



MEMORANDUM

To: Dr. Jane Ngobia, VP, People & Culture

From: Brian Thompson, Chair, Fair Treatment Policy Review Committee

Date: 25 February 2026

Re: Fair Treatment Policy Review Committee: Chair's Report on the New Sexual Violence and Harassment & Discrimination Policies

As Chair of the Fair Treatment Policy Review Committee (FTPRC), I submit to you this report of the work of the FTPRC in developing the new Sexual Violence Policy and the Harassment & Discrimination Policy. These policies were completed and subsequently submitted to you on February 22.

I am satisfied that the policies have benefited from the diligent and dedicated work of the FTPRC members, particularly in considering the inputs from students, staff and faculty. This work was considerably assisted by Kelly McMillan, the external counsel for the committee. These inputs were considered through trauma-informed, administrative and legal/regulatory lenses.

The FTPRC work restarted in late October 2025. This work was mainly organizational in (i) establishing the roles for me as Chair and Kelly McMillan as counsel, (ii) the collection of some additional feedback on the policies, and (iii) reaching out to the other members of the FTPRC, indicating the intended resumption of their engagement.

November work was chiefly the detailed review by Kelly McMillan of the inputs on the existing drafts of the Sexual Violence Policy and the Harassment and Discrimination Policy. These inputs were provided by the Faculty Association, the Department of EDI and Human Rights and Sexual Violence and Prevention Office, and a member of the Board of Governors.

On December 12, the FTPRC was brought back to the table to review the work of Kelly McMillan in considering the submissions of the three parties noted above. The format used to guide discussion was a 'Chart of Feedback. This working document consisted of (a) the submitting party, (b) a column containing the comments received, (c) a column containing the consideration of the comment, and (d) a column with a recommendation on the disposition of the comment, i.e. accept/reject all or part of the comment with a rationale. The meeting allowed the FTPRC members to discuss each of the comments and for a consensus to be achieved. The Chart of Feedback was used throughout the subsequent meetings, with each new submission being added. Please refer to Attachment A for the complete Chart of Feedback containing all submissions received by the FTPRC.

This first meeting also saw the FTPRC set meeting dates for January 9th, 16th, 23rd and 30th. The meeting of January 9th was subsequently cancelled due to an unrelated issue. All meetings were planned with both in-person and electronic participation options. The January 23rd meeting had to be shifted to an electronic format only due to room availability.

On January 12th, we were informed the representative from IBEW 1928 had resigned from their position with the union and would therefore be withdrawing from the FTPRC. We invited the IBEW 1928 to appoint another member.

The FTPRC meetings continued with new versions of the policies produced on January 20th and January 29th (draft final). These drafts reflected the consensus achieved by the FTPRC.

The January 30th meeting had two purposes. The first was to solicit FTPRC members whether there were any additional comments on the most recent drafts. While there were none received on the policy contents specifically, the discussion did raise some important considerations for the university to consider after implementation. These are highlighted below.

The second purpose was to invite FTPRC members to consult with their constituencies on the policies. This consultation was explained as an opportunity to brief colleagues on the drafts and process followed. We targeted receipt of feedback by February 6th for review by the FTPRC on February 13, 2025.

This targeted feedback-gathering yielded some very useful feedback from both practitioners in these fields, as well as staff members who work regularly with students. This feedback was reviewed at the final meeting of the FTPRC on February 13, 2025, and much of it was incorporated into the final policy drafts and/or for the post-implementation considerations noted below.

The final feedback step for the policies was to be reviewed by the Joint Occupational Health & Safety Committee. Some minor issues were identified and addressed.

As a concluding note, the FTPRC received 21 written submissions from UPEI community members between August, 2025 and February, 2026.

As noted above regarding (post) implementation issues, and in considering the full scope of the new policies, I would like to offer four specific comments. None should be considered a barrier to your office launching the approval and implementation processes of these important policies.

- 1) The new policies are longer and more complex than originally planned. The necessity of using best practices, reviewing similar policies in other jurisdictions and institutions, and adhering to a relatively complex and legal environment meant writing a thorough policy. The FTPRC identified that an important part of the implementation phase will be the development of companion tools to communicate key aspects of the policies and procedures to the UPEI community in an accessible way.
- 2) The policies have procedures embedded rather than separate - The FTPRC judged it better to construct the policies this way at this stage to ensure comprehensiveness, and to allow for a future separation of the two once more experience is gained.

- 3) The one- and three-year policy reviews are important – The FTPRC believes some experience will point to improvements that can be made in each policy or both. At the current point and with the significant input received from many groups, the revised policies are very solid and ready for implementation. The scheduled reviews will allow for further improvement based on practical experience, and
- 4) Related policies should follow – The main areas for focus include a new Conflict of Interest Policy, and a discussion on power imbalances and consensual relationships.

As Chair, I extend my thanks to each of the committee members for their diligence and commitment in producing these new policies.

cc. Kelly McMillan, External Counsel

Attachment: Chart of Feedback

ATTACHMENT A

SEXUAL VIOLENCE POLICY				
	REVIEWER	REVIEWER FEEDBACK	NM&C BARRISTERS RESPONSE	PROPOSED INTEGRATION
1	UPEI FA	Training: Include provision for training of all members of the university community re SVP and sexualized violence, to aid in prevention and facilitate reporting	Agree. If training is to be mandatory, community members should expect enforcement of this mandatory requirement, and consequences for noncompliance.	Add new Section G24 “Prevention and Education”.
2	UPEI FA	Training should be mandated for all UPEI administrators responsible for ensuring the proper implementation of the policies, with respect to their statutory responsibilities.	Agree. If training is to be mandatory, community members should expect enforcement of this mandatory requirement, and consequences for noncompliance.	Add new Section G25 “Prevention and Education”.
3	UPEI FA	Include provision for frequency of training (e.g., every three or four years).	Agree that guidance should be provided on frequency of training, though flexibility will be needed to respond to identified needs and account for operational constraints and priorities. I understand that currently available online training modules should allow for implementation of this requirement.	Add new Section G26 “Prevention and Education”.
4	UPEI FA	Include provisions about what training should look like such as: <ul style="list-style-type: none"> • Tailored to culture, conditions and activities of the university • Includes elements of the SVP, OHS Regulations, Human Rights Act • Includes a description of the relationship between sexualized violence in the university and relevant 	Agree. I understand that currently available online training modules should allow for implementation of this requirement.	Add new Section G24-26 “Prevention and Education”.

		<p>laws</p> <ul style="list-style-type: none"> • Includes a description of how to recognize, minimize, prevent and respond to sexualized violence in the university • Provides a timeframe for when the training should be provided. For faculty/staff, it should be provided, say, within three months of beginning work. <p>(See Federal Regulations).</p>		
5	UPEI FA	Training should be compensated as workload.	Suggest workload and compensation issues are more appropriately dressed through appropriate collective/employment agreements.	Maintain language as is.
6	UPEI FA	<p>Data collection and reporting: Mandate an annual report from EDIHR Department to all members of the university community and the Board of Governors that includes:</p> <ul style="list-style-type: none"> • The number of reports made • The type of reports made (discrimination, harassment, etc.) • The findings of any investigations • Sanctions applied where there was a finding of discrimination/harassment • Where the incidents of SV are happening, as in the physical locations • Which incidents met or did not meet the definition of SVP • Voluntary self-identified demographics of reporters 	Agree, though reporting needs to be consistent with UPEI's privacy obligations. Given the small number of complaints received annually by the EDIHR, reporting sanctions, physical locations, and demographics may tend to identify individuals involved. Reporting all this information could identify parties if the number of investigations is small (e.g., less than five).	Replace I101 with a new Section Q124--126 with additional guidance on annual reporting of deidentified, statistical information.

		<p>(race, sexual orientation, gender, Indigeneity, disability, etc.)</p> <ul style="list-style-type: none"> • How long it takes a case to be completed <p>(See RT Report, Dalhousie Policy).</p>		
7	UPEI FA	<p>SVP should mandate extensive and thorough record-keeping practices for the EDIHR Department, in accordance with all relevant Collective Agreements and legislation.</p>	<p>Former E26/Now H29, “Roles and Responsibilities” of the EDIHR, identifies “maintaining appropriate records both by incident and cumulative, and maintaining confidentiality over those records, subject to all applicable policies, processes, and laws”.</p> <p>Former G42 (now I39) provides that “all records produced under this policy shall be maintained by the Department of Equity, Diversity, Inclusion, and Human Rights as required and permitted by the law.”</p>	<p>Revise G42 (now I39) to refer expressly to collective agreements and university policies governing records retention.</p>
8	UPEI FA	<p>Conflict of interest: Need to:</p> <ul style="list-style-type: none"> • Define conflicts of interest in context of the policy • Identify how a COI may arise and must be managed • Identify a process for Reports and Respondents to raise concerns about COI 	<p>Agree Policy could be benefit from greater clarity on how to raise, identify, and manage conflicts of interest.</p>	<p>Revise Definition of “Conflict of Interest” to include content relevant to context of this Policy.</p> <p>Collapse “Conflicts of Interest” an “Procedural Fairness” in “Principles of Application” and add new section under Process and Reporting on managing COIs and the process to raise concerns about COI (sections 55-56).</p>
9	UPEI FA	<p>Historical disadvantage: Include acknowledgment of historical disadvantage in preamble and definitions.</p>	<p>Agree.</p>	<p>Add reference to historic disadvantage in the preamble.</p>
10	UPEI FA	<p>Intersectionality: Integrate concept of “intersectionality” in preamble,</p>	<p>Agree.</p>	<p>Add definition of “Intersectional” informed by human rights law (e.g.,</p>

		definitions, and throughout Policy, as a theory that describes how various identities come together to shape a person or group's experience in the world, and their treatment by others. If not included in preamble, include in principles of application		Ontario Human Rights Commission publications) and environmental scan of similar policies (e.g. Dalhousie Harassment Policy 2025). Add "intersectionality" to principles of application. Add reference to intersectionality in definition of "Prohibited grounds".
11	UPEI FA	Define terms used in Principles of Application, e.g. academic freedom, trauma-informed practices, freedom of expression.	Agree.	Add "Trauma-Informed Practices" to Definitions (informed by Dalhousie Harassment Policy 2025). Add "Academic freedom" to Definitions with reference to the UPEI-FA Collective Agreement.
12	UPEI FA	Include in the Policy a mechanism for tracking trends regarding risks, consistent with principle of "Cumulative Impacts"	Agree.	Add to "Role and Responsibilities" of EDIHR: "tracking trends, patterns, and cumulative incidents to identify and address risks of Discrimination and Harassment in the University". Add new section on Complex or Systemic Issues of Discrimination or Harassment at the end of the Process and Reporting section.
13	UPEI FA	Include a duty to cooperate in the investigation of a complaint to reflect PEI OHS Workplace Harassment Regulation 3(2).	Recommend against including this expressly in the Policy, in light of countervailing principles of trauma-informed practice, survivor-centric approach, and concerns about discouraging reporting. For example, in University-initiated complaints, it will be important that immediate victim/survivors have the option <u>not</u> to participate in the investigation process. In other	Suggest maintaining language as is.

			<p>circumstances, students or employees may be reluctant to participate due to fears of reprisal. Often, investigations can proceed even if one or more potential witnesses declines to participate. Suggest that the Policy objective of encouraging reporting is best served by focusing on creating a campus culture and environment where people feel safe to participate in investigation processes voluntarily.</p> <p>Also, in the SVP context, there are circumstances where a Respondent may have a constitutional right to remain silent in the face of potential or pending criminal proceedings.</p> <p>Even if the duty to cooperate is not expressly included in the Policy, University would retain a management right to direct an employee to participate – but suggest that this power would be exercised very sparingly if at all.</p>	
14	UPEI FA	Ensure accessible, neutral, first point of contact, on-campus, for questions and information on HDP.	Agree. The Policy establishes a Safe Disclosure Officer within the Department of Equity, Diversity, Inclusion and Human Rights, on campus, to serve as a first point of contact for questions and information on the Policy.	Add a definition of “Safe Disclosure Officer”. Improve clarity of Roles and Responsibilities of Safe Disclosure Officer throughout Policy, including clarifying they are located on campus.
15	UPEI FA	<p>Include on UPEI website:</p> <ul style="list-style-type: none"> • The location and address of the Safe Disclosure Officer • The location and address of the Department of Equity, Diversity, Inclusion, and Human Rights • The contact information for the 	Agree.	Include in former E29/new H30 “Roles and responsibilities – Safe Disclosure Officer” the statement that the contact information and location and address on campus for the SDO will be included on the UPEI website.

		<p>EDIHR Department and the Safe Disclosure Officer, including phone numbers, emails, and mailing addresses</p> <ul style="list-style-type: none"> Information on the individuals that are employed in the EDIHR Department. 		<p>Include in current E26/new H29 “Roles and responsibilities – Department of EDIHR” the statement that the contact information and location and address on campus for the EDIHR will be included on the UPEI website.</p>
16	UPEI FA	<p>Need a clear plan for the creation, resourcing, and staffing of a Safe Disclosure Office/Officers, before Policy is approved.</p>	<p>Vice-President, People and Culture has advised that the Safe Disclosure Office will not be a standalone office, but rather a team of Officers in the University who will be trained to receive disclosures under this Policy and other Policies. For the purposes of this Policy, the SDOs will be employees of the Department of EDIHR. It is anticipated that at least three employees will be trained to serve in this role, which could include, e.g., Director, Human Rights Counsel/Manager, Early Resolution Officer, SVPRO, Intake Officer.</p>	<p>Flag for Committee as a potential implementation issue.</p>
17	UPEI FA	<p>Need accountability mechanisms to ensure proper administration and management of the Policy.</p>	<p>Agree. The standard practice in other institutions is to ensure accountability through annual reporting to the University community on the administration of the Policy, and to the Board of Governors. There is also a report to the Ministry.</p>	<p>Replace I101 with a new Section Q124—126 with additional guidance on annual reporting of deidentified, statistical information, as well as other activities of the EDIHR (e.g., education), to university community and BOG.</p>
18	UPEI FA	<p>Clarify “stages” of reporting process, including which stages can be foregone.</p>	<p>Agree.</p>	<p>Add new Section P on Complex or Systemic Issues of Discrimination or Harassment at the end of the Process and Reporting section.</p>
19	UPEI FA	<p>Include a statement that the Policy is “not intended to <u>discourage, prevent, or preclude</u> a complainant from</p>	<p>Agree.</p>	<p>New section 54 revised to include statutory language.</p>

		exercising other legal rights pursuant to any other law” as required by OSHA Regulations, s. 4(g).		
20	UPEI FA	Clarify process following a report to a substituted authority (Reg. 4(1)(e)(ii)).	Agree.	Consolidated and further developed operational provisions related to Substituted Authorities from various sections of the Policy to a new subsection, H57-61, to promote accessibility and clarity.
21	UPEI FA	Commit to realistic and reasonable timelines for the reporting process.	Agree that timeliness of the reporting process is important for all parties. Need also to balance flexibility in timelines given the range of complexity of complaints (e.g., multiparty complaints), and procedural issues that may arise and impact procedural fairness in other ways (e.g., accommodation requests, leaves of absences, third-party records requests, etc.). Suggest an outside timeline (e.g., 60 University working days) for an investigation with the possibility of extension for justified reasons. Note also tension with feedback from SVPRO/HRO.	Clarify timeline for investigation and process for extension (section 104). Refer other timelines for Committee discussion.
22	UPEI FA	Expand definition of “members of the university community” to include individuals who were members at the time of the incidents under investigation.	Agree.	Revise definition to include “Member of the university community” may include individuals who are no longer members of the university community but who were members of the university community at the time an alleged incident of Discrimination or Harassment occurred.”
23	UPEI FA	Clarify scope vis-à-vis complaint process when respondent ceases to be a University member and permit	Agree.	Revise definition to include “Member of the university community” may include individuals

		University to continue the process or take other appropriate steps (per RT Report).		who are no longer members of the university community but who were members of the university community at the time an alleged incident of Discrimination or Harassment occurred.”
24	UPEI FA	Move “glossary” to beginning of the Policy, and title it “definitions”, before “principles of application”, to increase accessibility, transparency, and consistency with like policies.	Agree.	Definitions moved to Section D.
25	UPEI FA	<p>Add or clarify definitions for:</p> <ul style="list-style-type: none"> • Academic freedom (This should reference the definition in the UPEIFA Collective Agreement at Article A-4.1) • Cumulative impact (not defined) • Disclosure (not defined) • Discrimination (Defined but not tied to prohibited grounds) • Faculty (not defined) • Freedom of Expression (not defined) • Historical disadvantage (not defined) • Intersectional / intersectionality (not defined) • Members of the university community (Per the RT Report, this should include those who were members of the community) at the time of the incident, and who have since left. • Party/third party (not defined) • Reprisal/retribution (not defined) • Trauma informed & trauma 	<p>As this comment was shared in relation to the H&D Policy, should refer to Committee discussion on whether all these terms are relevant to the SV Policy, e.g., academic freedom, freedom of expression, discrimination. That connection is less clear to me.</p> <p>Agree re: disclosure, intersectionality, members of the university community, reprisal, and trauma-informed.</p> <p>Suggest cumulative impact and historical disadvantage need not be separately defined, as they are not used repeatedly through the Policy, and the meaning of these terms is reasonably understandable from their context.</p>	<p>Added definitions of:</p> <ul style="list-style-type: none"> • disclosure. • Intersectional • Reprisal • Trauma-informed

		informed practices (not defined)		
26	UPEI FA	Eliminate or clarify references to “complaint” and “complainant.	Agree.	Removed, replaced with Report and Reporter.
27	UPEI FA	Include in process and reporting section a requirement that investigators be “culturally competent” and “trained in trauma-informed approach to investigations”.	Agree.	Revised to read: “The list shall consist of professionals with previous experience in conducting Harassment or Discrimination investigations at universities or institutions of similar size or complexity, with training in Trauma-Informed practice, and who are culturally competent.”
29	UPEI FA	Include in process and reporting section a prohibition on investigators asking complainants irrelevant questions about sexual history.	Agree.	Add guidance for irrelevant considerations/questioning at section 109.
30	UPEI FA	Where a university process is suspended pending a criminal investigation, Policy should require respondents to update University/EDIHR on any conditions of release or related orders, or disposition of charges (per RT Report).	Agree.	Add authority at section 53.
31	UPEI FA	Clarify whether consent of both parties is required to engage early intervention options.	Agree; Policy should clarify that consent of both Reporter and Respondent is required to pursue early intervention / alternative resolution options.	Further development of Alternative Resolution processes in new 81-86.
32	UPEI FA	Clarify the factors used to assess the Report.	Agree.	Create a separate section on University-Initiated Reports. List factors to be considered when university initiates investigation. Clarify that victim/survivor may choose not to participate in or be

				contacted in relation to a university-initiated investigation. Clarify procedures that will otherwise apply to University-Initiated Reports.
33	Dean Etkin	Need to avoid scenario where a Reporter is left without a remedy if their allegation of sexual harassment pursued under SVP is found to be personal harassment (prohibited under HDP).	Agree. Policy continues to refer throughout to “Sexual Harassment” though providing at Scope and Application, that the SVP presumptively applies to sexual harassment allegations – this is confusing. Suggest that in situations where there is potential policy overlap (e.g., allegations that could be found to be “sexual harassment” or non-sexual “harassment”), EDIHR could confer a mandate to the Investigator to consider definitions in both policies, while following the procedures in one policy or the other. As long as this is expressly provided in each policy, it is permissible (and workable in my experience as an Investigator). Need to avoid multiplicity of complaints – idea is to consolidate all the issues in one investigation.	Revise Scope and Application to further clarify application of SVP to sexual harassment allegations, and that Investigator can have mandate to investigate all intersecting issues under both policies.
34	Dean Etkin	Policy should refer to the SVPRO, which is already well-known resource in university community.	It is the intention that the SVPRO continue to be a member of the Department of Equity, Diversity, Inclusion and Human Rights. The Policy refers to the overarching Department to maintain flexibility in roles.	Add definition of “Safe Disclosure Officer”, to clarify that the SVPRO may be designated the Safe Disclosure Officer.
35	Dean Etkin	Policy should eliminate reference to Safe Disclosure Officer OR define the role in relation to the SVPRO (e.g., define Safe Disclosure Officer: is a designated member of the	Agree to include a definition of Safe Disclosure Officer, and their relationship to Department of EDIHR.	Add definition of “Safe Disclosure Officer”, to clarify that the HRO may be designated the Safe Disclosure Officer.

		Department of [...] The Safe Disclosure Officer(s) are responsible to... (and then elsewhere in the procedures name the titles of positions that serve as Safe Disclosure Officers for each policy)).		
36	Dean Etkin / SVPRO / HRO	Empower SVPRO to make decisions on accommodations and immediate measures – not VPs – to improve timeliness, confidentiality (H53, H56, E34).	Suggest that these decisions would be coordinated by, and made on the recommendation of, the SVPRO, by the appropriate University authority. Suggest the SVPRO may not have authority under applicable collective agreements or University policies to determine full range of accommodations and immediate measures, e.g., admin leave with pay, adjustments to reporting relationships, academic accommodations etc. – but rather would coordinate with/make recommendations to appropriate University authority.	Remove reference to VPs having authority to implement accommodations or interim measures; replace with “appropriate University office or authority”.
37	Dean Etkin / SVPRO / HRO	Remove reference to accommodations being implemented according to other University policies.	See above, but agree language can be revised to clarify SDO as one-stop-shop for all these matters, avoiding need for Reporter to engage multiple offices.	Removed reference to accommodations being implemented according to other University policies, replaced with “the Safe Disclosure Officer will assist the Reporter in accessing accommodations while maintaining confidentiality.”
38	Dean Etkin / SVPRO / HRO	Review H75b as it is reading as though the University is “required” to initiate an investigation where the Reporter has decided not to proceed if “any” administrator (including Dean) becomes aware of a possible occurrence, including through a	Agree that this provision should be reviewed to clarify that a university-initiated investigation is not triggered automatically whenever the university becomes aware of a disclosure/occurrence. This feedback is important as it reflects a disconnect between what I understand to be the intent of this provision (providing a mechanism	Create a new dedicated section on University-Initiated Reports. List factors to be considered when university initiates investigation. Clarify that Reporter may choose not to participate in or be contacted in relation to a university-initiated investigation.

		request for accommodations or immediate measures.	for university-initiated investigations), and how it is being understood by members of the university community (with potentially detrimental effects in discouraging disclosures). The Policy must balance the University's legal obligation to investigate known occurrences in some cases, with the principle of trauma-informed practice and a survivor-centric approach.	Clarify procedures that will otherwise apply to University-Initiated Reports.
	Dean Etkin / SVPRO / HRO	Separate 75a and 75b into two separate bullets with a mandatory investigation of a Report and the optional initiation of an investigation by the University in the absence of a Report.	Agree.	Create a separate section on University-Initiated Reports. List factors to be considered when university initiates investigation. Clarify that victim/survivor may choose not to participate in or be contacted in relation to a university-initiated investigation. Clarify procedures that will otherwise apply to University-Initiated Reports.
39	Dean Etkin / SVPRO / HRO	Need to revisit timelines to ensure enough time and flexibility is given to ensure proper consideration of outcomes, as some timelines are impractically short and C20 limits reasons for timeline extensions.	Agree, but note tension with comments from FA. Suggest further discussion at Committee level is warranted.	Add further clarity to timelines for investigation, notice of immediate measures.
40	EDIHR/HRO	A2: Need clear definition of "supervisor" especially as it relates to Department Chairs.	Agree that this could create ambiguity. Suggest that specific duties under the Policy be imposed on University Administrators only (as defined), subject to further direction from Committee. In other contexts, phrase "University Administrators, Department Chairs, and others in supervisory positions" can capture members occupying positions of	Language around "supervisory positions" clarified throughout.

			authority while respecting reporting relationships under contracts.	
41	EDIHR/HRO	A4: Reframe “Respondent’s right to procedural fairness” to “right to procedural fairness for all parties”.	Agree.	Reference to Respondent replaced with “all Parties”.
42	EDIHR/HRO	D22d: Clarify persons over whom Policy applies, such as by incorporating definition of “member of the university community”.	Scope provision (current D22) states that the policy “applies to all members of the university community”. Suggest that moving definitions forward earlier in the Policy will help readers better understand who the Policy applies to.	Move definitions section immediately after “Scope and Application”, before “Principles of Application”.
43	EDIHR/HRO	Move forward definition of Safe Disclosure Officer.	Agree.	Move definitions section immediately after “Scope and Application”, before “Principles of Application”.
44	EDIHR/HRO	For sexual harassment allegations, choice of Policy should be made by the Reporter on the advice of EDI/HR staff.	Choice of Policy needs to rest with the University to ensure consistency in application.	Revise Scope of Application to further clarify application of SVP to sexual harassment allegations, and that Investigator can have mandate to investigate all intersecting issues under both policies.
45	EDIHR/HRO	Maintain requirement in current SVP that members of the university community who receive a disclosure to inform the discloser of the SVPRO Office and Policy.	Agree.	Add new section on sharing information about Sexual Violence which requires recipient to inform about Policy and SDO.
46	EDIHR/HRO	Resolve inconsistency between H53 and J104(I)) to clarify that accommodations and immediate measures are available in the absence of a formal report, given definition of “Reporter” as someone who has submitted a report under the policy.	Agree.	Revise definition of Reporter to include someone who has made a Disclosure or Report.

47	EDIHR/HRO	Clarify ambiguity as to whether/when supervisors have an obligation to report disclosures, e.g. E31.	<p>Agree. To ensure appropriate monitoring and response to known issues of Discrimination or Harassment in the University, I recommend that University Administrators should be required to consult (confidentially) with the Safe Disclosure Office when they become aware of an alleged occurrence of Discrimination or Harassment.</p> <p>Note use of the term “consult” rather than “report” indicates that the consultation is for tracking and assessment purposes, and does not automatically trigger an investigation.</p> <p>Limiting the duty to consult with University Administrators ensures it is placed on those in positions of authority who can be expected to be knowledgeable about their duties and responsibilities under the Policy.</p>	New provision imposes obligation to consult with the Safe Disclosure Office only on University Administrators, as defined in the Policy.
48	EDIHR/HRO	Clarify “professional or cultural advisors” and whether it includes supervisors (G41).	New section on support persons provides further clarity.	New section on support persons provides further clarity.
49	EDIHR/HRO	Clarify ambiguity/inconsistency as to whether/when University is required to initiate an investigation (e.g., H50, H75).	Agree.	Create a separate section on University-Initiated Reports. List factors to be considered when university initiates investigation. Clarify when University Administrators will be required to consult (not report) with EDIHR about occurrences of which they become aware.
50	EDIHR/HRO	Reframe “Stage 1” as “Disclosure” rather than “Safe Disclosure Officer”.	Agree.	New dedicated section on Disclosures of Discrimination or Harassment.

				Enumerated stages replaced with separate sections outlining options available in response to a Disclosure or Report.
51	EDIHR/HRO	Notice of Interim Measures within 24 hours after decision is not reasonable or possible (E59).	Agree some flexibility is required to arrange for supports for Parties, etc. Procedural fairness is protected by clarifying that Immediate Measures do not come into effect until notice provided to Respondent.	Remove 24-hour timeline, maintaining “as soon as possible”. Add clarification that measures do not come into effect until notice is provided to Respondent.
52	EDIHR/HRO	Need to consider wishes, safety, and health of the survivor in assessing whether a Report will be accepted for investigation (H71).	Consideration of the wishes of the Reporter is inherent in the process, as the Report may only submitted for Investigation with the consent of the Reporter.	For greater clarity, add “Where the Department of EDIHR receives a Report with a request for investigation” to initial assessment section.
53	EDIHR/HRO	Establish a threshold under which a university-initiated complaint shall be filed (H75), to ensure consistent application of the article.	Agree that Policy should include factors to be considered in assessing whether the University should initiate an investigation.	Create a separate section on University-Initiated Reports. List factors to be considered when university initiates investigation.
54	EDIHR/HRO	3 days is insufficient to consider an investigation report and redact if needed (H85).	Agree. Suggest adding language to allow flexibility in adapting timelines to the circumstances and complexity of the matter.	Revise to one week (5 University working days), subject to further discussion by Committee.
55	EDIHR/HRO	5-7 days does not allow time for full consideration of outcomes before initiating corrective actions (H86).	Agree. Suggest adding language to allow flexibility in adapting timelines to the circumstances and complexity of the matter.	Revise to two weeks (10 University working days), subject to further discussion by Committee.
56	EDIHR/HRO	Clarify that grievance process in collective agreement serves as appeal process (H98).	Agree.	Clarify that “the grievance and arbitration provisions of the applicable collective agreement will instead serve as the appeal process for unionized employees.”
57	EDIHR/HRO	Clarify whether a third party may be a “Reporter” under the Policy (J104(k)).	Recommend that third party may be a “Surrogate” but not a Reporter, to respect Trauma-Informed principles/survivor-centric approach.	Maintain language as is.

58	EDIHR/HRO	Clarify process for addressing issues/allegations of systemic discrimination under the Policy (J104(q)).	Agree.	Add new Section P on Complex or Systemic Issues of Discrimination or Harassment at the end of the Process and Reporting section.
59	EDIHR/HRO	Clarify good faith/bad faith definition (J104(s)).	Agree.	Revise to read, "A Report may have been made in good faith even if it is ultimately found to be unsubstantiated."
60	EDIHR/HRO	Replace Appendix A to the Policy with a link to a website with resources.	No harm in including Appendix A in the policy as UPEI "Policy on University Policies" permits modification of appendices without formal approval by the policy approval authority (s. 6.2). Suggest the information also be included on the website (implementation issue).	Maintain language as is.
61	SVPRO	Revise 34 to remove responsibility with Vice-Presidents for approving and implementing accommodations and immediate measures.	Suggest replacing reference to VPs with "appropriate University office or authority". Suggest those decisions would be coordinated by SVPRO and made on the SVPRO's recommendation by the appropriate University authority. SVPRO may not have authority under collective agreements or policies to make decisions on all accommodations and immediate measures. E.g., placing an employee on administrative leave with pay, restructuring reporting relationships within a workplace, modifying course assessments, banning someone from campus.	Remove reference to VPs having authority to implement accommodations or interim measures; replace with "appropriate University office or authority".

62	SVPRO	Revise 53 to replace reference to a “Reporter” with “person who is subjected to an alleged violation”.	Agree this inconsistency needs to be resolved, but suggest alternative approach is to amend definition of Reporter to include someone who has made a Disclosure.	Revise definition of “Reporter” to include a person who has made a Disclosure.
63	SVPRO	Revise 53 to empower Safe Disclosure Officer to “implement” appropriate accommodations.	Suggest replacing reference to VPs with “appropriate University office or authority”, to reflect that those decisions would be coordinated by SVPRO and made on the SVPRO’s recommendation by the appropriate University authority. SVPRO may not have authority under collective agreements or policies to make decisions on all accommodations and immediate measures. E.g., placing an employee on administrative leave with pay, restructuring reporting relationships within a workplace, modifying course assessments, banning someone from campus.	Remove reference to VPs having authority to implement accommodations or interim measures; replace with “appropriate University office or authority”.
64	SVPRO	Strike out portion of section 56 referencing recommending to a VP.	Suggest replacing reference to VPs with “appropriate University office or authority”, to reflect that those decisions would be coordinated by SVPRO and made on the SVPRO’s recommendation by the appropriate University authority. SVPRO may not have authority under collective agreements or policies to make decisions on all accommodations and immediate measures. E.g., placing an employee on administrative leave with pay, restructuring reporting relationships within a workplace,	Remove reference to VPs having authority to implement accommodations or immediate measures; replace with “appropriate University office or authority”.

			modifying course assessments, banning someone from campus.	
65	SVPRO	Revise 56 to empower EDIHR to implement immediate measures.	Suggest those decisions would be coordinated by SVPRO and made on the SVPRO's recommendation by the appropriate University authority. SVPRO may not have authority under collective agreements or policies to make decisions on all accommodations and immediate measures. E.g., placing an employee on administrative leave with pay, restructuring reporting relationships within a workplace, modifying course assessments, banning someone from campus.	Remove reference to VPs having authority to implement immediate measures; replace with "appropriate University office or authority".
66	Anonymous	Remove reference to university's policy related to romantic and intimate relationships, which does not yet exist (C16).	Agree. This should either be removed or the Committee should discuss policy language governing these relationships.	Reference removed.
67	Anonymous	Remove "vacant" sections.	Agree.	Vacant sections removed.
68	Anonymous	Include principles to define possible immediate measures to ensure accountability and reasonableness (H58).	Principles included at s. 74 and 75.	Maintain language as is.
69	Anonymous	Questions wisdom of alternative reporting process for complaints against President and BOG, given skills and expertise of EDIHR (66-69).	The EDIHR reports to the Vice-President, People and Culture, who reports to the President, who reports to the Board of Governors. It is not appropriate for an employee or office to administer the complaints process for an administrator who stands in a position of authority over them. This may give rise to fears of reprisal or an appearance of conflict of interest that could undermine the legitimacy of the	Maintain language as is.

			process. President/BOG may delegate responsibilities to appropriate outside experts/consultants.	
70	Anonymous	Respondent should have the right to receive a copy of the report even if not accepted for investigation (72).	Suggest procedural fairness does not require disclosure of an unaccepted Report to the Respondent where there is no adverse effect on the Respondent's rights, privileges or interests. Disclosure of an unaccepted Report to the Respondent would not be consistent with the Policy principles of confidentiality and trauma-informed practice, and could discourage reporting by raising fears of reprisal.	Maintain language as is.
71	Anonymous	Potential harm to the Respondent should be recognized if a claim fails and the respondent has suffered harm as a result (89).	Environmental scan of post-secondary policies does not include remedies to Respondents for unsubstantiated complaints. Suggest confidentiality and fairness provisions of the Policy will mitigate harm to Respondent from the process.	Maintain language as is.
72	Anonymous	Need to clarify what is a "parallel investigation" (84).	Appears this term was eliminated in subsequent revisions of the Policy. Current Policy refers to "alternative proceedings, such as a complaint with the PEI Human Rights Commission in accordance with the Human Rights Act, a civil action, or grievance arbitration".	Resolved.
73	Anonymous	Inappropriate for appeal to go to EDIHR as they were involved in the process below so not impartial.	Any apparent conflict of interest is mitigated as the responsibilities of the EDIHR in the appeal process are exclusively administrative; the EDIHR has no decision-making authority in the appeal process.	Maintain language as is.

74	Anonymou s	The university does not have the power to determine that the final decision of the committee is final and binding in section 97. The decision is final within the university. A would-be appellant still has recourse, for the university is bound by relevant PEI and Canadian legislation, and subject to oversight by the provincial ombudsperson.	The decision is final and binding within the university. The Policy already makes clear that community members retain the right to initiate external proceedings, e.g., Human Rights Act, civil action (current H47).	Maintain language as is.
75	Prof. Richard Raiswell	Ambiguity and overlap with SV Policy re sexual harassment, inviting arguments that other Policy applies.	Agree. Policy continues to refer throughout to “Sexual Harassment” though providing at D23 (Scope and Application), that the SVP presumptively applies to sexual harassment allegations – this is confusing. Suggest that in situations where there is potential policy overlap (e.g., allegations that could be found to be “sexual harassment” or non-sexual “harassment”), EDIHR could confer a mandate to the Investigator to consider definitions in both policies, while following the procedures in one policy or the other. As long as this is expressly provided in each policy, it is permissible (and workable in my experience as an Investigator).	Revise D23 (now C9) to further clarify application of SVP to sexual harassment allegations, and that Investigator can have mandate to investigate all intersecting issues under both policies.
76	Prof. Richard Raiswell	Relationship to CA and discipline measures, policies and PEI & federal law? Spelled out explicitly: CA > policy	UPEI “Policy on University Policies” already provides the collective agreements supersede policies in the event of an inconsistency – no need to repeat that here.	Maintain language as is.

		Relationship to other policies: Hierarchy of policies. None of the processes here effect people's charter and statutory rights.	As noted in the Preamble, this Policy is intended to give effect to the University's obligations under human rights legislation (which is quasi-constitutional and cannot be avoided by contract/Policy).	
77	Prof. Richard Raiswell	Make clear that there is an obligation to have an appropriately staffed, skilled and resourced EDIHR office.	Suggest concerns about resourcing be referred to the Vice-President, People and Culture.	Maintain language as is, but flag for Committee as a potential implementation issue.
78	Prof. Richard Raiswell	Immediate Measures (sec. 58): There are no safeguards here for a respondent against vexatious / vindictive accusations. Esp. as 54 a-c might encourage them.	In reviewing Committee meeting minutes, the question of whether to include provisions around vexatious complaints was the subject of extensive discussion and careful consideration. Suggest that the primary objective of the Policy is to encourage reporting with a view to the preventing and remedying sexual violence. I agree with the Committee's decision not to include a prohibition against vexatious complaints as this could discourage reporting by sending a message to University community that there is a risk they may be punished if their report is not substantiated. The underreporting of sexual violence is well documented but by contrast, evidence does not suggest that vexatious/bad faith complaints are a widespread problem. Demonstrably vexatious complaints could still be dealt with through other University processes (e.g., Student Code of Conduct, collective	Maintain language as is.

			agreements/performance management processes).	
79	Prof. Richard Raiswell	At some level, accusations have to be assessed at least at a prima facie level.	Yes, H52 (now M74) provides that immediate measures may only be imposed “where there are allegations in a Disclosure or Report that would, if proven, constitute Discrimination or Harassment”.	Maintain language as is.
80	Prof. Richard Raiswell	H57b canvasses the respondent for view on immediate measures- no idea what's alleged. At what point can respondent know anything? Respondent receives information about the immediate measures (59). Has right to appeal under 60. However, the respondent has no information about the accusation or the accuser. Some of these are career ending (a, band c.)	In practice, a Respondent employee or student would be notified in general terms of the Disclosure or Report with the consent of the Reporter at this stage. Suggest some flexibility in the Policy language is warranted, e.g. lower duty of fairness owed to Respondents external to the University (visitors etc.)	Maintain language as is, but flag as an implementation issue.
81	Prof. Richard Raiswell	61 (a): no report and no investigation and the measures remain in place? Process deferred (under 49)	Immediate Measures may only remain in place indefinitely with the consent of the Respondent.	Maintain language as is.
82	Prof. Richard Raiswell	60. A VP will hear the appeal. Which VP?	This term was defined in former E34 (“Roles and Responsibilities”), as “Vice-President within the reporting line of the Reporter or Respondent, as the context requires”. Suggest it be moved to Definitions for clarity.	Move definition of “appropriate Vice-President” from roles and responsibilities to definition section.
83	Prof. Richard Raiswell	60. Not a fair Process: VP has no information about the matter. No criteria on which to decide. Making only a decision on the basis of the request. Given that VP knows	Criteria are set out in H55 and H57 (now M73, M74).	Maintain language as is.

		nothing, will only conclude in favour of the uni.		
84	Prof. Richard Raiswell	Relationship of Immediate Measures to discipline provisions in CA? To the Human Rights Act? To charter rights? 57d sees a place for the CAs-but these moves are extraordinary.	Immediate measures are subject to challenge by unionized employees under applicable grievance and arbitration procedures, H60 (now M78). The Policy as drafted includes sufficient protections to ensure reasonableness and proportionality of the immediate measures, and fairness of the process to be followed. Immediate measures are well-established common and best practice in post-secondary policies of this nature across Canada. See <i>Ryerson University v Ryerson Faculty Association</i> , 2018 CanLii 111683.	Maintain language as is.
85	Prof. Richard Raiswell	Even after stage 4, the respondent may have no idea what's happening. Respondent not notified if report not accepted for investigation (72). Still knows nothing at stage 5.	Respondents will receive notice of a Disclosure or Report that is being dealt with through Alternative Resolution. In practice, a Respondent employee or student would normally be notified in general terms of the Disclosure or Report with the consent of the Reporter at the immediate measures stage, though flexibility in the Policy language is warranted, e.g. lower duty of fairness owed to Respondents external to the University (visitors etc.), or where there is an immediate safety risk. Procedural fairness does not require disclosure of Reports that are not accepted for investigation because the Respondent's rights and interests are not adversely affected.	Maintain language as is.

86	Prof. Richard Raiswell	Section 89 recognises the harm to the reporter, but doesn't envision the possibility that the investigation will find the accusation unproven or even vexatious.	Environmental scan of post-secondary policies does not include remedies to Respondents for unsubstantiated complaints. Suggest confidentiality and fairness provisions of the Policy will mitigate any harm to Respondent from the process. Demonstrably vexatious complaints could be addressed as Harassment under the H&D Policy or under other disciplinary processes within the University.	Maintain language as is.
87	Prof. Richard Raiswell	If complainant decides not to use the policy, can the university impose immediate measures? (50) So policy has not been invoked; no evidence; no accusation-so immediate measures wouldn't be applicable. But states university can invoke measures	Suggest clarifying Policy to confirm that Immediate Measures may be imposed at any time following a Disclosure or Report, in which case the Policy is engaged. Immediate Measures may only be imposed in limited circumstances (H55, now M73).	M70 confirms that Immediate Measures may be implemented at any time following a Disclosure or Report.
88	Prof. Richard Raiswell	Off campus (D): Can the university police off-campus relations that have nothing to do with anything university related? Does it want to? E.g., Student A is the boss of student B at a fast-food restaurant and has to fire student B.	Policy only applies to off-campus or non-University activities with a "substantial connection to the University" (D22(d), now C9(d)) (example provided would not meet this threshold). Policy only applies to conduct that, if proven, would amount to Sexual Violence (example provided would not meet the threshold).	Maintain language as is.
89	Prof. Richard Raiswell	Respondents: Sec. 66 is important. But then what does the president have to do? No process. Section 104G defines university community.	Agree that process to be followed by Substituted Authorities warrants further clarification.	Consolidated and further developed operational provisions related to Substituted Authorities from various sections of the Policy to a new subsection, J57-61, to promote accessibility and clarity.

90	Prof. Richard Raiswell	Suggest removing 67-69: Expertise is in the office of EDIHR. The people named as recipients of a report have no qualifications to deal with it. If a report is made against a senior office of the uni., the EDIHR should consult with either the Pres. or Chair of the BOG. But the process should unfold how it is intended.	The EDIHR reports to the Vice-President, People and Culture, who reports to the President, who reports to the Board of Governors. It is not appropriate for an employee or office to administer the complaints process for an administrator who stands in a position of authority over them. This may give rise to fears of reprisal or an appearance of conflict of interest that could undermine the legitimacy of the process. President/BOG may delegate their responsibilities to outside experts/consultants.	Maintain language as is.
91	Prof. Richard Raiswell	Note also that none of the senior officers receiving a report have any obligation to do anything-situation with previous president would still have occurred under this policy.	Agree there is a need for further guidance on the process to be followed by a Substituted Authority.	Consolidated and further developed operational provisions related to Substituted Authorities from various sections of the Policy to a new subsection, J57-61, to promote clarity.
92	Prof. Richard Raiswell	Confidentiality: What is the relationship of this to the university's privacy policy? Which trumps which?	G40 (now I38) clarifies that the FOIPOP Act governs.	Maintain language as is.
93	Prof. Richard Raiswell	Is it legal to keep the name of an accuser from an accused?	Policy provides that procedural fairness rights of the Respondent will be respected.	Maintain language as is.
94	Prof. Richard Raiswell	Section 41: "Family" is vague: Second cousin? My cousin works for the CBC.	Policy could benefit from greater clarity on confidentiality obligations of support persons.	New I38 and J50 clarify confidentiality requirements of support persons.
95	Prof. Richard Raiswell	Stage 3 (62-63): Not clear. How do these processes work? Who is doing them?	Agree Policy could benefit from greater clarity and direction around Early Intervention/Alternative Resolution processes.	Further development of Early Intervention processes in new N77-79, including clarification of responsibility of EDIHR.

96	Prof. Richard Raiswell	Appeals: Filed with the EDIHR office: Certainly, appearance of conflict of interest. They have already been intimately involved in this process and will have full knowledge of the case, and doubtless opinions.	Any apparent conflict of interest is mitigated as the responsibilities of the EDIHR in the appeal process are exclusively administrative; the EDIHR has no decision-making authority in the appeal process.	Maintain language as is.
97	Prof. Richard Raiswell	"Appropriate VP" vague.	This term was defined in E34 ("Roles and Responsibilities"), as "Vice-President within the reporting line of the Reporter or Respondent, as the context requires". Suggest it be moved to Definitions for clarity.	Move definition of "appropriate Vice-President" from roles and responsibilities to definition section.
98	Prof. Richard Raiswell	97: final decision is binding. I appreciate it is binding within the university. But as you're spelling out that an appeal is not de novo (92) which doesn't need to be defined, should this spell out that there may be avenues through law?	The decision is final and binding within the university. The Policy already makes clear that community members retain the right to initiate external proceedings, e.g., Human Rights Act, civil action (current H47, new J53).	Maintain language as is.
99	Prof. Richard Raiswell	Appeals are denied to union members: Presumably, the idea is to work through the grievance mechanism but grievances will be de novo. Discovery will require all documents to be given to the respondent. The process will take at year + Cf, section 47 which acknowledges the grievance process.	Access to grievance and arbitration procedures for disputes arising in relation to a collective agreement are requirement of the PEI Labour Act. Disclosure of investigation file has been denied by arbitrators on the basis of relevance: See Dalhousie University v Dalhousie Faculty Association, 2023 CanLII 12175.	Maintain language as is.
100	Prof. Richard Raiswell	Section 90: The imposition of remedial / corrective action here is random. There are no guiding	See guiding principles at H89 ("Remedial and/or corrective actions shall recognize the harm to the Reporter and others, taking into	Maintain language as is. New Policy language around data collection and reporting on outcomes (Q118) may help

		principles here. So they can be imposed arbitrarily.	account the seriousness of the violation, and any mitigating or aggravating factors”), consistent with principles of penalty in comparable matters.	address concerns around inconsistent or arbitrary application.
101	Prof. Richard Raiswell	What about remedial/ corrective actions for vexatious complaints?	Vexatious complaints may be addressed as “harassment” under this Policy or through other disciplinary processes of the University.	Maintain language as is.
102	Prof. Richard Raiswell	Points of confusion: Cf. item 19 (substituted authority) and 67.	President reports to the Board of Governors, so Board of Governors serves as Substituted Authority for complaints against a President.	New consolidated provisions around Substituted Authorities (J58, J61) provide further clarity on what happens if the President is a Respondent.
103	Prof. Richard Raiswell	Section 84 in that context is confusing. And who is "the university" that does the responding?	A University Administrator would normally serve as the Reporter. This could be the University Administrator who brought forward the concerns to the SDO, or the Vice-President, People and Culture. Note in the case of a University Report initiated by a Vice-President, the President would serve as Substituted Authority/decision-maker following investigation.	New section clarifies process for University-Initiated Reports.
104	Prof. Richard Raiswell	Section 70: what happens is neither the reporter nor the respondent is identifiable? Equally, what happens if only one is known?	The Policy anticipates that if neither a Reporter nor Respondent are identifiable (i.e., anonymous reports against an unknown/unnamed Respondent), the Report would not be accepted for investigation. There is discretion to accept Reports where only one Party is known (e.g., anonymous reports against a named Respondent; reports by a named Reporter alleging harassment by an	Maintain language as is.

			unidentified person), as this can often be investigated.	
105	Prof. Richard Raiswell	Section 75: with no report, when a "uni administrator is aware of a possible occurrence ... " i. Pretty dodgy grounds-effectively operating on the basis of rumour. ii. What's to prevent an abuse of process by an administrator here?	As noted by other commentators, Policy would benefit from further clarification as to when the University will initiate its own investigation.	New section O91-93, clarifies threshold criteria for University-Initiated Reports.
106	Prof. Richard Raiswell	Section 83. Why does the report go to "the appropriate VP"? Why not the ED IHS chair?	Needs to go to the person with authority to make disciplinary decisions arising from the investigative outcome. Note: Many post-secondary policies use concept of "Responsible Authority" which is defined as the person with authority over the Respondent.	Maintain language as is, or consider replacing VP with "Responsible Authority" concept.
107	Prof. Richard Raiswell	Policy review: Section 100 excludes unions, other staff.	Agree.	Consider adding "The review shall also involve consultation with other Members of the University Community, such as faculty, staff, and unions."
108	Prof. Richard Raiswell	Omissions: Recognise the relationship to the criminal law #47	Criminal law is recognized in H48 (now J50).	Maintain language as is.
109	Prof. Richard Raiswell	16: reference to a policy (re romantic and intimate relationships) that doesn't exist: Retroactive law.	Agree. This should either be removed or the Committee should discuss policy language governing these relationships.	Reference removed.
110	Prof. Richard Raiswell	28 Pres. has obligation to address allegations of violations of policy: How? What process? Sanctions?	Appears this section was eliminated in a subsequent draft, as s. 28 is "vacant".	Remove, as roles and responsibilities of University Administrators (defined to include the President) are already included.
111	Prof. Richard Raiswell	102 These are related policies, but what is the relationship? i. What trumps what? ii. Add privacy policy.	Agree that privacy policy should be added. Suggest interplay between policies will be context specific.	Added: Policy on Non-Disclosure Agreements in Harassment and Discrimination; Access to Information and

				Protection of Personal Information and Privacy
112	Prof. Richard Raiswell	Sect. 43: name university policy.	Agree.	Add reference to Policy on Non-Disclosure Agreements in Harassment and Discrimination.
113	Prof. Richard Raiswell	Terminology: Too [many] "reports: President makes a report (28) Dept EDIHR produces a report (101) These reports contradict def. of report at SV 104 (1) Report in 56 has no relationship to "reporter" in 57a.	It appears the Committee has already considered this style issue at length.	Maintain language as is.
114	Prof. Richard Raiswell	Univ. has a regulation that "days" means "business days". Cf. sec. 60.	Agree. Recommend using University working days as defined in UPEI-FA collective agreement.	Definition of "days" added to mean University working days.
115	Prof. Richard Raiswell	Use of capitalisation irregular-use for specific terms but also randomly. Confusing.	Agree. Recommend capitalizing defined terms consistently (e.g., Policy, University, Members of the University community).	Defined terms now capitalized.
116	Prof. Richard Raiswell	104 m: there is no respondent until there is a report submitted.	For clarity and simplicity, recommend expanding definition of Respondent to include a person who is named in a Disclosure.	Definition of "Respondent" revised to include Disclosures.
117	Prof. Richard Raiswell	Organisation: Sections 25-28 & 30 should all be collapsed as sub points under 24. All are members of the uni. community. Others should be under a single heading:	Agree there is redundancy here that can be streamlined.	Revision to "Roles and Responsibilities" section to promote clarity and concision.
118	Prof. Richard Raiswell	Would recommend defining the SDO up front in the policy.	Agree.	Move definitions earlier to Section D.

119	Prof. Richard Raiswell	Please move the glossary of terms (Q) up to the front as with other uni. policies. This matters esp. for the definitions of the offences. Need to know what they are before how to address them.	Agree.	Move definitions earlier to Section D.
120	Prof. Richard Raiswell	89 e-g should be bullets under d.	Agree there is a formatting issue here.	Adjust formatting.
121	NM&C Barristers	Ability of Reporter or Respondent to pre-screen investigators could give rise to "investigator shopping" and create operational difficulties for the University.	Suggest removing H78, and further developing provisions on conflict of interest.	Remove H78; add new provisions around how parties can raise a Conflict of Interest.
122	NM&C Barristers	Several commentators have highlighted the length of the Policy and its potential inaccessibility to readers. There are sections of the Policy that are duplicative / redundant and could be eliminated or consolidated to promote concision.	Suggest removing sections of Preamble that are operational in nature, or moving them closer to the operational sections of the Policy to promote clarity; and consolidating Definitions and Principles of Application where there is overlap/duplication	Have suggested structural/editorial changes to promote clarity for the Committee's consideration.
123	NM&C Barristers	Investigation provisions could benefit from additional guidance to community and Investigator.		Revisions to Investigation section.
124	NM&C Barristers	There is no provision for what happens if a Reporter wishes to withdraw or discontinue their Report.		Add provision re withdrawal of Report at O90.
125	NM&C Barristers	Best practice to include student amnesty provision re drugs/alcohol to encourage reporting.		Student amnesty provision added.
126	NM&C Barristers	Recommend Parties have the opportunity to comment on the Investigative Outcome and	Refer to Committee for discussion on adding a new step after para. 106: This would:	NM&C Barristers

		appropriate remedial or corrective action, before a decision is made by the Appropriate VP.	Promote procedural fairness (opportunity to be heard on remedy once findings are known, raise any concerns with investigator's findings); and Promote consistency with best practice based on PSI policies elsewhere.	
127	EDIHR	SVP, 11(w)(vii) Stealth definitions began around removal of condoms, but is widening. See for example UVic definition: "Stealth" means the act of intentionally removing or damaging a condom or other protective device (such as a dental dam, or sponge) during sexual activity without the Consent of the partner."	Agree.	"stealth (the non-consensual or surreptitious removal or damaging of a condom or other protective device); and
128	Various	Members of the University Community includes alumni, contractors, and visitors. We have no way to ensure they receive regular training. Requirements for students are built into degree requirements, as many students take 5 years to complete their degrees this would be administratively challenges to commit to 4 years. Currently it is only possible to enforce students completing the SVPR Moodle Course before graduation. There are significant barriers to enforcing mandatory training that currently exists - despite a lot of	Agree.	"The Department of Equity, Diversity, Inclusion, and Human Rights shall ensure that information and training are regularly reviewed and updated; that all Members of the University Community students, faculty and staff receive appropriate training within three months as soon as possible after joining the University community; that all faculty and staff receive appropriate training no less than every four years; and that students receive appropriate training at least once during their degree."

		discussion and hopes for it being mandatory in the first year, currently it is only possible to enforce students completing the SVPR Moodle Course before graduation. I am curious about how we can enforce training completion within 3 months for the various populations.		
129	Admin	HDP s. 26 (Prevention and Education) refers to “appropriate training” while HDP s. 27 (Roles and Responsibilities) refers to “mandatory training”.	Use of “shall” in s. 26 means this is a mandatory requirement.	Maintain language as is.
130	Admin	Any centralized tracking of education and prevention activities to ensure compliance with mandatory training?	SVP s. 134(j) requires EDIHR to report on educational activities under the Policy.	Suggest this is an implementation issue.
131	EDIHR	While implicit, it should be crystal clear to Respondents that the confidentiality obligation ends after the process ends. We see situations where Respondents try to use confidentiality sections to say that victims and witnesses have to keep the information confidential forever.	Agree as it relates to details of the reporter’s personal experience. This is clear from the Preamble, principles of application, and limits on NDAs. But, suggest other process participants (e.g., witnesses) should maintain confidentiality, and all participants should maintain confidentiality around accommodations, immediate measures or outcomes that engage privacy/personal information.	Maintain language as is. Suggest this is an implementation issue – those responsible for administering the policy and supporting parties (including respondents) should clearly explain the scope and limits of confidentiality requirements.
132	EDIHR	Unclear why this is only in the HDP and not the SVP. Recommend adding s. 90 of the HDP to the SVP	Option to discontinue Report is already included at s. 57 of SVP (“Reporter-led Process”).	Revise SVP s. 57 to make it extra clear: 57. The Reporter may decide to stop participating in the processing of their Report process, withdraw their Report, or discontinue any accommodations or Immediate Measures provided through the Disclosure or Report process at any time.

				The University will decide whether any investigation shall proceed as a University-Initiated Report based on its analysis of the considerations in section 98 of this Policy.
133	EDIHR	In alignment with best practices, this role is currently being fulfilled, in the case of student Respondents under the SVP, by the Office of Student Culture and Community Standards. Being able to divide the Reporter and Respondent supports has been beneficial for all involved. Suggest instead: “Information about University supports and services, including contact information for an advisor within the Department of Equity, Diversity, Inclusion and Human Rights, or their delegate, to whom they may direct questions about the Policy or process;”	Agree. It is a best practice to offer a separate support person for the respondent. Suggest reframing as “or other office on campus”.	“Information about University supports and services, including contact information for an advisor within the Department of Equity, Diversity, Inclusion and Human Rights, or other office on campus, to whom they may direct questions about the Policy or process;”
134	CUPE	Will there be any time limit on extensions or any check in process for accountability so an investigation doesn't continue indefinitely?	Recommend against an outer timeline, but practice would be to ask the investigator to provide periodic updates.	Maintain language as is. Consider as an implementation issue.
135	Admin	Would notice of any extension be communicated to the parties involved?	Agree.	“This timeline may be extended by the Department of Equity, Diversity, Inclusion and Human Rights upon written request of the Investigator and with notice to the parties.”
136	Student Experience	Feedback relates to how the policies are promoted and communicated: It may be helpful to make more explicit, at a high level,	Definitions are required by statute / case law.	Maintain language as is.

		what is included under sexual violence, harassment, and discrimination. For sexual violence especially, there can be a common perception that it refers only to physical violence, so highlighting the broader scope up front (even if detailed definitions already exist in the policy) could support clearer understanding.	Suggest this will be address through communications materials targeted at different groups on campus.	
137	Teaching & Learning	Missing word "is" from "Sexual Violence not tolerated".	Agree.	"Academic freedom can only be achieved in an environment in which Sexual Violence is not tolerated."
138	Teaching & Learning	Add "varsity athletic activities" to definition of "reprisal".	Concern that adding one type of university-related activity could exclude others. The examples in the definition are preceded by "may include" so is broad enough to capture other types of negative consequences (e.g., to athletics participation).	Maintain as is.
139	Teaching & Learning	Definition of "Day" is unclear	This is the same definition used elsewhere in the University.	Maintain as is.
140	Admin/ Athletics	Cross-policy coordination: How are investigations coordinated between the Harassment and Discrimination Policy and the Sexual Violence Policy? Who leads the investigation, what is the process, and who holds final decision-making authority in cases involving overlap?	Overlap between policies is addressed in HDP s. 9 and SVP s. 10. In all cases, final decision-maker is the VP in the reporting line of the respondent: e.g., H&D s. 109; SVP s. 117.	Maintain as is.
141	Admin	Should definition of "University Administrator" include Associate Vice-Presidents? The University has created several Associate Dean positions and	Yes, agree.	"University Administrator" means the President, a Vice-President, Associate Vice-President, the Chief Information Officer, the Director of Human Resources, the Chief of

		Associate VP positions. I was wondering about capturing them in the list of University Administrators. It would make it slightly more precise.		Staff, a Dean, the University Librarian, or an Associate Dean.
142	Admin / Student Services	Reference to “Student Affairs and the Webster Centre for Student Success” may be outdated. Remove references to Student Affairs or the Webster centre and instead replace with the specific offices of service: “Counselling Services”, “Academic Support Services”, and “Office of Student Culture and Community Standards” to go along with Accessibility Services which is already listed.	Agree.	Student Affairs and the Webster Centre for Student Success Counselling Services Academic Support Services Office of Student Culture and Community Standards
143	Admin	Scope/Application “While participating in University-sponsored or sanctioned activities, events or organizations”: Would this cover sexual violence that may happen to a student in a work-integrated learning experience off campus? I see that being a University sanctioned activity.	Yes, it is and would be covered.	Maintain language as is.
144	Admin	Item 4 of the Preamble: “by limiting use of non-disclosure agreements” NDA’s are a touchy subject at UPEI, given their past abuse. I might suggest a qualifier, like the one used later in the document, indicating as governed by the Non-Disclosure Agreement Act. Without	Preamble is intended to set out the guiding principles and context for the Policy. Committee felt it important to address NDAs in the preamble to send a strong signal about the change in direction. Suggest removing the reference to NDAs in the preamble could undermine that goal.	Substitute “limit” with “restrict”?

		<p>the qualifier, many of us will wonder about the limits. Item 5. I think that “by limiting the use of non-disclosure agreements” should be removed. NDA’s were not intended to be used in the way that they have been used to cover up sexual violence. Also, given our recent institutional history, it would signal a strong stance by removing this part of the item.</p>	<p>NDA legislation does not prohibit NDAs in all cases but limits / restricts their use.</p>	
145	Admin	<p>Might be strengthened by the inclusion of “explicit photo with an altered likeness.” It would make it more specific.</p>	<p>Agree.</p>	<p>Additional examples of Sexual Violence could include: ix. the distribution of a sexually explicit photo image or altered image with likeness or other misinformation;</p>
146	Admin	<p>I think the item should end after “under this Policy.” Again, the abuse of NDA’s to cover up sexual violence was never intended; moreover, given UPEI’s past use of them for that purpose, we should ban them, full stop. There should be no exception here, if we really want to signal that we have changed.</p>	<p>Is this consistent with a survivor-centric approach? NDA Act includes protections to ensure that NDAs may only be entered into if it is the “expressed wish and preference of the relevant person concerned” and includes limits to duration etc.</p>	<p>Maintain language as is.</p>
147	Admin	<p>The final sentence might be strengthened by a slight edit: “consider this information to be essential to another aspect.” By switching from relevant to essential, you would increase the burden of those wishing to use the material to possibly defame the Responder, thereby providing another level of protection to the</p>	<p>Agree.</p>	<p>Replace relevant with “material” which means it has to be both relevant and important/central to the analysis: “The investigator may ask questions on these topics only if they consider this information to be relevant material to another aspect of the investigation.”</p>

		Responder. Otherwise, this item is excellent.		
148	Various	<p>The only component that I did not see (but expected or had hoped to) was clear guidance around what is or is not acceptable re: faculty/student or administrator/student relationships. Aside from a weak statement on power imbalances being a consideration in determining consent, there is no language (a) making it explicit that faculty and staff are in a position of power imbalance over students, (b) no clear statement that engaging in sexual, romantic, or service relationship when benefitting from a power imbalance is problematic, (c) no prohibition, or even requirement to disclose and participate in management/mitigation, on such relationships. If the committee is convinced that a separate policy will address this, that policy should be listed in the associated policies and it needs to be approved at the same time and included in the policies that are recognized by the FA collective agreement as applying to them. This is a recommendation in the Rubin Thomlinson report (page 92). Majority of the U15 group of universities have at least the</p>	<p>SVP is a survivor-centred document so addressing prohibited consensual relationships in a separate document is a defensible choice. With these policies, UPEI will have the tools to address situations in which consent is vitiated by a power imbalance: SVP, s. 11(viii) states that, “Consent cannot be given in circumstances where one person abuses a position of trust, power or authority over another person. (See also the Conflict of Interest Policy).” Assessment of harassment/sexual harassment also involves an assessment of consent (what would “reasonably be known to be unwelcome”), which caselaw has interpreted as incorporating a consideration of power imbalances. Conflict of Interest Policy requires University members to declare in writing any conflict of interest and to remove themselves from any processes or decisions involving someone with whom they are in a romantic relationship.</p> <p>RT report (p. 92) stated: “Keeping with current trends in this area, the University may wish to consider implementing a prohibition on consensual romantic and/or sexual</p>	<p>Add examples of power imbalances to “principles of application”: “Power imbalances: Power imbalances are inherent and systemic in post-secondary institutions. This Policy recognizes, for example, that Members of the University Committee with responsibility for leading, managing, teaching, advising, supervising, mentoring, or evaluating, hold positions of power, trust, and authority relative to others. Power imbalances can be exploited or prevent the reporting and management of Sexual Violence. Power imbalances can also obscure or exacerbate proper and improper behaviour and interpersonal relations. The University strives to create policy that respects all Members of the University Community without deference to power. The University recognizes that one of the purposes of human rights laws and policies against Sexual Violence is to assist members of groups that have been historically disadvantaged and disempowered in our society.</p> <p>Update Appendix when new policy is passed.</p> <p>Consider for discussion, language such as Dalhousie’s: D2. Intimate Personal Relationships 1. Members of the University Community in positions of power, trust and authority (including but not limited to leading,</p>

		<p>requirement to report and manage such relationships, and that some of these universities have moved to outright bans when there is any possibility of influence on the student's career or academic progress, or even outright bans where undergraduate students are concerned.</p>	<p>relationships between faculty and students where there is some form of supervisory or reporting relationship between them.”</p> <p>Examples of SVPs that do not include prohibition: Mount Allison University, University of New Brunswick, Memorial, St. Thomas, University of Ottawa, University of Manitoba.</p> <p>Examples of SVPs that do include: Mount Saint Vincent University, Cape Breton University, Saint Mary's University, Saint Francis Xavier University, McGill, UBC</p> <p>Examples of SVP that require disclosure of relationships only: Dalhousie (prohibits abuse of authority); Acadia University; Carleton University.</p>	<p>managing, teaching, advising, supervising, mentoring or evaluating) are responsible for maintaining integrity and professionalism in their relationships with other Members of the University Community. The onus is on the individual in a position of power to set and maintain appropriate relationship boundaries.</p> <p>2. No Member of the University Community shall use or abuse a position of power, trust or authority to coerce intimate or sexual activity with another Member of the University Community. Consent cannot be given where a person is induced to engage in the activity by someone abusing a position of trust, power or authority.</p> <p>3. Where a consensual intimate personal relationship between Members of the University Community may give rise to a conflict of interest, the relationship must be promptly disclosed to the applicable Administrative Head, who will address the matter according to the University's Conflict of Interest Policy.</p>
149	Student Services / Experiential Education	<p>It would be beneficial to have a clause allowing for regular interim reviews as well as the usual, more spaced out, formal reviews as well as transparency in making available within the policy the history of policy changes and edits. E.g., Student Code of Rights and Responsibilities at Memorial University of Newfoundland and Labrador. (“This Code will be</p>	<p>Suggest a review ever two years would be challenging to implement in practice. This review process has taken more than one year.</p>	<p>Revise to “no later than every three years”.</p>

	<p>reviewed on an interim basis every two years and formally every four years, as per the University Policy Framework, by a committee of not less than five (5) people appointed by the Associate Vice-President (Academic) and Dean of Students. The committee shall include at least two (2) students. The committee may make recommendations to the Board of Regents for amendments to the Code.”)</p> <p>— Abstractly, I really appreciate the idea of reviewing the policy at the one year mark and then every three years subsequently, but I'm thinking about how long this policy process has taken, and I'm wondering what that review process will look like, particularly at the one year mark, and how it will meaningfully engage vulnerable students. I think, realistically, our most vulnerable students will not be able to engage with this document because it's long and complex and very challenging to engage with (and I have graduate degrees and work in the field of post-secondary!) This isn't so much a comment on the item itself but more a note on preparing to follow that piece of the policy and the challenge ahead.</p>		
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150	Student Services	Include reference to Accessible Canada Act (doesn't regulate universities, but is aspirational) and Occupational Health and Safety Act (psychological safety)?	OHSA is referred to in the policies (HDP, s. 7, 47, 91, 132; SVP, s. 8, 48, 98, 140). Federal Accessibility Act does not apply to UPEI, so reference to it in the policy could create confusion and false expectations. PEI does not yet have provincial accessibility legislation but if PEI enacts such legislation in the future it should be included.	Maintain language as is.
151	Student Services	One commenter noted that 'our' definition of Academic Freedom (from the FA collective agreement) differs from that of CAUT.	Suggest using the definition that applies elsewhere at UPEI for consistency.	Maintain language as is.
152	Student Services / Experiential Education	Accessible documentation is essential. This policy is a barrier to students seeking help, supporting, or understanding of what they can expect in terms of treatment from faculty and staff. Generally, this document is difficult to follow and interact with, and while that can be the nature of policies like this, there is a lot of text yet it still doesn't feel especially thorough in information. There are many places where the policy language is left for interpretation where people might have a wide range of understandings of what's implied. Even the choice to put such a long list of terms at the front rather than in an Appendix is likely to impact the readability of the document.	Agree with comments about accessibility to various community members as discussed previously in the Committee. The policy, however, is a legal document that must comply with various statutes that each require certain language to be included. Suggest that the communication of the policies is an implementation issue. There will be an onus on relevant offices in UPEI to communicate the policy elements with their clients in an accessible way, e.g. pamphlets, infographics, etc. There are many examples from other universities of how this can be done.	Maintain language as is.

		This puts a lot of additional work on the EDIHR team to translate a document such that people can understand it. Having the policy be this challenging to follow and interpret will make it easier for people with greater access to resources to wield it against people who are more marginalized.		
153	Student Services	What H.31 meant by supervisors being “personally responsible” as opposed to simply “responsible”	Policy states: “University Administrators, Department Chairs, and others in supervisory roles are expected to personally uphold the Policy at all times”. This means their personal behaviour must comply with the Policy – they must model respectful and inclusive behaviour for their teams.	Maintain language as is.
154	Student Services	Listing of resources and supports is primarily student facing, there needs to be more supports listed for staff and faculty	Specific student-centred supports are included to comply with the Post-Secondary Institutions Sexual Violence Policies Regulations, s. 3(1)(a). There are also supports listed for faculty and staff, e.g. under accommodations and immediate measures.	Maintain language as is.
155	Student Services	Does the “union representative” for surrogacy include the student union?	The reference is intended to refer to a trade union / collective bargaining agent, but a surrogate could be anyone the Reporter chooses.	Maintain language as is.
156	Student Services	Need surrogacy to be explicitly documented with express consent for the surrogate the present the story of the person who was harmed or witnessed harm.	Consent is required as stated in the definition. Suggest how consent is confirmed is an implementation/practice issue.	Maintain language as is.

157	Student Services	We have a number of professional programs on campus whose students are expected to conduct themselves according to a high standard of ethical conduct. Many breaches of these policies would also constitute a violation of those codes. We should have language in the policy allowing the university to inform those faculties or departments when one of their students is found to be in violation.	Applicants and registrants to self-regulating professions have a duty to self-report academic discipline, so no need for UPEI to report. Within UPEI, the VP in the reporting line of the respondent would receive the investigative outcome and make a decision on academic discipline.	Maintain language as is.
158	Student Services	When accommodations are needed (usually as a part of interim measures) they are negotiated and communicated by the SVPRO office. There was a concern expressed that this would be a breach of confidentiality (in that it would identify the person as being involved with an SV (or HD) complaint. Would these better go through Accessibility Services or could the SVPRO office be included in Accommodate (the software Accessibility Services uses) so communication about accommodations would be more confidential	The idea here is to have the SDO as a one-stop shop for Reporters to access supports, services, formal complaint processes, etc., to eliminate the need for Reporters to disclose their stories to multiple people or offices. This is an important trauma-informed practice. The confidentiality provisions of the Policy allow the SDO to share information for the purpose of administering the Policy, so suggest the logistics of arranging accommodations in a way that best protects the parties' privacy could be addressed as an implementation issue.	Maintain language as is.
159	Student Services	Term "Safe Disclosure Officer" is clinical and scary.	This title has been confirmed by executive leadership.	Maintain language as is.
160	Student Services	The first three items listed in #73 are exclusively or predominantly staff and faculty related, can the list be alphabetized to be more accessible seeming to all.	Agree.	Alphabetize the list.

161	Student Services	Should specify “on-campus living arrangements” – we have no authority and very limited resources to do anything about off campus living arrangements	Agree.	For clarity, suggest adding “university-run”.
162	Student Services	Is the Bell Centre a part of campus?	Policy applies to UPEI owned and operated facilities, e.g. C(8)(b). As Bell Centre is owned/operated by a consortium, C(8)(d) would apply (substantial connection test).	N/A
163	Student Services	These policies rely heavily on EDIHR – this department is currently in flux. Does this policy strain their rebuild by putting so much onus on them? Will the policy be harder to ‘sell’ when it is seen to rely on a department that is in flux?	Similar feedback was shared previously by others. The future role and direction of the EDIHR has been determined by executive leadership. Suggest appropriate staffing, resourcing, etc. will be an implementation issue for this policy.	Maintain language as is, but Committee could consider a recommendation related to implementation.
164	Student Services	Rubin Thomlinson report spoke explicitly about culture. The culture they critiqued is not unique to UPEI but is rather the direct result of the academy’s roots in colonial, racist, oppression based hierarchical structure of the pre-industrial world. If we are to change culture we need to be explicitly anti-racist, anti-oppressive, and de-colonizing. The policy says nothing in that regard.	Agree wholeheartedly with the sentiment behind this comment. Last round of review added new language to the Preamble to reflect this: The University recognizes that Discrimination and Harassment are inherently connected to historical disadvantage and power imbalances on campus and in our society, including the intersection of social oppressions such as racism, sexism, homophobia, transphobia, classism, ableism, and the legacies of colonization and residential schools. See also new language on intersectionality.	Maintain language as is.

165	Student Services	<p>The policies look and feel like documents that prioritize faculty, and to a lesser degree unionized staff, over students.</p> <p>This is not a document that prioritizes the student experience.</p> <p>This policy “does nothing to protect students”.</p>	<p>RT report recommended a standalone policy covering faculty, staff, and students.</p> <p>Creating a policy that addresses the needs of all these community members will mean that there is information that more relevant to one group over another.</p> <p>The legal framework governing employment relationships, and in particular unionized employment relationships, informs what these policies can/must do.</p>	Maintain language as is.
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HARASSMENT & DISCRIMINATION POLICY

REVIEWER		REVIEWER FEEDBACK	NM&C BARRISTERS RESPONSE	PROPOSED INTEGRATION
1	UPEI FA	Training: Include provision for training of all members of the university community re HDP, harassment, discrimination, to aid in prevention and facilitate reporting	Agree. If training is to be mandatory, community members should expect enforcement of this mandatory requirement, and consequences for noncompliance.	Add new Section G24 "Prevention and Education".
2	UPEI FA	Training should be mandated for all UPEI administrators responsible for ensuring the proper implementation of the policies, with respect to their statutory responsibilities.	Agree. If training is to be mandatory, community members should expect enforcement of this mandatory requirement, and consequences for noncompliance.	Add new Section G25 "Prevention and Education".
3	UPEI FA	Include provision for frequency of training.	Agree that guidance should be provided on frequency of training, though flexibility will be needed to respond to identified needs and account for operational constraints and priorities. I understand that currently available online training modules should allow for implementation of this requirement.	Add new Section G26 "Prevention and Education".
4	UPEI FA	Include provisions about what training should look like such as: <ul style="list-style-type: none"> • Tailored to culture, conditions and activities of the university • Includes elements of the HDP, and legislation like the Workplace Harassment Regulations, PEI Reg EC710/19 and the PEI Human Rights Act • Includes a description of the relationship between harassment and discrimination in the 	Agree. I understand that currently available online training modules should allow for implementation of this requirement.	Add new Section G24-26 "Prevention and Education".

		<p>university and the prohibited grounds of discrimination in the Human Rights Act</p> <ul style="list-style-type: none"> • Includes a description of how to recognize, minimize, prevent and respond to harassment and discrimination in the university • Provides a timeframe for when the training should be provided. For faculty/staff, it should be provided, say, within three months of beginning work. <p>(See Federal Regulations).</p>		
5	UPEI FA	Training should be compensated as workload.	Suggest workload and compensation issues are addressed through collective/employment agreements.	Maintain language as is.
6	UPEI FA	<p>Data collection and reporting: Mandate an annual report from EDIHR Department to all members of the university community and the Board of Governors that includes:</p> <ul style="list-style-type: none"> • The number of reports made • The type of reports made (discrimination, harassment, etc.) • The findings of any investigations • Sanctions applied where there was a finding of discrimination/harassment • Where the incidents of discrimination/harassment are happening, as in the physical locations • Which incidents met or did not meet the definition of 	Agree, though reporting needs to be consistent with UPEI's privacy obligations. Given the small number of complaints received annually by the EDIHR, reporting sanctions, physical locations, and demographics may tend to identify individuals involved. Reporting all this information could identify parties if the number of investigations is small (e.g., less than five).	Replace I101 with a new Section Q124--126 with additional guidance on annual reporting of deidentified, statistical information.

		<p>discrimination/harassment</p> <ul style="list-style-type: none"> • Voluntary self-identified demographics of reporters (race, sexual orientation, gender, Indigeneity, disability, etc.) • How long it takes a case to be completed <p>(See RT Report, Dalhousie Discrimination Policy).</p>		
7	UPEI FA	HDP should mandate extensive and thorough record-keeping practices for the EDIHR Department, in accordance with all relevant Collective Agreements and legislation.	Former E26/Now H29, “Roles and Responsibilities” of the EDIHR, identifies “maintaining appropriate records both by incident and cumulative, and maintaining confidentiality over those records, subject to all applicable policies, processes, and laws”. Former G42 (now I39) provides that “all records produced under this policy shall be maintained by the Department of Equity, Diversity, Inclusion, and Human Rights as required and permitted by the law.”	Revise G42 (now I39) to refer expressly to collective agreements and university policies governing records retention.
8	UPEI FA	<p>Conflict of interest: Need to:</p> <ul style="list-style-type: none"> • Define conflicts of interest in context of the policy • Identify how a COI may arise and must be managed • Identify a process for Reports and Respondents to raise concerns about COI 	Agree Policy could be benefit from greater clarity on how to raise, identify, and manage conflicts of interest.	Revise Definition of “Conflict of Interest” to include content relevant to context of this Policy. Collapse “Conflicts of Interest” and “Procedural Fairness” in “Principles of Application” and add new section under Process and Reporting on managing COIs and the process to raise concerns about COI (sections 55-56).
9	UPEI FA	Historical disadvantage: Include acknowledgment of historical	Agree.	Add reference to historic disadvantage in the preamble.

		disadvantage in preamble and definitions.		
10	UPEI FA	Intersectionality: Integrate concept of “intersectionality” in preamble, definitions, and throughout Policy, as a theory that describes how various identities come together to shape a person or group’s experience in the world, and their treatment by others. If not included in preamble, include in principles of application	Agree.	Add definition of “Intersectional” informed by human rights law (e.g., Ontario Human Rights Commission publications) and environmental scan of similar policies (e.g. Dalhousie Harassment Policy 2025). Add “intersectionality” to principles of application. Add reference to intersectionality in definition of “Prohibited grounds”.
11	UPEI FA	Define terms used in Principles of Application, e.g. academic freedom, trauma-informed practices, freedom of expression.	Agree.	Add “Trauma-Informed Practices” to Definitions (informed by Dalhousie Harassment Policy 2025). Add “Academic freedom” to Definitions with reference to the UPEI-FA Collective Agreement.
12	UPEI FA	Include in the Policy a mechanism for tracking trends regarding risks, consistent with principle of “Cumulative Impacts”	Agree.	Add to “Role and Responsibilities” of EDIHR: “tracking trends, patterns, and cumulative incidents to identify and address risks of Discrimination and Harassment in the University”. Add new section on Complex or Systemic Issues of Discrimination or Harassment at the end of the Process and Reporting section.
13	UPEI FA	Include a duty to cooperate in the investigation of a complaint to reflect PEI OHS Workplace Harassment Regulation 3(2).	Recommend against including this expressly in the Policy, in light of countervailing principles of trauma-informed practice, survivor-centric approach, and concerns about discouraging reporting. For example, in University-initiated complaints, it will be important that immediate victim/survivors have the option <u>not</u> to participate in the investigation process. In other	Suggest maintaining language as is, subject to further direction from Committee.

			<p>circumstances, students or employees may be reluctant to participate due to fears of reprisal. Often, investigations can proceed even if one or more potential witnesses declines to participate. Suggest that the Policy objective of encouraging reporting is best served by focusing on creating a campus culture and environment where people feel safe to participate in investigation processes voluntarily.</p> <p>Even if the duty to cooperate is not expressly included in the Policy, University would retain a management right to direct an employee to participate – but suggest that this power would be exercised very sparingly if at all.</p>	
14	UPEI FA	Ensure accessible, neutral, first point of contact, on-campus, for questions and information on HDP.	Agree. The Policy establishes Safe Disclosure Officers within the Department of Equity, Diversity, Inclusion and Human Rights, on campus, to serve as a first point of contact for questions and information on the Policy.	Add a definition of “Safe Disclosure Officer”. Improve clarity of Roles and Responsibilities of Safe Disclosure Officer throughout Policy, including clarifying they are located on campus.
15	UPEI FA	<p>Include on UPEI website:</p> <ul style="list-style-type: none"> • The location and address of the Safe Disclosure Officer • The location and address of the Department of Equity, Diversity, Inclusion, and Human Rights • The contact information for the EDIHR Department and the Safe Disclosure Officer, including phone numbers, emails, and mailing addresses • Information on the individuals that are employed in the EDIHR Department. 	Agree.	<p>Include in former E29/new H30 “Roles and responsibilities – Safe Disclosure Officer” the statement that the contact information and location and address on campus for SDOs will be included on the UPEI website.</p> <p>Include in current E26/new H29 “Roles and responsibilities – Department of EDIHR” the statement that the contact information and location and address on campus for the EDIHR will be included on the UPEI website.</p>

16	UPEI FA	Need a clear plan for the creation, resourcing, and staffing of a Safe Disclosure Office/Officers, before Policy is approved.	Vice-President, People and Culture has advised that the Safe Disclosure Office will not be a standalone office, but rather a team of Officers in the University who will be trained to receive disclosures under this Policy and other Policies. For the purposes of this Policy, the SDOs will be employees of the Department of EDIHR. It is anticipated that at least three employees will be trained to serve in this role, which could include, e.g., Director, Human Rights Counsel/Manager, Early Resolution Officer, HRO, Intake Officer.	Flag for Committee as a potential implementation issue.
17	UPEI FA	Need accountability mechanisms to ensure proper administration and management of the Policy.	Agree.	Replace I101 with a new Section Q124—126 with additional guidance on annual reporting of deidentified, statistical information, as well as other activities of the EDIHR (e.g., education), to university community and BOG.
18	UPEI FA	Systemic discrimination: Include mechanism for preventing and remedying systemic discrimination, including investigating or inquiring into systemic discrimination issues with or without a formal complaint.	Agree.	Add new Section P on Complex or Systemic Issues of Discrimination or Harassment at the end of the Process and Reporting section.
19	UPEI FA	Systemic discrimination: collect data and report on systemic points of weakness or risk.	Agree, subject to the need to maintain confidentiality and privacy.	Replace I101 with a new Section Q124—126 with additional guidance on annual reporting of deidentified, statistical information, which will include observed trends relevant to risk.
20	UPEI FA	Systemic discrimination: include a mechanism for departments and faculties to be investigated as a whole	Agree.	Add new Section P on Complex or Systemic Issues of Discrimination or Harassment at the end of the Process and Reporting section.

		to target widespread discrimination and harassment.		
21	UPEI FA	Clarify “stages” of reporting process, including which stages can be foregone.	Agree. Note overlap with this comment and feedback from SVPRO/HRO. The “Process and Reporting” section of the Draft Policy remains complex and confusing. Despite language to the contrary, the use of enumerated stages continues to suggest to the reader a linear, sequential process. I recommend that this approach be reconsidered and replaced with options a Reporter could pursue based on their needs and circumstances.	Eliminated reference to enumerated “stages”. Reframed stages in the process as options a Reporter or EDIHR may pursue. Consolidated operational provisions from various sections of the Policy to promote accessibility and clarity.
22	UPEI FA	Include a statement that the Policy is “not intended to <u>discourage, prevent, or preclude</u> a complainant from exercising other legal rights pursuant to any other law” as required by OSHA Regulations, s. 4(g).	Agree.	Revise to add “discourage or preclude”.
23	UPEI FA	Clarify process following a report to a substituted authority (Reg. 4(1)(e)(ii)).	Agree.	Consolidated and further developed operational provisions related to Substituted Authorities from various sections of the Policy to a new subsection, H57-61, to promote accessibility and clarity.
24	UPEI FA	Commit to realistic and reasonable timelines for the reporting process.	Agree that timeliness of the reporting process is important for all parties. Some flexibility in timelines is also necessary given the range of complexity of complaints, procedural issues that may arise (e.g., accommodation requests, leaves of absence, etc.), and operational realities (time needed to identify available investigators, clear conflicts, review/redact reports, coordinate and implement supports etc.). Suggest outside timelines for process	Clarify timeline for investigation and process for extension (section 104). Refer timelines for Committee discussion.

			stages (e.g., 60 working days for an investigation) with the possibility of extension. Note also tension with feedback from SVPRO/HRO (#33, 37, 47).	
25	UPEI FA	Expand definition of “members of the university community” to include individuals who were members at the time of the incidents under investigation.	Agree.	Revise definition to include “Member of the university community” may include individuals who are no longer members of the university community but who were members of the university community at the time an alleged incident of Discrimination or Harassment occurred.”
26	UPEI FA	Move “glossary” to beginning of the Policy, and title it “definitions”, before “principles of application”, to increase accessibility, transparency, and consistency with like policies.	Agree.	Definitions moved to Section D.
27	UPEI FA	Add or clarify definitions for: <ul style="list-style-type: none"> • Academic freedom (This should reference the definition in the UPEIFA Collective Agreement at Article A-4.1) • Cumulative impact (not defined) • Disclosure (not defined) • Discrimination (Defined but not tied to prohibited grounds) • Faculty (not defined) • Freedom of Expression (not defined) • Historical disadvantage (not defined) • Intersectional / intersectionality (not defined) • Members of the university community (Per the RT Report, this should include those who were members of the community) 	Agree re: academic freedom, disclosure, discrimination, intersectionality, members of the university community, reprisal, and trauma-informed. Suggest cumulative impact, freedom of expression, and historical disadvantage need not be separately defined, as they are not used repeatedly through the Policy, and the meaning of these terms is reasonably understandable from their context.	Added definitions of: <ul style="list-style-type: none"> • academic freedom, with reference to UPEIFA CA. • disclosure. • Intersectional • Reprisal • Trauma-informed Revise definition of “Discrimination” to reference “Protected Ground” (defined term) instead of personal characteristic. Added further definition on “freedom of expression” to the Principles of Application, drawn from SCC case law.

		<p>at the time of the incident, and who have since left.</p> <ul style="list-style-type: none"> • Party/third party (not defined) • Reprisal/retribution (not defined) • Trauma informed & trauma informed practices (not defined) 		
29	Dean Etkin / SVPRO / HRO	Separate policy from a clear set of procedures to improve accessibility and allow more timely modification of procedures required to operationalize policy.	<p>There is benefit to separating the statement of policy from the procedures so the procedures can be more easily updated or revised as administrative structures etc. change. Suggest referring to committee.</p> <p>Policy provides that EDIHR will establish “plain-language companion materials, summaries, guidelines and forms in respect of processes under this Policy”, s. 29.</p>	Maintain language as is, subject to direction from committee.
30	Dean Etkin / SVPRO / HRO	Need to clarify which policy applies to sexual harassment complaints.	<p>Agree. Policy continues to refer throughout to “Sexual Harassment” though providing at D23 (Scope and Application), that the SVP presumptively applies to sexual harassment allegations – this is confusing.</p> <p>Suggest that in situations where there is potential policy overlap (e.g., allegations that could be found to be “sexual harassment” or non-sexual “harassment”), EDIHR could confer a mandate to the Investigator to consider definitions in both policies, while following the procedures in one policy or the other. As long as this is expressly provided in each policy, it is permissible (and workable in my experience as an Investigator).</p> <p>Need to avoid multiplicity of complaints – idea is to consolidate all the issues in one investigation.</p> <p>Note overlap with Feedback #41, 71.</p>	Revise former D23/new C9 to further clarify application of SVP to sexual harassment allegations, and that Investigator can have mandate to investigate all intersecting issues under both policies.

31	Dean Etkin / SVPRO / HRO	Policy should refer to the Human Rights Office which is already well known in university community.	It is the intention that the HRO continue to be a member of the Department of Equity, Diversity, Inclusion and Human Rights. The Policy refers to the overarching Department to maintain flexibility in roles.	Add definition of “Safe Disclosure Officer”, to clarify that the HRO may be designated the Safe Disclosure Officer.
32	Dean Etkin / SVPRO / HRO	Policy should eliminate reference to Safe Disclosure Officer OR define the role in relation to the HRO.	Agree to include a definition of Safe Disclosure Officer, and their relationship to Department of EDIHR.	Add definition of “Safe Disclosure Officer”, to clarify that the HRO may be designated the Safe Disclosure Officer.
33	Dean Etkin / SVPRO / HRO	Empower HRO to make decisions on accommodations and immediate measures – not VPs – to improve timeliness, confidentiality.	Suggest that these decisions would be coordinated by, and made on the recommendation of, the HRO, by the appropriate University authority. HRO may not have authority under collective agreements and University policies to make decisions on all accommodations and immediate measures. E.g., decisions to place an employee on administrative leave with pay, restructure reporting relationships within a workplace, modify course assessments, ban an individual from campus.	Remove reference to VPs having authority to implement accommodations or interim measures; replace with “appropriate University office or authority”.
34	Dean Etkin / SVPRO / HRO	Remove reference to accommodations being implemented according to other University policies.	See above, but agree language can be revised to clarify SDO as one-stop-shop for all these matters, avoiding need for Reporter to engage multiple offices.	Removed reference to accommodations being implemented according to other University policies, replaced with “the Safe Disclosure Officer will assist the Reporter in accessing accommodations while maintaining confidentiality.”
35	Dean Etkin / SVPRO / HRO	Review H75b as it is reading as though the University is “required” to initiate an investigation where the Reporter has decided not to proceed if “any” administrator (including Dean) becomes aware of a possible occurrence, including through a request for	Agree that this provision should be reviewed to clarify that a university-initiated investigation is not triggered automatically whenever the university becomes aware of a disclosure/occurrence. This feedback is important as it reflects a disconnect between the intent of this provision (providing a	Create a new dedicated section on University-Initiated Reports. List factors to be considered when university initiates investigation. Clarify that Reporter may choose not to participate in or be contacted in

		accommodations or immediate measures.	mechanism for university-initiated investigations), and how it is being understood by members of the university community (with potentially detrimental effects in discouraging disclosures). The Policy must balance the University's legal obligation to investigate known occurrences in some cases, with the principle of trauma-informed practice and a survivor-centric approach.	relation to a university-initiated investigation. Clarify procedures that will otherwise apply to University-Initiated Reports.
36	Dean Etkin / SVPRO / HRO	Separate 75a and 75b into two separate bullets with a mandatory investigation of a Report and the optional initiation of an investigation by the University in the absence of a Report.	Agree.	Create a separate section on University-Initiated Reports. List factors to be considered when university initiates investigation. Clarify that victim/survivor may choose not to participate in or be contacted in relation to a university-initiated investigation. Clarify procedures that will otherwise apply to University-Initiated Reports.
37	Dean Etkin / SVPRO / HRO	Need to revisit timelines to ensure enough time and flexibility is given to ensure proper consideration of outcomes, as some timelines are impractically short and C20 limits reasons for timeline extensions.	Agree, but note tension with comments from FA (#24). Suggest further discussion at Committee level is warranted.	Add further clarity to timelines for investigation, notice of immediate measures.
38	EDIHR/HRO	A2: Need clear definition of "supervisor" especially as it relates to Department Chairs.	Agree that this could create ambiguity. Suggest that specific duties under the Policy be imposed on University Administrators only (as defined), subject to further direction from Committee. In other contexts, phrase "University Administrators, Department Chairs, and others in supervisory positions" can capture members occupying positions of authority while	Language around "supervisory positions" clarified throughout.

			respecting reporting relationships under contracts.	
	EDIHR/H RO	A4: Reframe “Respondent’s right to procedural fairness” to “right to procedural fairness for all parties”.	Agree.	Reference to Respondent replaced with “all Parties”.
39	EDIHR/H RO	D22d: Clarify persons over whom Policy applies, such as by incorporating definition of “member of the university community”.	Scope provision (current D22) states that the policy “applies to all members of the university community”. Suggest that moving definitions forward earlier in the Policy will help readers better understand who the Policy applies to.	Move definitions section immediately after “Scope and Application”, before “Principles of Application”.
40	EDIHR/H RO	Move forward definition of Safe Disclosure Officer.	Agree.	Move definitions section immediately after “Scope and Application”, before “Principles of Application”.
41	EDIHR/H RO	For sexual harassment allegations, choice of Policy should be made by the Reporter on the advice of EDI/HR staff.	Choice of Policy needs to rest with the University to ensure consistency in application. Note overlap with Feedback #30, 71.	Revise former D23/current C9 to further clarify application of SVP to sexual harassment allegations, and that Investigator can have mandate to investigate all intersecting issues under both policies.
42	EDIHR/H RO	Resolve inconsistency between H53 and J104(I)) to clarify that accommodations and immediate measures are available in the absence of a formal report, given definition of “Reporter” as someone who has submitted a report under the policy.	Agree.	Revise definition of Reporter to include someone who has made a Disclosure or Report.
43	EDIHR/H RO	Clarify ambiguity as to whether/when supervisors have an obligation to report disclosures, e.g. E31.	Agree. To ensure appropriate monitoring and response to known issues of Discrimination or Harassment in the University, I recommend that University Administrators should be required to consult (confidentially) with a Safe Disclosure Officer when they become aware of an alleged occurrence of Discrimination or Harassment.	New provision imposes obligation to consult with a Safe Disclosure Officer only on University Administrators, as defined in the Policy.

			Note use of the term “consult” rather than “report” indicates that the consultation is for tracking and assessment purposes, and does not automatically trigger an investigation. Limiting the duty to consult with University Administrators ensures it is placed on those in positions of authority who can be expected to be knowledgeable about their duties and responsibilities under the Policy.	
44	EDIHR/H RO	Clarify “professional or cultural advisors” and whether it includes supervisors (G41).	New section on support persons provides further clarity.	New section on support persons provides further clarity.
45	EDIHR/H RO	Clarify ambiguity/inconsistency as to whether/when University is required to initiate an investigation (e.g., H50, H75).	Agree.	Create a separate section on University-Initiated Reports. List factors to be considered when university initiates investigation. Clarify when University Administrators will be required to consult (not report) with EDIHR about occurrences of which they become aware.
46	EDIHR/H RO	Reframe “Stage 1” as “Disclosure” rather than “Safe Disclosure Officer”.	Agree.	New dedicated section on Disclosures of Discrimination or Harassment. Enumerated stages replaced with separate sections outlining options available in response to a Disclosure or Report.
47	EDIHR/H RO	Notice of Interim Measures within 24 hours after decision is not reasonable or possible (E59).	Agree some flexibility is required to arrange for supports for Parties, etc. Procedural fairness is protected by clarifying that Immediate Measures do not come into effect until notice provided to Respondent.	Remove 24-hour timeline, maintaining “as soon as possible”. Add clarification that measures do not come into effect until notice is provided to Respondent.
48	EDIHR/H RO	Need to consider wishes, safety, and health of the survivor in assessing	Consideration of the wishes of the Reporter is inherent in the process, as the Report may	For greater clarity, add “Where the Department of EDIHR receives a Report with a request for

		whether a Report will be accepted for investigation (H71).	only submitted for Investigation with the consent of the Reporter.	investigation” to initial assessment section.
49	EDIHR/H RO	Establish a threshold under which a university-initiated complaint shall be filed (H75), to ensure consistent application of the article.	Agree that Policy should include factors to be considered in assessing whether the University should initiate an investigation.	Create a separate section on University-Initiated Reports. List factors to be considered when university initiates investigation.
50	EDIHR/H RO	3 days is insufficient to consider an investigation report and redact if needed (H85).	Agree.	Revise to one week (5 business days), subject to further discussion by Committee.
51	EDIHR/H RO	5-7 days does not allow time for full consideration of outcomes before initiating corrective actions (H86).	Agree.	Revise to two weeks (10 business days), subject to further discussion by Committee.
52	EDIHR/H RO	Clarify that grievance process in collective agreement serves as appeal process (H98).	Agree.	Clarify that “the grievance and arbitration provisions of the applicable collective agreement will instead serve as the appeal process for unionized employees.”
53	EDIHR/H RO	Clarify whether a third party may be a “Reporter” under the Policy (J104(k)).	Third party may be a “Surrogate” but not a Reporter, to respect Trauma-Informed principles/survivor-centric approach.	Revise s. 87 re who can make a Report.
54	EDIHR/H RO	Clarify process for addressing issues/allegations of systemic discrimination under the Policy (J104(q)).	Agree.	Add new Section P on Complex or Systemic Issues of Discrimination or Harassment at the end of the Process and Reporting section.
55	EDIHR/H RO	Clarify good faith/bad faith definition to remove double negative (J104(s)).	Agree.	Revise to read, “A Report may have been made in good faith even if it is ultimately found to be unsubstantiated.”
56	EDIHR/H RO	Replace Appendix A to the Policy with a link to a website with resources.	No harm in including Appendix A in the policy as UPEI “Policy on University Policies” permits modification of appendices without formal approval by the policy approval authority (s. 6.2). Suggest the information also be included on the website (implementation issue).	Maintain language as is.

57	SVPRO	Revise 34 to remove responsibility with Vice-Presidents for approving and implementing accommodations and immediate measures.	Suggest replacing reference to VPs with “appropriate University office or authority”. Suggest those decisions would be coordinated by HRO and made on the HRO’s recommendation by the appropriate University authority. HRO may not have authority under collective agreements or policies to make decisions on all accommodations and immediate measures. E.g., placing an employee on administrative leave with pay, restructuring reporting relationships within a workplace, modifying course assessments, banning someone from campus.	Remove reference to VPs having authority to implement accommodations or interim measures; replace with “appropriate University office or authority”.
58	SVPRO	Revise 53 to replace reference to a “Reporter” with “person who is subjected to an alleged violation”.	Agree this inconsistency needs to be resolved, but suggest alternative approach is to amend definition of Reporter to include someone who has made a Disclosure.	Revise definition of “Reporter” to include a person who has made a Disclosure.
59	SVPRO	Revise 53 to empower Safe Disclosure Officer to “implement” appropriate accommodations.	Suggest replacing reference to VPs with “appropriate University office or authority”. Suggest those decisions would be coordinated by HRO and made on the HRO’s recommendation by the appropriate University authority. HRO may not have authority under collective agreements or policies to make decisions on all accommodations and immediate measures. E.g., placing an employee on administrative leave with pay, restructuring reporting relationships within a workplace, modifying course assessments, banning someone from campus.	Remove reference to VPs having authority to implement accommodations or interim measures; replace with “appropriate University office or authority”.
60	SVPRO	Strike out portion of section 56 referencing recommending to a VP.	Suggest replacing reference to VPs with “appropriate University office or authority”. Suggest those decisions would be coordinated by HRO and made on the HRO’s recommendation by the appropriate University authority. HRO may not have authority under	Remove reference to VPs having authority to implement accommodations or immediate measures; replace with “appropriate University office or authority”.

			collective agreements or policies to make decisions on all accommodations and immediate measures. E.g., placing an employee on administrative leave with pay, restructuring reporting relationships within a workplace, modifying course assessments, banning someone from campus.	
61	SVPRO	Revise 56 to empower EDIHR to implement immediate measures.	Suggest those decisions would be coordinated by EDIHR/HRO and made on the HRO's recommendation by the appropriate University authority. HRO may not have authority under collective agreements or policies to make decisions on all accommodations and immediate measures. E.g., placing an employee on administrative leave with pay, restructuring reporting relationships within a workplace, modifying course assessments, banning someone from campus.	Remove reference to VPs having authority to implement immediate measures; replace with "appropriate University office or authority".
62	Anonymous	Remove reference to university's policy related to romantic and intimate relationships, which does not yet exist (C16).	Agree. This should either be removed or the Committee should discuss policy language governing these relationships.	Reference removed.
63	Anonymous	Remove "vacant" sections.	Agree.	Vacant sections removed.
64	Anonymous	Include principles to define possible immediate measures to ensure accountability and reasonableness (H58).	Principles included at s. 72 and 73.	Maintain language as is.
65	Anonymous	Questions wisdom of alternative reporting process for complaints against President and BOG, given skills and expertise of EDIHR (66-69).	The EDIHR reports to the Vice-President, People and Culture, who reports to the President, who reports to the Board of Governors. It is not appropriate for an employee or office to administer the complaints process for an administrator who stands in a position of authority over them. This may give rise to fears of reprisal or an appearance of	Maintain language as is.

			conflict of interest that could undermine the legitimacy of the process. President/BOG may delegate responsibilities to appropriate outside experts/consultants.	
66	Anonymous	Respondent should have the right to receive a copy of the report even if not accepted for investigation (72).	Suggest procedural fairness does not require disclosure of an unaccepted Report to the Respondent where there is no adverse effect on the Respondent's rights, privileges or interests. Disclosure of an unaccepted Report to the Respondent would not be consistent with the Policy principles of confidentiality and trauma-informed practice, and could discourage reporting by raising fears of reprisal.	Maintain language as is.
67	Anonymous	Potential harm to the Respondent should be recognized if a claim fails and the respondent has suffered harm as a result (89).	Environmental scan of post-secondary policies does not include remedies to Respondents for unsubstantiated complaints. Suggest confidentiality and fairness provisions of the Policy will mitigate harm to Respondent from the process.	Maintain language as is.
68	Anonymous	Need to clarify what is a "parallel investigation" (84).	Appears this term was eliminated in subsequent revisions of the Policy. Current Policy refers to "alternative proceedings, such as a complaint with the PEI Human Rights Commission in accordance with the Human Rights Act, a civil action, or grievance arbitration".	Resolved.
69	Anonymous	Inappropriate for appeal to go to EDIHR as they were involved in the process below so not impartial.	Any apparent conflict of interest is mitigated as the responsibilities of the EDIHR in the appeal process are exclusively administrative; the EDIHR has no decision-making authority in the appeal process.	Maintain language as is.
70	Anonymous	The university does not have the power to determine that the final decision of the committee is final and binding in section 97. The decision is final within	The decision is final and binding within the university. The Policy already makes clear that community members retain the right to initiate	Maintain language as is.

		the university. A would-be appellant still has recourse, for the university is bound by relevant PEI and Canadian legislation, and subject to oversight by the provincial ombudsperson.	external proceedings, e.g., Human Rights Act, civil action (current H47).	
71	Prof. Richard Raiswell	Ambiguity and overlap with SV Policy re sexual harassment, inviting arguments that other Policy applies.	Agree. Policy continues to refer throughout to “Sexual Harassment” though providing at D23 (Scope and Application), that the SVP presumptively applies to sexual harassment allegations – this is confusing. Suggest that in situations where there is potential policy overlap (e.g., allegations that could be found to be “sexual harassment” or non-sexual “harassment”), EDIHR could confer a mandate to the Investigator to consider definitions in both policies, while following the procedures in one policy or the other. As long as this is expressly provided in each policy, it is permissible (and workable in my experience as an Investigator). Note overlap with Feedback #30, 41.	Revise D23 (now C9) to further clarify application of SVP to sexual harassment allegations, and that Investigator can have mandate to investigate all intersecting issues under both policies.
72	Prof. Richard Raiswell	Loss of fair treatment policy now means that people who report dishonesty are not protected from reprisals. Would it not be better to have a single policy for both types of offence? And replace one with a whistleblower policy?	I understand UPEI intends to develop a Safe Disclosure Policy to protect other types of disclosures in the University (similar to a whistleblower policy).	Maintain language as is.
73	Prof. Richard Raiswell	Relationship to CA and discipline measures, policies and PEI & federal law? Spelled out explicitly: CA > policy Relationship to other policies: Hierarchy of policies. None of the processes here effect people's charter and statutory rights.	UPEI “Policy on University Policies” already provides the collective agreements supersede policies in the event of an inconsistency – no need to repeat that here. As noted in the Preamble, this Policy is intended to give effect to the University’s obligations under human rights legislation	Maintain language as is.

			(which is quasi-constitutional and cannot be avoided by contract/Policy).	
74	Prof. Richard Raiswell	Make clear that there is an obligation to have an appropriately staffed, skilled and resourced EDIHR office.	Suggest concerns about resourcing be referred to the Vice-President, People and Culture.	Maintain language as is, but flag for Committee as a potential implementation issue.
75	Prof. Richard Raiswell	Immediate Measures (sec. 58): There are no safeguards here for a respondent against vexatious / vindictive accusations. Esp. as 54 a-c might encourage them.	In reviewing Committee meeting minutes, the question of whether to include provisions around vexatious complaints was the subject of extensive discussion and careful consideration. Suggest that the primary objective of the Policy is to encourage reporting with a view to the preventing and remedying discrimination and harassment. I agree with the Committee's decision not to include a prohibition against vexatious complaints as this could discourage reporting by sending a message to University community that there is a risk they may be punished if their report is not substantiated. The underreporting of human rights violations is well documented but by contrast, evidence does not suggest that vexatious/bad faith complaints are a widespread problem. Demonstrably vexatious complaints could still be dealt with through other University processes (e.g., Student Code of Conduct, collective agreements/performance management processes).	Maintain language as is.
76	Prof. Richard Raiswell	At some level, accusations have to be assessed at least at a <i>prima facie</i> level.	Yes, H52 (now M71) provides that immediate measures may only be imposed "where there are allegations in a Disclosure or Report that would, if proven, constitute Discrimination or Harassment".	Maintain language as is.

77	Prof. Richard Raiswell	H57b canvasses the respondent for view on immediate measures-no idea what's alleged. At what point can respondent know anything? Respondent receives information about the immediate measures (59). Has right to appeal under 60. However, the respondent has no information about the accusation or the accuser. Some of these are career ending (a, band c.)	In practice, a Respondent employee or student would be notified in general terms of the Disclosure or Report with the consent of the Reporter at this stage. Suggest some flexibility in the Policy language is warranted, e.g. lower duty of fairness owed to Respondents external to the University (visitors etc.)	Maintain language as is, but flag as an implementation issue.
78	Prof. Richard Raiswell	61 (a): no report and no investigation and the measures remain in place? Process deferred (under 49)	Immediate Measures may only remain in place indefinitely with the consent of the Respondent.	Maintain language as is.
79	Prof. Richard Raiswell	60. A VP will hear the appeal. Which VP?	This term was defined in former E34 ("Roles and Responsibilities"), as "Vice-President within the reporting line of the Reporter or Respondent, as the context requires". Suggest it be moved to Definitions for clarity.	Move definition of "appropriate Vice-President" from roles and responsibilities to definition section.
80	Prof. Richard Raiswell	60. Not a fair Process: VP has no information about the matter. No criteria on which to decide. Making only a decision on the basis of the request. Given that VP knows nothing, will only conclude in favour of the uni.	Criteria are set out in H55 and H57 (now M71, M72).	Maintain language as is.
81	Prof. Richard Raiswell	Relationship of Immediate Measures to discipline provisions in CA? To the Human Rights Act? To charter rights? 57d sees a place for the CAs-but these moves are extraordinary.	Immediate measures are subject to challenge by unionized employees under applicable grievance and arbitration procedures, H60 (now M75). The Policy as drafted includes sufficient protections to ensure reasonableness and proportionality of the immediate measures, and fairness of the process to be followed. Immediate measures are well-established common and best practice in post-secondary policies of this nature across Canada. See	Maintain language as is.

			<i>Ryerson University v Ryerson Faculty Association</i> , 2018 CanLii 111683.	
82	Prof. Richard Raiswell	Even after stage 4, the respondent may have no idea what's happening. Respondent not notified if report not accepted for investigation (72). Still knows nothing at stage 5.	<p>Respondents will receive notice of a Disclosure or Report that is being dealt with through Early Intervention.</p> <p>In practice, a Respondent employee or student would normally be notified in general terms of the Disclosure or Report with the consent of the Reporter at the immediate measures stage, though flexibility in the Policy language is warranted, e.g. lower duty of fairness owed to Respondents external to the University (visitors etc.), or where there is an immediate safety risk.</p> <p>Procedural fairness does not require disclosure of Reports that are not accepted for investigation because the Respondent's rights and interests are not adversely affected.</p>	Maintain language as is.
83	Prof. Richard Raiswell	Section 89 recognises the harm to the reporter, but doesn't envision the possibility that the investigation will find the accusation unproven or even vexatious.	Environmental scan of post-secondary policies does not include remedies to Respondents for unsubstantiated complaints. Suggest confidentiality and fairness provisions of the Policy will mitigate any harm to Respondent from the process. Demonstrably vexatious complaints could be addressed as Harassment under this Policy or under other disciplinary processes within the University.	Maintain language as is.
84	Prof. Richard Raiswell	If complainant decides not to use the policy, can the university impose immediate measures? (50) So policy has not been invoked; no evidence; no accusation-so immediate measures wouldn't be applicable. But states university can invoke measures	<p>Clarify Policy to confirm that Immediate Measures may be imposed at any time following a Disclosure or Report, in which case the Policy is engaged.</p> <p>Immediate Measures may only be imposed in limited circumstances (H55, now K71).</p>	M70 confirms that Immediate Measures may be implemented at any time following a Disclosure or Report.

85	Prof. Richard Raiswell	Off campus (D): Can the university police off-campus relations that have nothing to do with anything university related? Does it want to? E.g., Student A is the boss of student Bat a fast-food restaurant and has to fire student B.	Policy only applies to off-campus or non-University activities with a “substantial connection to the University” (D22(d), now C8(d)) (example provided would not meet this threshold). Policy only applies to conduct that, if proven, would amount to Discrimination or Harassment (example provided would not meet the threshold of “Harassment”).	Maintain language as is.
86	Prof. Richard Raiswell	Respondents: Sec. 66 is important. But then what does the president have to do? No process. Section 104G defines university community.	Agree.	Consolidated and further developed operational provisions related to Substituted Authorities from various sections of the Policy to a new subsection, J57-61, to promote accessibility and clarity.
87	Prof. Richard Raiswell	Suggest removing 67-69: Expertise is in the office of EDIHR. The people named as recipients of a report have no qualifications to deal with it. If a report is made against a senior office of the uni., the EDIHR should consult with either the Pres. or Chair of the BOG. But the process should unfold how it is intended.	The EDIHR reports to the Vice-President, People and Culture, who reports to the President, who reports to the Board of Governors. It is not appropriate for an employee or office to administer the complaints process for an administrator who stands in a position of authority over them. This may give rise to fears of reprisal or an appearance of conflict of interest that could undermine the legitimacy of the process.	Maintain language as is.
88	Prof. Richard Raiswell	Note also that none of the senior officers receiving a report have any obligation to do anything-situation with previous president would still have occurred under this policy.	Agree there is a need for further guidance on the process to be followed by a Substituted Authority.	Consolidated and further developed operational provisions related to Substituted Authorities from various sections of the Policy to a new subsection, J57-61, to promote clarity.
89	Prof. Richard Raiswell	Confidentiality: What is the relationship of this to the university's privacy policy? Which trumps which?	G40 (now I37) clarifies that the FOIPOP Act governs.	Maintain language as is.

90	Prof. Richard Raiswell	Is it legal to keep the name of an accuser from an accused?	Policy provides that procedural fairness rights of the Respondent will be respected.	Maintain language as is.
91	Prof. Richard Raiswell	Section 41: "Family" is vague: Second cousin? My cousin works for the CBC.	Policy could benefit from greater clarity on confidentiality obligations of support persons.	New I38 and J50 clarify confidentiality requirements of support persons.
92	Prof. Richard Raiswell	Stage 3 (62-63): Not clear. How do these processes work? Who is doing them?	Agree Policy could benefit from greater clarity and direction around Early Intervention processes.	Further development of Early Intervention processes in new N77-79, including clarification of responsibility of EDIHR.
93	Prof. Richard Raiswell	Appeals: Filed with the EDIHR office: Certainly, appearance of conflict of interest. They have already been intimately involved in this process and will have full knowledge of the case, and doubtless opinions.	Any apparent conflict of interest is mitigated as the responsibilities of the EDIHR in the appeal process are exclusively administrative; the EDIHR has no decision-making authority in the appeal process.	Maintain language as is.
94	Prof. Richard Raiswell	"Appropriate VP" vague.	This term was defined in E34 ("Roles and Responsibilities"), as "Vice-President within the reporting line of the Reporter or Respondent, as the context requires". Suggest it be moved to Definitions for clarity.	Move definition of "appropriate Vice-President" from roles and responsibilities to definition section.
95	Prof. Richard Raiswell	97: final decision is binding. I appreciate it is binding within the university. But as you're spelling out that an appeal is not de novo (92) which doesn't need to be defined, should this spell out that there may be avenues through law?	The decision is final and binding within the university. The Policy already makes clear that community members retain the right to initiate external proceedings, e.g., Human Rights Act, civil action (current H47, new J51).	Maintain language as is.
96	Prof. Richard Raiswell	Appeals are denied to union members: Presumably, the idea is to work through the grievance mechanism but grievances will be de novo. Discovery will require all documents to be given to the respondent. The process will take at year + Cf, section 47 which acknowledges the grievance process.	Access to grievance and arbitration procedures for disputes arising in relation to a collective agreement are requirement of the PEI <i>Labour Act</i> . Disclosure of the harassment investigation file has been denied by arbitrators on the basis of relevance: See <i>Dalhousie University v</i>	Maintain language as is.

			<i>Dalhousie Faculty Association, 2023 CanLII 12175.</i>	
97	Prof. Richard Raiswell	Section 90: The imposition of remedial / corrective action here is random. There are no guiding principles here. So they can be imposed arbitrarily.	See guiding principles at H89 (“Remedial and/or corrective actions shall recognize the harm to the Reporter and others, taking into account the seriousness of the violation, and any mitigating or aggravating factors”), consistent with principles of penalty in comparable matters.	Maintain language as is. New Policy language around data collection and reporting on outcomes (Q118) may help address concerns around inconsistent or arbitrary application.
98	Prof. Richard Raiswell	What about remedial/ corrective actions for vexatious complaints?	Vexatious complaints may be addressed as “harassment” under this Policy or through other disciplinary processes of the University.	Maintain language as is.
99	Prof. Richard Raiswell	Points of confusion: Cf. item 19 (substituted authority) and 67.	President reports to the Board of Governors, so Board of Governors serves as Substituted Authority for complaints against a President.	New consolidated provisions around Substituted Authorities (J58, J61) provide further clarity on what happens if the President is a Respondent.
100	Prof. Richard Raiswell	Section 84 in that context is confusing. And who is "the university" that does the responding?	A University Administrator would normally serve as the Reporter. This could be the University Administrator who brought forward the concerns to SDO, or the Vice-President, People and Culture. Note in the case of a University Report initiated by a Vice-President, the President serves as decision-maker following investigation.	New section clarifies process for University-Initiated Reports.
101	Prof. Richard Raiswell	Section 70: what happens is neither the reporter nor the respondent is identifiable? Equally, what happens if only one is known?	The Policy anticipates that if neither a Reporter nor Respondent are identifiable (i.e., anonymous reports against an unknown/unnamed Respondent), the Report would not be accepted for investigation. There is discretion to accept Reports where only one Party is known (e.g., anonymous reports against a named Respondent; reports by a named Reporter alleging harassment by an	Maintain language as is.

			unidentified person), as this can often be investigated.	
102	Prof. Richard Raiswell	Section 75: with no report, when a "uni administrator is aware of a possible occurrence ... " i. Pretty dodgy grounds-effectively operating on the basis of rumour. ii. What's to prevent an abuse of process by an administrator here?	As noted by other commentators, Policy would benefit from further clarification as to when the University will initiate its own investigation.	New section O91-93, clarifies threshold criteria for University-Initiated Reports.
103	Prof. Richard Raiswell	Section 83. Why does the report go to "the appropriate VP"? Why not the ED IHS chair?	Needs to go to the person with authority to make disciplinary decisions arising from the investigative outcome. Note: Many post-secondary policies use concept of "Responsible Authority" which is defined as the person with authority over the Respondent.	Maintain language as is, or consider replacing VP with "Responsible Authority" concept.
104	Prof. Richard Raiswell	Policy review: Section 100 excludes unions, other staff.	Agree.	Consider adding "The review shall also involve consultation with other Members of the University Community, such as faculty, staff, and unions."
105	Prof. Richard Raiswell	Omissions: Recognise the relationship to the criminal law #47	Criminal law is recognized in H48 (now J52).	Maintain language as is.
106	Prof. Richard Raiswell	16: reference to a policy (re romantic and intimate relationships) that doesn't exist: Retroactive law.	Agree. This should either be removed or the Committee should discuss policy language governing these relationships.	Reference removed.
107	Prof. Richard Raiswell	28 Pres. has obligation to address allegations of violations of policy: How? What process? Sanctions?	Appears this section was eliminated in a subsequent draft, as s. 28 is "vacant".	Remove, as roles and responsibilities of University Administrators (defined to include the President) are already included.
108	Prof. Richard Raiswell	102 These are related policies, but what is the relationship? i. What trumps what? ii. Add privacy policy.	Agree that privacy policy should be added. Suggest interplay between policies will be context specific.	Added: Policy on Non-Disclosure Agreements in Harassment and Discrimination; Access to Information and Protection of Personal Information and Privacy

109	Prof. Richard Raiswell	Sect. 43: name university policy.	Agree.	Add reference to Policy on Non-Disclosure Agreements in Harassment and Discrimination.
110	Prof. Richard Raiswell	Terminology: Too [many] "reports: President makes a report (28) Dept EDIHR produces a report (101) These reports contradict def. of report at SV 104 (1) Report in 56 has no relationship to "reporter" in 57a.	It appears the Committee has already considered this style issue at length.	Maintain language as is.
111	Prof. Richard Raiswell	Univ. has a regulation that "days" means "business days". Cf. sec. 60.	Agree. Recommend using University working days as defined in UPEI-FA collective agreement.	Definition of "days" added to mean University working days.
112	Prof. Richard Raiswell	Use of capitalisation irregular-use for specific terms but also randomly. Confusing.	Agree. Recommend capitalizing defined terms consistently (e.g., Policy, University, Members of the University community).	Defined terms now capitalized.
113	Prof. Richard Raiswell	104 m: there is no respondent until there is a report submitted.	For clarity and simplicity, recommend expanding definition of Respondent to include a person who is named in a Disclosure.	Definition of "Respondent" revised to include Disclosures.
114	Prof. Richard Raiswell	Organisation: Sections 25-28 & 30 should all be collapsed as sub points under 24. All are members of the uni. community. Others should be under a single heading:	Agree there is redundancy here that can be streamlined.	Revision to "Roles and Responsibilities" section to promote clarity and concision.
115	Prof. Richard Raiswell	Would recommend defining the SDO up front in the policy.	Agree.	Move definitions earlier to Section D.
116	Prof. Richard Raiswell	Please move the glossary of terms Q) up to the front as with other uni. policies. This matters esp. for the definitions of the offences. Need to know what they are before how to address them.	Agree.	Move definitions earlier to Section D.

117	Prof. Richard Raiswell	89 e-g should be bullets under d.	Agree there is a formatting issue here.	Adjust formatting.
118	NM&C Barristers	Ability of Reporter or Respondent to pre-screen investigators could give rise to “investigator shopping” and create operational difficulties for the University.	Suggest removing H78, and further developing provisions on conflict of interest.	Remove H78; add new provisions around how parties can raise a Conflict of Interest.
119	NM&C Barristers	Several commentators have highlighted the length of the Policy and its potential inaccessibility to readers. There are sections of the Policy that are duplicative / redundant and could be eliminated or consolidated to promote concision.	Suggest removing sections of Preamble that are operational in nature, or moving them closer to the operational sections of the Policy to promote clarity; and consolidating Definitions and Principles of Application where there is overlap/duplication	Have suggested structural/editorial changes to promote clarity for the Committee’s consideration.
120	NM&C Barristers	Investigation provisions could benefit from additional guidance to community and Investigator.		Revisions to Investigation section.
121	NM&C Barristers	There is no provision for what happens if a Reporter wishes to withdraw or discontinue their Report.		Add provision re withdrawal of Report at O90.
122	NM&C Barristers	Recommend Parties have the opportunity to comment on the Investigative Outcome and appropriate remedial or corrective action, before a decision is made by the Appropriate VP.	Refer to Committee for discussion on adding a new step after para. 106: This would: 1. Promote procedural fairness (opportunity to be heard on remedy once findings are known, raise any concerns with investigator’s findings); and 2. Promote consistency with best practice based on PSI policies elsewhere.	
123	Various	HDP, s. 26: Members of the University Community includes alumni, contractors, and visitors. We have no way to ensure they receive regular training.	Agree.	“The Department of Equity, Diversity, Inclusion, and Human Rights shall ensure that information and training are regularly reviewed and updated; that all Members of the University Community <u>students, faculty and</u>

		<p>Requirements for students are built into degree requirements, as many students take 5 years to complete their degrees this would be administratively challenges to commit to 4 years.</p> <p>Currently it is only possible to enforce students completing the SVPR Moodle Course before graduation.</p> <p>There are significant barriers to enforcing mandatory training that currently exists - despite a lot of discussion and hopes for it being mandatory in the first year, currently it is only possible to enforce students completing the SVPR Moodle Course before graduation. I am curious about how we can enforce training completion within 3 months for the various populations.</p>		<p><u>staff receive appropriate training within three months as soon as possible after joining the University community; that all faculty and staff receive appropriate training no less than every four years; and that students receive appropriate training at least once during their degree.</u></p>
124	Admin	HDP s. 26 (Prevention and Education) refers to “appropriate training” while HDP s. 27 (Roles and Responsibilities) refers to “mandatory training”.	Use of “shall” in s. 26 means this is a mandatory requirement.	Maintain language as is.
125	Admin	Any centralized tracking of education and prevention activities to ensure compliance with mandatory training?	SVP s. 134(j) requires EDIHR to report on educational activities under the Policy.	Suggest this is an implementation issue.
126	EDIHR	While implicit, it should be crystal clear to Respondents that the confidentiality obligation ends after the process ends. We see situations where Respondents try to use confidentiality sections to say that victims and witnesses have to keep the information confidential forever.	<p>Agree as it relates to details of the reporter’s personal experience. This is clear from the Preamble, principles of application, and limits on NDAs.</p> <p>But, suggest other process participants (e.g., witnesses) should maintain confidentiality, and all participants should maintain confidentiality around accommodations, immediate measures</p>	<p>Maintain language as is.</p> <p>Suggest this is an implementation issue – those responsible for administering the policy and supporting parties (including respondents) should clearly explain the scope and limits of confidentiality requirements.</p>

			or outcomes that engage privacy/personal information.	
127	EDIHR	Unclear why this is only in the HDP and not the SVP. Recommend adding s. 90 of the HDP to the SVP	Option to discontinue Report is already included at s. 57 of SVP (“Reporter-led Process”) .	Revise SVP s. 57 to make it extra clear: 57. The Reporter may decide to stop participating in the processing of their Report process , <u>withdraw their Report</u> , or discontinue any accommodations or Immediate Measures provided through the Disclosure or Report process at any time. The University will decide whether any investigation shall proceed as a University-Initiated Report based on its analysis of the considerations in section 98 of this Policy.
128	EDIHR	In alignment with best practices, this role is currently being fulfilled, in the case of student Respondents under the SVP, by the Office of Student Culture and Community Standards. Being able to divide the Reporter and Respondent supports has been beneficial for all involved. Suggest instead: “Information about University supports and services, including contact information for an advisor within the Department of Equity, Diversity, Inclusion and Human Rights, <u>or their delegate</u> , to whom they may direct questions about the Policy or process;”	Agree. It is a best practice to offer a separate support person for the respondent. Suggest reframing as “or other office on campus”.	“Information about University supports and services, including contact information for an advisor within the Department of Equity, Diversity, Inclusion and Human Rights, <u>or other office on campus</u> , to whom they may direct questions about the Policy or process;”

129	CUPE	Section 71 a) is difficult to follow and may have some grammatical errors with commas and the word 'or' may need to be removed for clarity	Agree a comma is missing.	71.Immediate Measures are non-disciplinary conditions that may be imposed upon a Respondent where there are allegations in a Disclosure or Report that would, if proven, constitute Discrimination or Harassment, and the measures are necessary to: a. <u>maintain the safety, security,</u> or academic, residence, or employment well-being of any Member of the University Community;
130	CUPE	Will there be any time limit on extensions or any check in process for accountability so an investigation doesn't continue indefinitely?	Recommend against an outer timeline, but practice would be to ask the investigator to provide periodic updates.	Maintain language as is. Consider as an implementation issue.
131	Admin	Would notice of any extension be communicated to the parties involved?	Agree.	“This timeline may be extended by the Department of Equity, Diversity, Inclusion and Human Rights upon written request of the Investigator <u>and with notice to the parties.</u> ”
132	CUPE	If union members are forced to go through a grievance process rather than an appeal and their union has not been involved in the investigation process to that point, could that not introduce new people into the process and cause undue harm to the Reporter (this is thinking from a trauma-informed approach).	The point is well-taken, but access to the grievance process for unionized employees is required under the PEI Labour Act, which takes precedence over policy.	Maintain language as is.
133	Admin	As a person in a position of authority, how would one monitor this – going around asking people how they are being treated? I see the Med School sent out a survey.	Suggest this is a training, capacity-building, and implementation issue. Many options exist for managers to promote a healthy workplace culture.	Maintain language as is.

134	Student Experience	Feedback relates to how the policies are promoted and communicated: It may be helpful to make more explicit, at a high level, what is included under sexual violence, harassment, and discrimination. For sexual violence especially, there can be a common perception that it refers only to physical violence, so highlighting the broader scope up front (even if detailed definitions already exist in the policy) could support clearer understanding.	Definitions are required by statute / case law. Suggest this will be address through communications materials targeted at different groups on campus.	Maintain language as is.
135	Admin/ Athletics	Cross-policy coordination: How are investigations coordinated between the Harassment and Discrimination Policy and the Sexual Violence Policy? Who leads the investigation, what is the process, and who holds final decision-making authority in cases involving overlap?	Overlap between policies is addressed in HDP s. 9 and SVP s. 10. In all cases, final decision-maker is the VP in the reporting line of the respondent: e.g., H&D s. 109; SVP s. 117.	Maintain as is.
136	Admin	Should definition of “University Administrator” include Associate Vice-Presidents? The University has created several Associate Dean positions and Associate VP positions. I was wondering about capturing them in the list of University Administrators. It would make it slightly more precise.	Yes, agree.	“University Administrator” means the President, a Vice-President, <u>Associate Vice-President</u> , the Chief Information Officer, the Director of Human Resources, the Chief of Staff, a Dean, the University Librarian, or <u>an Associate Dean</u> .
137	Admin / Student Services	Reference to “Student Affairs and the Webster Centre for Student Success” may be outdated. Remove references to Student Affairs or the Webster centre and instead	Agree.	<ul style="list-style-type: none"> ● Student Affairs and the Webster Centre for Student Success ● Counselling Services ● Academic Support Services

		replace with the specific offices of service: “Counselling Services”, “Academic Support Services”, and “Office of Student Culture and Community Standards” to go along with Accessibility Services which is already listed.		<ul style="list-style-type: none"> Office of Student Culture and Community Standards
138	Admin	<p>Item 4 of the Preamble: “by limiting use of non-disclosure agreements” NDA’s are a touchy subject at UPEI, given their past abuse. I might suggest a qualifier, like the one used later in the document, indicating as governed by the Non-Disclosure Agreement Act. Without the qualifier, many of us will wonder about the limits.</p> <p>Item 5. I think that “by limiting the use of non-disclosure agreements” should be removed. NDA’s were not intended to be used in the way that they have been used to cover up sexual violence. Also, given our recent institutional history, it would signal a strong stance by removing this part of the item.</p>	<p>Preamble is intended to set out the guiding principles and context for the Policy.</p> <p>Committee felt it important to address NDAs in the preamble to send a strong signal about the change in direction. Suggest removing the reference to NDAs in the preamble could undermine that goal.</p> <p>NDA legislation does not prohibit NDAs in all cases but limits / restricts their use.</p>	Substitute “limit” with “restrict”?
139	Student Services / Experiential Education	<p>It would be beneficial to have a clause allowing for regular interim reviews as well as the usual, more spaced out, formal reviews as well as transparency in making available within the policy the history of policy changes and edits.</p> <p>E.g., Student Code of Rights and Responsibilities at Memorial University of Newfoundland and Labrador. (“This Code will be reviewed on an interim</p>	Suggest a review ever two years would be challenging to implement in practice. This review process has taken more than one year.	Revise to “no later than every three years”.

		<p>basis every two years and formally every four years, as per the University Policy Framework, by a committee of not less than five (5) people appointed by the Associate Vice-President (Academic) and Dean of Students. The committee shall include at least two (2) students. The committee may make recommendations to the Board of Regents for amendments to the Code.”)</p> <p>—</p> <p>Abstractly, I really appreciate the idea of reviewing the policy at the one year mark and then every three years subsequently, but I'm thinking about how long this policy process has taken, and I'm wondering what that review process will look like, particularly at the one year mark, and how it will meaningfully engage vulnerable students. I think, realistically, our most vulnerable students will not be able to engage with this document because it's long and complex and very challenging to engage with (and I have graduate degrees and work in the field of post-secondary!) This isn't so much a comment on the item itself but more a note on preparing to follow that piece of the policy and the challenge ahead.</p>		
140	Student Services	<p>Include reference to Accessible Canada Act (doesn't regulate universities, but is aspirational) and Occupational Health and Safety Act (psychological safety)?</p>	<p>OHSA is referred to in the policies (HDP, s. 7, 47, 91, 132; SVP, s. 8, 48, 98, 140).</p> <p>Federal Accessibility Act does not apply to UPEI, so reference to it in the policy could</p>	<p>Maintain language as is.</p>

			create confusion and false expectations. PEI does not yet have provincial accessibility legislation but if PEI enacts such legislation in the future it should be included.	
141	Student Services	One commenter noted that 'our' definition of Academic Freedom (from the FA collective agreement) differs from that of CAUT.	Suggest using the definition that applies elsewhere at UPEI for consistency.	Maintain language as is.
142	Student Services / Experiential Education	<p>Accessible documentation is essential.</p> <p>This policy is a barrier to students seeking help, supporting, or understanding of what they can expect in terms of treatment from faculty and staff.</p> <p>Generally, this document is difficult to follow and interact with, and while that can be the nature of policies like this, there is a lot of text yet it still doesn't feel especially thorough in information. There are many places where the policy language is left for interpretation where people might have a wide range of understandings of what's implied. Even the choice to put such a long list of terms at the front rather than in an Appendix is likely to impact the readability of the document. This puts a lot of additional work on the EDIHR team to translate a document such that people can understand it. Having the policy be this challenging to follow and interpret will make it easier for people with greater access to resources to</p>	<p>Agree with comments about accessibility to various community members as discussed previously in the Committee. The policy, however, is a legal document that must comply with various statutes that each require certain language to be included.</p> <p>Suggest that the communication of the policies is an implementation issue. There will be an onus on relevant offices in UPEI to communicate the policy elements with their clients in an accessible way, e.g. pamphlets, infographics, etc. There are many examples from other universities of how this can be done.</p>	Maintain language as is.

		wield it against people who are more marginalized.		
143	Student Services	What H.31 meant by supervisors being “personally responsible” as opposed to simply “responsible”	Policy states: “University Administrators, Department Chairs, and others in supervisory roles are expected to personally uphold the Policy at all times”. This means their personal behaviour must comply with the Policy – they must model respectful and inclusive behaviour for their teams.	Maintain language as is.
144	Student Services	Listing of resources and supports is primarily student facing, there needs to be more supports listed for staff and faculty	Specific student-centred supports are included to comply with the <i>Post-Secondary Institutions Sexual Violence Policies Regulations</i> , s. 3(1)(a). There are also supports listed for faculty and staff, e.g. under accommodations and immediate measures.	Maintain language as is.
145	Student Services	Does the “union representative” for surrogacy include the student union?	The reference is intended to refer to a trade union / collective bargaining agent, but a surrogate could be anyone the Reporter chooses.	Maintain language as is.
146	Student Services	Need surrogacy to be explicitly documented with express consent for the surrogate the present the story of the person who was harmed or witnessed harm.	Consent is required as stated in the definition. Suggest how consent is confirmed is an implementation/practice issue.	Maintain language as is.
147	Student Services	We have a number of professional programs on campus whose students are expected to conduct themselves according to a high standard of ethical conduct. Many breaches of these policies would also constitute a violation of those codes. We should have language in the policy allowing the	Applicants and registrants to self-regulating professions have a duty to self-report academic discipline, so no need for UPEI to report. Within UPEI, the VP in the reporting line of the respondent would receive the investigative	Maintain language as is.

		university to inform those faculties or departments when one of their students is found to be in violation.	outcome and make a decision on academic discipline.	
148	Student Services	When accommodations are needed (usually as a part of interim measures) they are negotiated and communicated by the SVPRO office. There was a concern expressed that this would be a breach of confidentiality (in that it would identify the person as being involved with an SV (or HD) complaint. Would these better go through Accessibility Services or could the SVPRO office be included in Accommodate (the software Accessibility Services uses) so communication about accommodations would be more confidential	The idea here is to have the SDO as a one-stop shop for Reporters to access supports, services, formal complaint processes, etc., to eliminate the need for Reporters to disclose their stories to multiple people or offices. This is an important trauma-informed practice. The confidentiality provisions of the Policy allow the SDO to share information for the purpose of administering the Policy, so suggest the logistics of arranging accommodations in a way that best protects the parties' privacy could be addressed as an implementation issue.	Maintain language as is.
149	Student Services	Term "Safe Disclosure Officer" is clinical and scary.	This title has been confirmed by executive leadership.	Maintain language as is.
150	Student Services	The first three items listed in #73 are exclusively or predominantly staff and faculty related, can the list be alphabetized to be more accessible seeming to all.	Agree.	Alphabetize the list.
151	Student Services	Should specify "on-campus living arrangements" – we have no authority and very limited resources to do anything about off campus living arrangements	Agree.	For clarity, suggest adding "university-run".
152	Student Services	Is the Bell Centre a part of campus?	Policy applies to UPEI owned and operated facilities, e.g. C(8)(b). As Bell Centre is owned/operated by a consortium, C(8)(d) would apply (substantial connection test).	N/A

153	Student Services	These policies rely heavily on EDIHR – this department is currently in flux. Does this policy strain their rebuild by putting so much onus on them? Will the policy be harder to ‘sell’ when it is seen to rely on a department that is in flux?	Similar feedback was shared previously by others. The future role and direction of the EDIHR has been determined by executive leadership. Suggest appropriate staffing, resourcing, etc. will be an implementation issue for this policy.	Maintain language as is, but Committee could consider a recommendation related to implementation.
154	Student Services	Rubin Thomlinson report spoke explicitly about culture. The culture they critiqued is not unique to UPEI but is rather the direct result of the academy’s roots in colonial, racist, oppression based hierarchical structure of the pre-industrial world. If we are to change culture we need to be explicitly anti-racist, anti-oppressive, and de-colonizing. The policy says nothing in that regard.	Agree wholeheartedly with the sentiment behind this comment. Last round of review added new language to the Preamble to reflect this: The University recognizes that Discrimination and Harassment are inherently connected to historical disadvantage and power imbalances on campus and in our society, including the intersection of social oppressions such as racism, sexism, homophobia, transphobia, classism, ableism, and the legacies of colonization and residential schools. See also new language on intersectionality.	Maintain language as is.
155	Student Services	The policies look and feel like documents that prioritize faculty, and to a lesser degree unionized staff, over students. This is not a document that prioritizes the student experience. This policy “does nothing to protect students”.	RT report recommended a standalone policy covering faculty, staff, and students. Creating a policy that addresses the needs of all these community members will mean that there is information that more relevant to one group over another. The legal framework governing employment relationships, and in particular unionized employment relationships, informs what these policies can/must do.	Maintain language as is.
156	Experiential Education	"Poisoned environment" is in the definitions section but doesn't appear elsewhere in the document. If it's only in	As harassment can contribute to a poisoned environment, and the Policy requires the University to maintain a safe environment free	Maintain language as is.

		<p>that section, I'd recommend its removal. But, if it is in use somehow that I'm missing here, I'm curious about its function.</p>	<p>from harassment, an investigator would have the power to consider the existence of a poisoned environment in the unit. This finding can be important when considering remedial outcomes. I recommend leaving this definition in.</p>	
157	Experiential Education	<p>As I read Section G, I would interpret industry/community partners who are hosting or working with students engaged in work-integrated learning to be subject to these policies, but a lot of details are left unclear.</p> <p>It would be helpful to have clarity on if there are expectations for external partners in terms of if they are bound by these policies (and, if not, that needs to be clearer as Section G implies pretty broad purview). And then, if they are bound by our policies, there needs to be better clarity around what expectations and plans are for letting partners know that.</p> <p>There should be considerations for how workplace policies could interact with our policies/procedures (which could sit in Section I: Alternative or external proceedings). Note, not all students engaged in work-integrated learning are considered employees, so they are not consistently covered under employer policies.</p> <p>Confidentiality and information sharing across institutions also needs</p>	<p>Yes, these are all complex implementation issues that many universities grapple with, and great points.</p> <p>The Policies will apply to work-integrated learning / experiential learning (HDP s. 8), but the ability of the University to enforce its policies on third parties is limited. Often UPEI would be looking at accommodating a student by finding them an alternative placement, and possibly investigating if the respondent is a Member of the University Community (e.g., cross-appointed medical faculty at a hospital, professor who also runs a start-up or non-profit, etc.), or to determine if the partnership needs to be discontinued (or paused until certain conditions are met).</p> <p>Sometimes these issues can be dealt with on a case-by-case basis, e.g., joint investigations with the partner, deferring to a process by a partner if they have comparably sophisticated policies and procedures, etc. But the commentator is right to point out that information-sharing/privacy restrictions can be a challenge here.</p> <p>What I have seen work well in other institutions is an informal "guideline" or "process" document that a unit could develop to help guide their response and promote consistency</p>	Maintain language as is.

		consideration here so that it's clear what happens if there is a safety concern with an external partner (generally or involving an individual within an external organization), or if a UPEI student poses a safety risk at an external placement.	for the issues that arise in their unique context – rather than including this level of specificity in the main Policy. I do think the Policy is solid and flexible enough to handle the work-integrated learning context.	
158	Experiential Education	"Visitors" are mentioned in the Member of the University Community section and I don't think there is clarity around what that would look like in terms of jurisdiction or informing visitors to campus that they are bound by our policies. This would certainly implicate Auxiliary Services and other units (like Athletics) who bring huge numbers of visitors to campus.	Visitors must comply with the Policy. The duty of fairness owed to visitors is more minimal, so Universities will often address issues with visitors through immediate measures, e.g. protection of property notices to bar access to facilities.	Maintain language as is.
159		<p>What happens when the Reporter is witness to harassment or discrimination? It seems like sections in K and L are written imagining the reporter as the person subject to the discrimination, though it seems in K63 (and other places) that it could be a witness coming forward. If you read through policy sections imagining the witness as the Reporter, it's unclear if the person who experienced the harassment/discrimination gets brought in or how, which is really concerning from a trauma-informed perspective.</p> <p>This is especially important to consider where a lot of folks who face discrimination may be easily identifiable as, for example, the only racialized</p>	<p>Reporter can <u>only</u> be a person who is the subject of an alleged violation of the policy, see s. 10(u).</p> <p>However, a witness can make a Disclosure. Disclosures do <u>not</u> trigger a formal investigation process (K63, K64), but are the avenue to access supports, advice on how to support their friend etc.</p> <p>A Disclosure could lead to a University Initiated Report – but this requires a trauma-informed assessment under s. 91.</p>	Maintain language as is.

		person in the office or the only trans student in class.		
160	JOSH	4(1) of OSH Workplace Harassment Regs: An employer shall, in consultation with the committee or representative, if any, develop and implement a written policy to prevent and investigate harassment in the workplace that includes	Agree.	Revise s. 130 to make this consultation explicit.
161	JOSH	Reg. 4(3): “An employer shall make a copy of the harassment policy readily available to workers.”	Agree. All UPEI’s policies are on its website, but we can include this in the Policy as well.	Add this requirement under s. 29, responsibilities of EDIHR.
162	JOSH	Reg. 5: An employer who knows or ought reasonably to know that harassment in the workplace is occurring shall ensure that (a) the source of the harassment is identified and the harassment stopped; and	I believe this required is reflected in several sections of the Policy including: <ul style="list-style-type: none"> • Duty of University Administrators to consult with SDO if they learn about an issue (s. 47). University-initiated investigations where there is a duty under OSHA (s. 91).	