.67 Nothing in this Procedure is intended to prevent any Unit Head, or member of the University Community in an instructional, supervisory or managerial position, from taking reasonable and immediate steps to:
- (a) Address a situation dangerous to the health or safety of the University Community in accordance with University policy, procedure, bylaw, and/or applicable collective agreements;
 - (b) Protect University funds or assets;
 - (c) Take interim measures intended to facilitate a thorough Investigation, discourage Reprisal, or prevent future Breaches; and/or
 - (d) Manage, and if necessary discipline, employees or students in accordance with University policy, procedure, bylaw, and/or applicable collective agreements.

Confidentiality during an Investigation

2.68 Confidentiality allows for the protection of the integrity of an Investigation, ensuring that it is free of bias. Confidentiality also provides an environment that allows for candid participation, while ensuring the protection of privacy, including the names of the Complainants and Respondents. During an Investigation, the Complainant (except where the Complainant is the Designated Officer), the Respondent, and witnesses involved must keep confidential:

- (a) The existence and nature of the Investigation; and
- (b) Any information or documentation obtained as a result of the Investigation;

which information may only be disclosed to those who reasonably need to know. The confidentiality obligations in this section will continue until the Designated Officer has provided to the Complainant and the Respondent a summary of the Investigator's findings and/or the Investigation Report. This section is not intended to limit the distribution of Investigation Reports as contemplated by this Procedure.

2.69 Notwithstanding section 2.68, the Complainant, the Respondent, and witnesses involved in the Investigation may:

- (a) Obtain confidential advice and/or direction in relation to the Formal Complaint from a Representative;
- (b) Disclose information to others only to the extent reasonably necessary to gather evidence and, in the case of a Respondent, to make full answer and defense to the allegations; and
- (c) Use information obtained independent of the Investigation in any other forum.

Investigation Reports

2.70 At the conclusion of the Investigation, the Investigator will issue an Investigation Report to the Designated Officer and the OHRCM.

2.71 **"Investigation Report"** means a report that is issued by the Investigator at the end of an Investigation and contains, at a minimum, the following information:

- (a) A summary of the Formal Complaint and the alleged Breach;
- (b) A summary of the process and key timelines in the Investigation;
- (c) A summary of the key evidence obtained through the Investigation, including a summary of the response of the Respondent;
- (d) An indication of which key evidence was considered credible and reliable;

- (e) A conclusion as to whether, on a balance of probabilities, a Breach has been committed, including identification of which individuals caused or contributed to the Breach;
- (f) A summary of the Investigator's reasons for the conclusion.

Finding of No Breach of Policy

- 2.72 If it is determined that no Breach has occurred, the Designated Officer will provide a summary and/or the Investigation Report (either in original or redacted form), within 30 working days of receiving the Investigation Report, to the Complainant and the Respondent and all such other individuals as the Designated Officer reasonably believes necessary to protect or restore the reputation of the Respondent.
- 2.73 No further action will be taken and no record of the Formal Complaint will be placed on the University's official employment file or student file for the Respondent.
- 2.74 No record of the Formal Complaint shall be kept in the Complainant's official employment file or student file unless it is determined that the Formal Complaint was frivolous or vexatious. The University may take disciplinary action against a Complainant in cases where frivolous or vexatious Formal Complaints are submitted. A Formal Complaint made in good faith is not frivolous or vexatious because it did not result in a finding of Breach.

Finding of Breach of Policy

- 2.75 If it is determined that a Breach has occurred, the Designated Officer will provide a summary and/or the Investigation Report (either in original or redacted form), within 30 working days of receiving the Investigation Report, to:
 - (a) The Complainant;
 - (b) The Respondent;
 - (c) All such individuals as the Designated Officer believes necessary to decide upon and implement discipline, mitigation steps, or remedial measures, in accordance with section 2.80;
 - (d) All such individuals as the Designated Officer believes necessary to implement due diligence to prevent similar or related Breaches in the future; and
 - (e) Any other person required in order to comply with legal, regulatory, or contractual obligations.

- 2.76 When determining whether to provide an Investigation Report, a redacted Investigation Report, or a summary of an Investigation Report, the Designated Officer will consider whether the Investigation Report contains private information, including but not limited to personal health information, or sensitive content, including but not limited to the details of an incident of Sexual Violence.
- 2.77 In each case the summary or Investigation Report will include, at a minimum, a summary of any evidence provided by the recipient and enough information for the recipient to understand the essential nature of the Formal Complaint and whether or not a Breach was found to have occurred. Such information will be provided in accordance with *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

DISCIPLINE

- 2.78 Individuals who are found in Breach of the Respectful Work and Learning Environment Policy, the Sexual Violence Policy, or this Procedure will be subject to disciplinary action as follows:
- (a) Where the individual is an employee, the discipline will be implemented in accordance with applicable legislation, common law, collective agreements, and University policies, procedures or bylaws.
 - (b) Where the individual is a student, the discipline will be implemented in accordance with the Student Discipline Bylaw and the Student Non-Academic Misconduct and Concerning Behaviour Procedure.
 - (c) Where the individual is neither an employee nor a student, the Vice-President (Administration) or designate may make any determination regarding the individual's continued access to the University in accordance with the Vice-President (Administration) Bylaw.
- 2.79 When an individual will be subject to discipline under this Procedure, the Designated Officer will deliver the Investigation Report to the appropriate disciplinary authority.
- 2.80 Before deciding on or implementing any discipline, mitigation steps or other remedial measures, the Designated Officer may seek advice and guidance from appropriate individuals, which may include: the Provost and Vice-President (Academic), the OHRCM, the Associate Vice-President (Human Resources), the Vice-Provost (Academic Affairs), the Director of Staff Relations, the Vice-Provost (Students), and legal counsel.
- 2.81 Anonymous material may only be considered in a disciplinary decision where it would not violate the principles of procedural fairness, and it would not conflict with an applicable collective agreement.

APPEAL OF DISCIPLINE

2.82 The Respondent may appeal a disciplinary decision made against them as follows:

- (a) If the Respondent is an employee, either in accordance with the appropriate grievance process defined by any applicable collective agreement, or via the Appeals by Academic or Support Staff Excluded From Bargaining Units Policy and Procedures;
- (b) If the Respondent is a student, in accordance with the Student Discipline Bylaw and the Student Discipline Appeal Procedure.

PROTECTION FROM REPRISAL, RETALIATION OR THREATS

2.83 A Complainant, Respondent, witness, and/or any other person who has sought advice regarding the Respectful Work and Learning Environment Policy, the Sexual Violence Policy or this Procedure, who has brought forward allegations of a Breach, who has made a Formal Complaint, who has cooperated with an Investigation, or who has rejected a sexual solicitation or advance, is entitled to be protected from a Reprisal. An individual may complain about an alleged Reprisal, to the Investigator or to the OHRCM.

2.84 Upon observing or being notified of an alleged Reprisal the Investigator may:

- (a) Investigate and include in their Investigation Report information relating to the alleged Reprisal; and
- (b) If the matter is urgent, refer the information regarding an alleged Reprisal to the OHRCM.

2.85 Where the Investigator refers an urgent allegation of Reprisal to the OHRCM, the OHRCM will advise the Designated Officer and any such persons as believed necessary to discuss and implement Interim Measures. Interim Measures may be implemented by the Designated Officer or the Unit Head.

2.86 Notwithstanding the definition of Reprisal at section 2.1(x) of this Procedure, it is not a Reprisal for the University to implement discipline or take other measures against an individual if:

- (a) The individual has interfered or attempted to interfere with an Investigation;
- (b) The person made a Formal Complaint or allegations in bad faith;
- (c) The individual has materially breached the Respectful Work and Learning Environment Policy, the Sexual Violence Policy, or this Procedure; or

- (d) Discipline is otherwise warranted against the individual under applicable legislation or common law, or University policies, procedures or bylaws.

CONFIDENTIALITY

Obligations of Confidentiality by University with respect to Allegations of Breach

- 2.87 The University will not disclose the name of a Complainant, Respondent, or witness or the circumstances related to a Formal Complaint of alleged Breach except in compelling circumstances where disclosure would not be unreasonable, such as when disclosure is:
- (a) Necessary to investigate the Formal Complaint or take corrective or interim measures with respect to the Formal Complaint; or
 - (b) Required by law.
- 2.88 Notwithstanding section 2.87, in rare cases that involve groups or impact entire Faculties or Departments, the University may disclose limited information regarding the ongoing process to members of the impacted group, Faculty or Department.

Obligations of Confidentiality by University with respect to the Findings of an Investigation

- 2.89 The University will not disclose the name of a Complainant or the circumstances related to the findings of an Investigation except in compelling circumstances where disclosure would not be unreasonable, such as when disclosure is:
- (a) Necessary to address a risk to the health or safety of an individual or group;
 - (b) Necessary to comply with insurance requirements; or
 - (c) Required by law.
- 2.90 The University may disclose the name of the Respondent or the circumstances related to the findings of an Investigation for the following purposes:
- (a) In order to address a risk to the health or safety of an individual or group;
 - (b) In order to prevent further or continuing Breaches or other violations of the Respectful Work and Learning Environment Policy, the Sexual Violence Policy, or this Procedure;
 - (c) In order to obtain confidential professional advice;
 - (d) In order to report a legal offense to appropriate authorities;
 - (e) In order to respond to legal or administrative proceedings;

- (f) In order to comply with any legal or contractual requirement;
- (g) In accordance with the Access and Privacy policy; or
- (h) As otherwise permitted or as necessary to give effect to the Respectful Work and Learning Environment Policy, the Sexual Violence Policy, or this Procedure.

Information to be minimum amount necessary for purpose

2.91 Personal information that is disclosed in respect of an alleged Breach or a finding of Breach will be the minimum amount necessary for the purpose.

Obligations of Confidentiality by the Complainant, Respondent, and Witnesses

2.92 During an Investigation, the Complainant, Respondent, and witnesses have confidentiality obligations as per section 2.68 of this Procedure.

2.93 Once the Investigation has been concluded, the Complainant, the Respondent, and witnesses involved in the Investigation remain subject to any confidentiality obligations as required by *The Freedom of Information and Protection of Privacy Act*.

Obligations of Confidentiality by the Investigator

2.94 The Investigator, in conducting the Investigation, will comply with *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act* with respect to personal information and personal health information collected, used and disclosed in the course of the investigation. Where the Investigator is unsure of whether they may disclose particular information, they may seek advice from the University's Access & Privacy Office. The Investigator will further ensure that individuals participating in the Investigation are only provided with such information as they may reasonably need to know to be effective witnesses, or in the case of a Respondent, to address the allegations in accordance with the principles of procedural fairness and natural justice. Subject to section 2.63 of this Procedure, individuals participating in the Investigation may not necessarily be provided with all information, documentation, the names of Complainants or other witnesses, or the full text of the Formal Complaint.

2.95 The Investigator will advise all persons involved with an Investigation as to their obligations regarding confidentiality, and the protections available to them under this Procedure.

Records Management

2.96 The University will maintain files with respect to each Formal Complaint in accordance with the Records Management policy and procedure.

Part III Accountability

- 3.1 The Office of Legal Counsel is responsible for advising the President that a formal review of this Procedure is required.
- 3.2 The Vice-President (Administration) is responsible for the implementation, administration and review of this Procedure.
- 3.3 All members of the University Community are responsible for complying with this Procedure.

Part IV Review

- 4.1 Governing Document reviews shall be conducted every three (3) years. The next scheduled review date for this Procedure is [Click here to enter a date](#).
- 4.2 In the interim, this Procedure may be revised or repealed if:
 - (a) the Approving Body deems it necessary or desirable to do so;
 - (b) this Procedure is no longer legislatively or statutorily compliant;
 - (c) this Procedure is now in conflict with another Governing Document; and/or
 - (d) the Parent Policy is revised or repealed.

Part V Effect on Previous Statements

- 5.1 This Procedure supersedes all of the following:
 - (a) Procedure: Respectful Work and Learning Environment, effective January 27, 2009, and revised March 15, 2010;
 - (b) all previous Board of Governors/Senate Governing Documents on the subject matter contained herein; and
 - (c) all previous Administration Governing Documents on the subject matter contained herein.

Part VI Cross References

- 6.1 This Procedure should be cross referenced to the following relevant Governing Documents, legislation and/or forms:
- (a) Respectful Work and Learning Environment Policy;
 - (b) Sexual Violence Policy;
 - (c) Definitions of Academic Units Policy;
 - (d) Records Management Policy and Procedure;
 - (e) Access and Privacy Policy and Procedure;
 - (f) Third Party Data Access Request Form;
 - (g) Student Discipline Bylaw;
 - (h) Student Non-Academic Misconduct and Concerning Behaviour Procedure;
 - (i) Student Discipline – Appeal Procedure;
 - (j) Use of Computer Facilities Policy and Procedure;
 - (k) Violent or Threatening Behaviour Policy and Procedure;
 - (l) Vice-President (Administration) Bylaw;
 - (m) *The Human Rights Code*, C.C.S.M. c. H175;
 - (n) *The Workplace Safety and Health Regulation* 217/2006;
 - (o) *The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175;
 - (p) *The Personal Health Information Act*, C.C.S.M. c. P33.5.
 - (q) *The Advanced Education Administration Act*, C.C.S.M. c. A6.3;