Student Rights at U of T

PREPARED BY
Drew-Anne Glennie
Eliana Bravos
Jacob Kates Rose

DATE
April 13, 2021

As enshrined in Governing Council policies and provincial legislation | Not intended to be legal advice
# Table of Contents

## Definitions

**Academic**
- Academic Offenses 3
- Tribunal Rights 4
- Fair Grading 4
- Student Information 4

**Non-Academic**
- Speech 5
- Communication 5
- Student Organization 6
- Space 6
- Safety 7

**Equity**
- Ontario Human Rights Code 10
- Accessibility 11
- Illness, Injury, and Personal Circumstance 21
- Finances 22
- Religion 23
- Race 23
- Sexual Orientation 23
- Sex/Gender 24
- Sexual Violence 24
- Sexual Harassment 25

**Remedies**

**Bibliography**
Definitions

**Academic Record:** Personal information which is required in the administration of official student academic records such as name, student number, citizenship, social insurance number; registration and enrolment information; results for each course and academic period; Narrative evaluations of a student's academic performance subsequent to his or her admission, used to judge his or her progress through an academic program; basis for a student's admission such as the application for admission and supporting documents; results of petitions and appeals filed by a student; medical information relevant to a student's academic performance which has been furnished at the request or with the consent of the student concerned; letters of reference which may or may not have been provided on the understanding that they shall be maintained in confidence; and personal and biographical information such as postal address, email address and telephone number.

**Academic Tribunal:** The University's "court" where it can prosecute people in the community for offences against University bylaws or regulations, such as academic or behaviour violations.

**Official Correspondence:** Includes but is not limited to communications regarding your academic programs, information about University and program scheduling, fees information, and other important information about the administration and governance of the University. All official communication from the University is only sent to your UTmail+ email account.

**Sexual Violence:** Any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, that is committed, threatened or attempted against a person without the person’s consent, and includes Sexual Assault, Sexual Harassment, stalking, indecent exposure, voyeurism, and sexual exploitation.

**Student Groups:** Voluntary organizations formed by registered students at the University of Toronto. This Policy applies the recognition of Student Groups, which differ from student organizations that are granted status through other policies (i.e., student societies, affiliates of student societies).

**Student Society:** A student society is an organization on whose behalf the University collects a compulsory non-academic incidental fee, in which membership is automatic and determined by registration and status in a particular division or program, or in one of a number of divisions or programs of the University of Toronto. In the case of a residence student society, membership is determined by residency in a particular University residence.

*Underlined words hyperlink to other documents*
If an instructor believes you have committed an academic offense, it's important to know what to expect and what your rights are. Academic misconduct allegations progress 'up the chain of command' from instructor, to department chair, to dean, to provost, and the exact obligations on you and the administration changes at each level. This section provides a general overview of what to expect, but we must stress that if this situation becomes relevant to you, it is in your best interest to refer to the Code of Behaviour on Academic Matters (2019).

Immediately after the alleged offence the instructor must reach out to you directly to explain why they believe you committed an offense, and invite you to discuss the matter. If they are satisfied that no offense occurred, the case will be closed. If not, you'll progress to the next step, a discussion with the department chair or dean.

Whoever the case is referred to, they will notify you of the referral and invite you to another meeting. Your protections at this meeting are more significant than at the first: you have the right to seek advice from and be accompanied by a lawyer at this meeting; you have the right to refuse making statements or admissions; and you have the right to know the sanctions you face. If after this meeting the department chair or dean is satisfied that no offense occurred, the case will be closed and you will be informed of that in writing. If not, you’ll progress to the next step, the provost laying a charge at the academic tribunal.

The dean or department chair will refer the matter to the provost, who will charge you with an academic offense and your case will proceed to academic tribunal, where a three-judge panel will hear your case. You have the right to object to a judge on the panel, and the right to appeal the decision of the tribunal.

Throughout this process, your other rights as a student cannot be violated. You maintain all rights to access and use university facilities, to not suffer discrimination, and other rights described in the OHRC and University policies.
Tribunal Rights

- You have the right to challenge the appointment of a judge who you feel will not be able to render fair judgement.
- You have the right not to testify in proceedings against you.
- You have the right to appeal the decision of the tribunal panel.

Fair Grading

- Your instructor cannot modify course assignments without asking for and receiving the consent of the majority of the class.
- Your instructor cannot modify the relative weight of assignments in calculating a final grade without asking for and receiving the consent of the majority of the class.
- For clinical, placement, or field settings, you have the right to a formal written description of the evaluation process, including criteria to be used in assessing your performance, as well as appeal mechanisms.

Student Information

- You have the right to access your academic records, save for the content of letters of reference
  - Responsibilities: Make request in writing, pay the expenses
- You have the right to challenge the accuracy of your official record and to have verified comments added as long as custody of student records remains securely with the division.
- The University has the right to withhold your records if you have outstanding obligations or debts.
- The University has the right to release your records to others with your written consent, under court order, under the requirements of an annual enrolment audit, under the requirements of licensing/certification bodies, or if required by law.
- Members of teaching and administrative staff have the right to access parts of your records if necessary to perform their duties, and if proper and necessary in the completion of the University’s functions.
  - Responsibilities: if requesting medical information, they need consent.
Non-Academic

Speech

- You have the right to criticize the University.
- You do not have the right to use speech to interfere with the conduct of authorized University business.
- You do not have the right to use speech to obstruct a member or guest’s lawful freedom of speech.
- You do not have the right to disrupt a meeting sponsored by the University, a division, a department, a student society, or a student group.

You do not have the right to disrupt an activity organized by the University or any of its divisions.
- You have the right to carry on legitimate activities, to speak or to associate with others without being disturbed.
- You have the right to supersede mutual respect and civility if needed to exercise lawful freedom of speech.

Communication

- You have a right to forward your University-issued emails to another personal email address.
- You are responsible for making sure all your information is up-to-date on the University’s student information system (currently ROSI), recognize that certain communications are time sensitive and check your email regularly.
- All UofT correspondences delivered by email comply with the same public information, privacy and records retention requirements and policies as other university correspondence and student records.
Student Organizations

- You have the right to communicate and to discuss and explore all ideas.
- You have the right to organize groups for any lawful purpose.
- You have the right to move about the University.
- You have the right to use University facilities in any reasonable way.
- You have the right to distribute on campus, in a responsible way, published material provided that it is not unlawful.
- You have the right to hold meetings.
- You have the right to debate and to engage in peaceful demonstrations.
- You have the right to freedom from discrimination from campus groups.
- The University does not have the right to censor, control or interfere with any group on the basis of its philosophy, beliefs, interests or opinions expressed unless and until these lead to activities which are illegal or infringe the rights and freedoms already mentioned.
- If you feel as if a student society or campus group has violated your rights as a student, and after you have used the internal dispute settlement mechanisms and procedures of the student society or campus group, you have the right to impartial dispute settlement through the University Complaint and Resolution Council for Student Societies.

Space

- The guiding principle of space rights is the University's commitment to freedom of expression and open dialogue, and to mutual respect and civility.
- Hierarchy of access to space booking: classes, examinations, university-related activities such as seminars and conferences, continuing education courses, and then campus groups, student societies and employee groups, followed by external groups.
- You cannot use university space in any way that is or may lead to activity illegal, nor can your activity violate or lead to violations of University policies.
- Approval for bookings is conducted case-by-case, but as long as is there no scheduling conflict nor a possibility of illegal activity, your access university spaces is protected.
- You have the right to make full use of university spaces and facilities, both academic and non-academic, while under investigation for academic misconduct.
Safety

- You have the right to conditions of health and safety.
- You have the right to not be bodily assaulted, nor threatened or knowingly caused fear that it will occur.
- You have the right to not have your property threatened or knowingly caused fear that it will be.
- You have the right to not fear for your or someone else’s safety at the University or participating in University activities.
- You do not have the right to knowingly take, destroy, or damage the University's premises or others’ intellectual/information and physical property, nor create conditions that threaten it or endanger it.
- You have the right to a workplace free of violence and harassment.
- You do not have the right to bear firearms on campus without permission from the Chief Administrative Officer.
- You have the right to access Campus Police Services 24/7 in response to emergencies and rule violations.
- You have the right to be treated fairly, respectfully, and with dignity by Campus Police Services.
- You have the right to access Campus Police Services’ annual reports.
- You have the right to access Housing Services for help with finding adequate/affordable off-campus housing.
- You do not have the right to smoke tobacco or cannabis or vape on campus.
- You have the right to contact the University for help accessing cessation support resources.
- You have the right to use athletic facilities that have been organized and maintained with reasonable care for safety.
  - Responsibilities: abide by the rules/regulations, recognize and accept the inherent risks, and be informed of the requirements for reasonable care.

Fear-Instilling Conduct

- Following someone from place to place
- Directly or indirectly repeatedly/persistently communicating with someone
- Watching or besetting somewhere someone lives, works, carries on business, or happens to be
- Engaging in threatening conduct towards someone or their family, friends, or colleagues
Student Code Sanctions

- Conduct probation for up to a year
- Formal Written Reprimand
- No Contact Order
- Mandated training/assignment
- A fine or bond for good behaviour for $500 or less
- Public service work for up to 25 hours
- Revoking access to certain services/activities/facilities for a specified period of time
- Other conditions for participation in the University community that are considered appropriate to enhance its health and safety
- Suspension from courses/programs/divisions or the University for up to 4 years
- Recommendation of expulsion

Discipline

Code of Student Conduct

- You have a right to informal resolution and mediation before formal disciplinary processes when possible/appropriate.
- You have the right to representation/assistance (ex. Downtown Legal Services)
- You have the right to call witnesses and cross-examine those called by the University, and present evidence and argument
- You have the right to waive a hearing, which will lead to your guilt being decided then.
- You have the right to appeal a decision.
- The University has the right to impose interim conditions if the allegations against you constitute a danger to safety threat; this is no indicative of guilt and will not interfere with your requirements of fairness.
- The University has the right to temporarily suspend you for up to three working days if you are considered a serious threat to others, property, and the University’s function. During this time period, it will be reviewed then revoked or continued, the latter of which can be appealed.

The University has the right to keep records and use them to inform subsequent investigations and hearings.

The University has the right to sanction you if you are found to have violated the code.

The University has the right to record suspensions on your transcript for up to five years and expulsions permanently.

Sexual Violence [Victims - See Page 24]

- You have the right to know the allegations made against you and by whom.
- You have the right to be notified that you are being investigated for sexual violence, who the investigator is, the particulars of the case, that you have the opportunity to respond, and that you can have seek legal advice/council and a support person to any meetings.
• You have the right to a support person and representation.
• You have the right to support services from the University.
• You have the opportunity to respond to allegations in writing or orally
  ○ Responsibilities: responding in a timely fashion or the investigator has the right to continue the investigation without it.
• You have the right to submit additional information, including potential witnesses.
• Hearings and discipline for students falls under the Student Code of Conduct.
• You have the right to appeal the result of the investigation.

**Sexual Harassment [Victims - See Page 25]**
• You have the right to know the allegations made against you and by whom.
• You have the right to a fair, impartial and confidential hearing.
• You have the right to counsel at any time when accused proceedings.
• You have the right to receive impartial counsel/advice from the Sexual Harassment Officer.
• You have the right to a specific disposition of the issue if a case reaches the Formal Hearing stage or a dismissal of the proceedings if the complaint is withdrawn before said stage is concluded.
• You have the right to choose the constituency and sex of one member of the Hearing Board of your Formal Hearing, and to be informed in writing the full composition.
• You and the University both have the right to challenge a member of the Hearing Board within five days of notification.
• The University Hearing Board has the right to penalize you if you are found guilty of sexual harassment.
• You and the University both have the right to appeal a sexual harassment Hearing Board decision within twenty days.
• The University has the right to use past complaints as evidence in subsequent sexual harassment cases by the same victim.

**Sexual Harassment Sanctions**
• Reprimand by the Hearing Board
• Inclusion of decision or a specific statement on a student file or academic record for a period of time
• Exclusion from portions of the University's premises or activities
  ○ Does not prevent you from pursuing your studies
• A suspension from courses/programs/divisions or the University of no more than a year
• Recommendation for expulsion
• Order for educational counselling
• Remedies or costs
What is Discrimination Under the OHRC?
- According to the OHRC, you cannot be discriminated against on 17 grounds

General Rights Under the OHRC:
- You have the right to equal treatment in accessing services, goods, and services
- You have the right to equal treatment in occupying accommodations
- You have the right to not be harassed when occupying accommodations
- You have the right to enter contracts on equal terms, given the legal capacity
- You have the right to equal treatment in employment
- You have the right to not be harassed in your workplace
- You have the right to be free from sexual solicitations/advances from someone in a position to confer/grant/deny you a benefit or advancement that they know or ought to know is unwelcome, as well as from a reprisal or threat of reprisal upon rejection

Protected Grounds
- Age
- Ancestry, colour, race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status (including single status)
- Gender identity, gender expression
- Receipt of public assistance (in housing only)
- Record of offences (in employment only)
- Sex (including pregnancy and breastfeeding)
- Sexual orientation.
Ontario Human Rights Code

What is the Ontario Human Rights Code?
- The Ontario Human Rights Code (OHRC) is a set of laws that is meant to support people in living, working, receiving services, contributing to society, and accessing opportunities equally, regardless of their identity. Specifically, it outlines that people have a right to be free from discrimination in 5 areas of life: 1) services, goods and facilities, 2) housing accommodation, 3) contacts, 4) employment, and 5) membership in trade and vocational associations.
  - **UofT as an education provider** mainly falls under area 1) as a “service” under the code, but also falls under other areas in some contexts like 2) housing accommodation and 4) employment. This means that UofT is legally obligated to protect you as a student against discrimination.

Concepts Guiding the OHRC:
- Importantly, the OHRC is guided by four key concepts: 1) Primacy, 2) Remedial, 3) Effect Not Intent and 4) Provincial Only. Of these, two are important to pay attention to regarding your rights as a student: primacy and effect not intent.
  - **Primacy** means that the OHRC takes precedence over other provincial laws and all UofT policies, unless there is a specific exception written into the law.
  - **Effect not intent** means that under the OHRC, it doesn’t matter whether someone doesn’t intend to or mean to discriminate. The only thing that matters is the actual impact on the person. Intent is only considered in certain cases where someone believes they are experiencing reprisal for trying to assert their rights (i.e. someone taking action or threatening to take action which they intend as punishment for trying to protect their rights like through filing a complaint).
  - To learn more about these concepts, check out this accessible training
“The university will strive to provide support for, and facilitate the accommodation of individuals with disabilities so that all may share the same level of access to opportunities, participate in the full range of activities that the University offers, and achieve their full potential as members of the University community - Statement of Commitment to Persons with Disabilities, 2021

Definition of Disability:

- **According to the OHRC:** Disability includes temporary and permanent disabilities. Disabilities may be present at birth, caused by an accident, developed over time, or anticipated (e.g. if someone discriminates against you because they think you will become disabled in the future). Disabilities can be physical, learning, developmental, or can be mental health-related, or drug and alcohol addictions. Disabilities can be visible, invisible or perceived. Discrimination can be based on perceptions, myths, and stereotypes as much as existence of actual functional limitations.
- If you can verify that you have a disability through healthcare or medical documentation, you are entitled to accommodation under the OHRC.

The Duty to Accommodate:

- **The Legal Definition of Accommodation:** “making special arrangements for some people based on their needs that are related to Code grounds, so they can have the same opportunities as everyone else.”. This might mean changing rules, policies, procedures and requirements where needed. Accessibility at the post-secondary level goes beyond physical accessibility and includes accessible curricula, accessible delivery and evaluation methodology, and provision of necessary supports and accommodations to ensure disabled students have equal opportunity. Organizations must make accommodations in respectful and dignified ways and work cooperatively with individuals to find solutions.
- Importantly, the duty to accommodate only exists for **needs that are known**.
- Under the OHRC, universities have to accommodate students with disabilities **in the most dignified way** (consider student comfort, privacy, individuality, self-esteem etc.) until the point of **undue hardship**. Failing to accommodate someone is considered a form of discrimination.
Limits On the Duty to Accommodate:

- **Undue Hardship**
  - UofT does not have to fulfill an accommodation if it meets the criteria for undue hardship. However, under the OHRC, undue hardship is very hard to meet. **There are only two reasons why UofT would be able to claim undue hardship:**
    - If the costs of accommodation would be so great that they would significantly impact the viability of UofT as a business or stop it from being able to offer essential services.
    - If there are major health and safety risks, especially to another individual, due to the implementation of a potential accommodation. In this case, you have a right to have alternative accommodations explored that do not meet the threshold of undue hardship.
  - It is also not your responsibility to prove that an accommodation doesn’t cause undue hardship. Instead, UofT has to prove that undue hardship requirements are met before denying you an accommodation. For more on undue hardship and education, see sections 9 - 9.2 of the OHRC’s [Policy on Accessible Education](#) and the section titled “Undue Hardship Standard” under the OHRC’s paper on “The opportunity to succeed: Achieving barrier-free education for students with disabilities”.

- **UofT could also deny you accommodation for the following three reasons:**
  - If no accommodation is available that would allow you to fulfil essential academic requirements
    - For more information on the “legal test” for meeting the duty to accommodate while upholding academic integrity, see section 8.4.5 “Meeting Education Requirements” of the OHRC’s [Policy on Accessible Education](#).
  - If you do not participate in the accommodation process
  - If the duty to accommodate conflicts with the rights of other people (e.g. one student needs a service dog but another student has anaphylaxis to dog fur). See section 10 of the OHRC’s Policy on [Accessible Education](#).
These obligations apply in situations where discrimination is direct and the result of a person’s internal stereotypes or prejudices. They also apply when discrimination is indirect and may exist within and across educational institutions because of laws, policies and unconscious practices.”

This means that you are also protected against rules that seem neutral but exclude or disadvantage you because of your disability. One example could be attendance policies.

Education providers are responsible for maintaining a discrimination and harassment free environment whether or not anyone objects, and must take immediate action to remedy the situation if made aware of harassment or discrimination.

Education providers must also prevent, be aware of, and take steps to eliminate poisoned environments (i.e. when poor disability-related conduct or comments are common in an institution and result in a hostile/oppressive environment). An example of a poisoned environment could be a professor stating they believe students with learning disabilities are just lazy.

You also have a right to having the most appropriate accommodation in school up until undue hardship. The most appropriate accommodation is the one that most respects your dignity, best responds to your individualized needs, and best promotes inclusion and full participation.

Academic Accommodation:

“The OHRC guarantees the right to equal treatment in education:

According to the OHRC “Education providers have a legal obligation under the Code to not discriminate against students with disabilities, and to eliminate discrimination when it happens.

• These obligations apply in situations where discrimination is direct and the result of a person’s internal stereotypes or prejudices.

• They also apply when discrimination is indirect and may exist within and across educational institutions because of laws, policies and unconscious practices.”

○ This means that you are also protected against rules that seem neutral but exclude or disadvantage you because of your disability. One example could be attendance policies.

• Education providers are responsible for maintaining a discrimination and harassment free environment whether or not anyone objects, and must take immediate action to remedy the situation if made aware of harassment or discrimination.

• Education providers must also prevent, be aware of, and take steps to eliminate poisoned environments (i.e. when poor disability-related conduct or comments are common in an institution and result in a hostile/oppressive environment). An example of a poisoned environment could be a professor stating they believe students with learning disabilities are just lazy.

You also have a right to having the most appropriate accommodation in school up until undue hardship. The most appropriate accommodation is the one that most respects your dignity, best responds to your individualized needs, and best promotes inclusion and full participation.
Academic Accommodation Cont:

What is an Appropriate Accommodation in University?

- “Accommodation is necessary to address barriers in education that would otherwise prevent students with disabilities from having equal opportunities, access and benefits.” - OHRC Policy on Accessible Education for Students with Disabilities
- As a disabled student, you are expected to meet the same academic standards and essential course/program requirements as non-disabled peers. However, you should have the opportunity to demonstrate your knowledge, mastery, and skills in alternative formats unless the format is essential to the program.
  - For example, if you were in a class on public speaking, it might be deemed essential to give a speech but not have a test with a true/false component. The OHRC notes that “In this way, education providers are able to provide all students with equal opportunities to enjoy the same level of benefits and privileges and meet the requirements for acquiring an education without the risk of compromising academic integrity.”
- Your specific accommodations will be determined on a case-by-case basis with accessibility staff, faculty and departments based on recommendations from health providers and your input. Blanket accommodations for diagnoses must not be given but consider your unique individual needs. That said, here are some examples of what accommodations could look like:

Examples of accommodations:

- Make-up tests/extensions on coursework
- Alternative evaluation formats (e.g. no multiple choice)
- Exam scheduling
  - This could include things like not having exams in the morning, having exam spacing so you only have one exam per day, writing exams in more accessible alternate spaces, or having additional writing time
- For a more detailed list, see section 8.4.2 of the OHRC’s Policy on Accessible Education, the section on “Defining Appropriate Accommodation” under the OHRC’s paper on “The opportunity to succeed: Achieving barrier-free education for students with disabilities”, and pages 9-10 of the “Demystifying Academic Accommodations” UofT resource booklet.
**Academic Accommodation Cont:**

**A Letter of Accommodation** informs your instructor that you are registered with accessibility services and outlines the accommodations you determined with accessibility services.

- As a disabled student, you have a right to receive a letter of Academic Accommodation at any time during the year and can choose to send this letter directly to faculty members.
- You can also ask the accessibility office on your campus to send your letter of Academic Accommodation on your behalf.
- For more info, see the Student Life’s Letter of Accommodation Page

**Confidentiality:**

- You have a right to choose who you disclose your medical information to. This means that you never have to share medical or diagnostic information with a professor or teaching assistant. You also do not have to provide medical documentation to your department. Accessibility services can review your disability-related medical documentation and communicate to department and/or faculty members on your behalf.
  - You don’t even have to share your specific disability with accessibility services! Healthcare professionals can submit documentation outlining what you practically struggle with (i.e. “functional limitations”) and make recommendations on what accommodations might support you without sharing your diagnosis.

**The Accommodation Process:**

- You have a right to be responded to for individual requests for accommodation.
- The way a university implements accommodation processes must also meet human rights standards. You have a right to an accommodation process that respects your dignity, individualization, inclusion, and full participation.
**Academic Accommodation Cont:**

**Timely and Interim Accommodations:**
- You have a right to timely accommodations.
- If the most appropriate accommodation can’t be provided to you for whatever reason at your time of request, you have a right to interim accommodations to support you for the time being until a permanent solution can be implemented.

**Retroactive Accommodations:**
- If you’re having a really hard time and cannot follow UofT’s procedures for arranging accommodations, don’t have warning that you will have accommodation needs, and/or find yourself in a situation where you’re experiencing disability-related challenges for the first time, UofT has to consider accommodating you after a deadline, test, or course completion. Professors and departments should never say or imply that they won’t consider accommodating after the fact. In these cases, you have a right to request consideration through the University’s petitions/appeals processes.
- Note: you should try and communicate your need to UofT as soon as you can and be prepared to provide documentation if needed. There might be some circumstances where it is not possible to make an accommodation because too much time has passed since the person took a course, attended UofT etc.

**Mental Health:**
- You have a right to be accommodated for both temporary and permanent mental health related disabilities
Academic Accommodation Cont:

Cost and Arrangement of Accommodation:

- For academic accommodations including but not limited to sign language interpreters, captioning services, and assistive technology, it is UofT’s responsibility to arrange and cover the costs of your accommodations unless the cost is so great that it meets the criteria of “undue hardship”.
- It is also UofT’s responsibility to bear the cost of any required medical information or documentation (e.g. doctors’ notes, assessments, letters setting out accommodation needs etc.)
- If you need to petition to defer an exam due to a disability reason and/or you supplied medical documentation, you have a right to a waived exam deferral fee. All other procedures are the same. Petitions have different campus-specific requirements so connect with your accessibility advisor for procedural information.

Denial and Dispute of Accommodations:

- In general, faculty should consult with your accessibility advisor before denying you an accommodation and should never tell you that you don’t need accommodations or to try without them. In the case where a faculty member attempts to deny you an accommodation, you have a right to a quick resolution of disputes. The Accessibility for Ontarians with Disabilities Act (AODA) and OHRC also outline that universities should have an avenue for you to address and resolve accommodation disputes in a timely and effective way. If the education provider alleges undue hardship, remember that the onus is not on you to prove that the proposed accommodation wouldn’t cause undue hardship, but on the education provider to prove that it would.
- For what to do when accommodations are denied, see the "remedies" section of this document.
Other Rights and Considerations:

Your Roles and Responsibilities:

- To have your rights to accommodation enforced, you have to register with accessibility services, follow procedures, provide all necessary information, cooperate with experts, take part in discussions about accommodations, and meet deadlines like booking tests and exams before deadlines. However, if you have an extenuating disability related reason that stops you from being able to follow specific procedures, you still have a right to consideration for accommodations. In these instances, contact your accessibility advisor.

Additional Protections:

- You have a right to protection from reprisal (i.e. retaliation/punishment) or threats of reprisal for trying to enforce your rights.
- Students without disabilities who are associated with a disabled student who has experienced discrimination are also protected under the code. This could include things like protection from reprisal for support advocacy efforts.
- UofT also has a duty to accommodate you outside of strictly academic settings.
- You can not be denied accommodation on grounds of academic freedom. According to the OHRC “academic freedom is unrelated to the duty to accommodate and should not be a defence to accommodating persons with disabilities.”

Accessibility and COVID-19:

- OHRC standards also apply to computer-delivered courses.
- In accordance with UofT’s Policy on Non-Medical Masks or Face Coverings, the University has a duty to accommodate UofT students who cannot wear a face mask for health or disability-related reasons.
Other Rights and Considerations Cont.:

The University-Mandated Leave of Absence Policy (MLOA) allows the University place a student on an involuntary leave of absence as a last resort in circumstances where the student is experiencing a mental health crisis or a similar issue and has not participated in any of the accommodation services made available, or where they have not been successful.

- The Student Case Manager assigned to your case will notify you that the Vice-Provost is considering whether you fall under the policy. You can discuss this with your case manager.
- Within 10 business days of being placed on a MLOA, you have the right to write a request to the Provost to review the decision, whose decision you can also appeal within 20 days.
- You must apply in writing to the Vice-Provost in order to return to your studies; they can request an external medical assessment before allowing a student’s return, but you can appeal this decision using the same process as above.
- The Vice-Provost can extend the leave of absence if they feel the terms and conditions of the MLOA have not sufficiently been met.
- The MLOA will not be noted on your transcript, and academic credit will be awarded for any work or research already completed, if appropriate.
- Consideration must be given to a student’s housing situation where it could be affected by an MLOA; terms and conditions of the MLOA may include relocating you to transitional housing.
- Arrangements may be made for the reimbursement of tuition and for changes to the status of awards and scholarships.
- You have the right to seek independent legal advice during the process.
- You have the right to take a voluntary leave of absence at any time during the process.

Downtown Legal Services also put together an accessible resource on understanding your rights regarding the University Mandated Leave of Absence Policy. They can also provide you with free legal help in making an appeal.
Service Animals:
- With medical documentation, you have a right to a service or emotional support animal on campus. For guidelines around the types of animals allowed, service animal immunization, and the type of documentation you need, see the University of Toronto's Service Animals Guideline.

For more information on your rights as a disabled student and everything you need to know about Accessibility Services including how to register, types of accommodations, your responsibilities, procedures, services, and community and peer support, see the Accessibility Undergraduate Student Handbook 2020-2021. We strongly recommend checking out this one!

Illness, Injury, and Personal Circumstance

Temporary illness, injury, and personal circumstances, if not considered to be disabilities, do not have the same OHRC protections. Generally, each academic area has its own policies and processes for how they deal with accommodation for illness, injury or personal circumstances that arise. Your college registrar/division/faculty/graduate coordinator can provide more information and support to you.

Personal Circumstances:
- Some personal circumstances require specific documentation like a death certificate, obituary, or funeral program, but there are no centralized policies.

Verification of Illness or Injury (VOI):
- The Verification of Illness or Injury Form can be used by any UofT student experiencing a time-limited, non-disability related medical condition. In general, VOIs can be shared with your registrar or professors and be used to attain illness related accommodations. While you have a right to have your VOI considered, completion of a VOI by a medical or healthcare professional does not guarantee that special consideration will be granted.
Finances

- The University maintains the statement of principle that "no student offered admission to a program at the University of Toronto should be unable to enter or complete the program due to lack of financial means."
- The financial support programs of the University will be designed to guarantee that each student has access to the resources necessary to meet his or her needs as assessed by a common mechanism. How this functions exactly is explained fully in the policy document, but generally a mixture of grants and loans is made available to the applicant student.
- For international students, you have the right to University-provided financial assistance in the case of financial emergency as needed and where possible.

Temporary COVID-19 Provisions:

- A VOI is temporarily not required. Students who are absent from academic participation for any reason (e.g., COVID, cold, flu and other illness or injury, family situation) and who require consideration for missed academic work should report their absence through the online absence declaration. The declaration is available on ACORN under the Profile and Settings menu. Students should also advise their instructor of their absence.

Absence Declaration

Absences Declared
There are currently no absences on record.
You may declare additional absences.
Religion

- Under the University's internal policy documents, you have the right not to be 'seriously disadvantaged' because of your religious and/or cultural observation.
- You have the right to be given every reasonable opportunity to make up work missed for religious observance, particularly in courses involving practical examinations such as laboratory work. **Professors cannot penalize you for missing work for your religion.**
- You maintain a certain level of responsibility for communicating religious and cultural obligations to instructors in good faith and with reasonable notice.
- Under the OHRC you have the right to be free from discrimination in accessing the service of the University of Toronto, as well as employment, housing, unions and contracts affiliated with the University.

Race

- You have the right to not experience vexatious conduct because of your race that is known to be unwelcome or exceeds freedom of expression and academic freedom.
- You have the right to file a complaint about harassing or discriminatory behaviour to the administrative officer or supervisor responsible for the implicated department/division.
- You have the right to not face reprisal or threat of reprisal for lodging a complaint.
- You have the right to access the Anti-Racism and Cultural Diversity Office for advice, assistance, or mediation regarding discriminatory behaviour.

Sexual Orientation

- You have the right to not experience vexatious conduct because of your sexual orientation that is known to be unwelcome or exceeds freedom of expression and academic freedom.
  - You have the right to not face discrimination for having AIDS as long you can meet performance standards and there is no health risk to themselves or others.
  - You have the right to file a complaint about harassing or discriminatory behaviour to the Sexual Harassment Officer [see Sexual Harassment Section].
Gender

- You have the right to request a change of name and/or gender on the University’s official academic record if you can establish/authenticate your identity.
- The University does not usually accept change of name requests after graduation, but it may be considered with appropriate documentation.
- The University’s official permanent academic record will include all names ever recorded, but only the most recent name will be on transcripts and diplomas.
- You have the right to not experience vexatious conduct because of your gender identity, gender expression, or sex that is known to be unwelcome or exceeds freedom of expression and academic freedom.
- You have the right to file a complaint about harassing or discriminatory behaviour to the Sexual Harassment Officer [see Sexual Harassment Section].

Sexual Violence

- You have a right to Disclose and/or Report sexual violence to the University and receive a response to the latter in as timely as practicable.
- You have the right to not face any form of retaliation for reporting sexual violence.
- You have the right to total autonomy in decision-making in reporting sexual violence and participation in the subsequent investigation.
- The University has the right to proceed with an investigation of sexual violence even if the victim requests that they do not.
  - The University has the right to proceed with an investigation of sexual violence even if the victim requests that they do not.
  - You have the right to not have to repeat your account of sexual violence extraneously.
  - You have a right to only have the information related to your report of sexual violence confided by the University on a need-to-know basis.
  - You have the right to appropriate accommodations from the University when affected by sexual violence.

Reporting Vs. Disclosing

**Disclosing** is to just share an incident your SV experience with a student, staff, faculty, or fellow. **Reporting** is doing this with intention of initiating further investigation by the University.
• You have the right to confidential counselling and support from the University in light experiencing sexual violence as quickly as practicable.
• You have the right to pursue justice through the municipal police service concurrently.
• You have the right to appeal a decision by the University to not investigate your sexual violence allegation as well as the result of the investigation.
• You have the right to reply to your aggressor's response to the accusation, which can then be conveyed back to the aggressor.
• You have the right to a support person and representation in a sexual violence case.
• You have the right to a fair, professional, and timely investigation into your report of sexual violence.
• You have the right to submit additional info, including potential witnesses, to the sexual violence investigator.

Whilst the policy remains active on the Governing Council list, and is thus included in this document, an University spokesperson stated that the following procedure is no longer operational. Visit the SVSP centre to learn more and get support if you have been experienced sexual harassment.

Sexual Harassment

• You have the right to not experience any forms of sexual harassment.
• You have the right to file a complaint if you experience sexual harassment.
  ◦ Responsibilities: You have six months to file after the incident; two months after academic work is done for the accused; or within reasonable time to apply for alternative work if accused is a supervisor.
• The Sexual Harassment Officer decides whether the complaint falls under their purview.
• You have the right to request your work be graded by another if you report an incident against a professor or reassignment/alternate assessment of work if the accused is a supervisor.
• You have the right to not to face retribution for making a complaint of sexual harassment.
• You have the right to impartial counsel/advice from the Sexual Harassment Officer.
• You have the right to counsel at any time in the proceedings.
• You have the right to a fair and impartial hearing.
• You have the right to confidentiality but not anonymity.
• You have the right to not be compelled to proceed with a complaint or disciplinary action; the matter will not be dealt with any further.
You have the right to pursue:
  - (a) Informal Resolution and Mediation
    - Responsibilities: request in writing within twenty days if the Officer has deemed
      informal resolution exhausted or is inappropriate
  - (b) (a) and if necessary a Formal Hearing
    - Responsibilities: request in writing within twenty days of a mediation that is
      deemed failed or inappropriate by the Officer.

You do not have the right to later proceed with a Formal Hearing if you initially waive it
for the same complaint.

You have the right to attend your Formal Hearing if you wish.

Remedies

UofT’s Internal Process
For complaints about discrimination, general complaints, complaints about student groups,
and complaints about student societies:
https://www.viceprovoststudents.utoronto.ca/students/student-complaints/

Provincially:
  - If you feel that UofT has not adequately addressed your concerns and/or you do not wish
to move through their processes, you can make a human rights claim at the provincial
level.
  - To make an application, contact the Human Rights Tribunal of Ontario:
    - Once you file a complaint, UofT will be contacted, notified about your complaint, and
      asked to explain what happened and/or provide a defence. The Tribunal attempts to
      resolve complaints through mediation at an early stage before having an adjudicator
      evaluate the human rights concerns, evidence, and making a decision.
  - For legal advice contact the Human Rights Legal Support Centre:
    - They can give you advice about your human rights concerns, help you file an
      application, and might provide you with legal representation at the Tribunal.
Bibliography

Governing Council Policies


OHRC


UofT Webpages and Booklets
“Academic Accommodations.” University of Toronto Faculty of Law. Accessed March 19, 2021. https://handbook.law.utoronto.ca/guidelines-and-procedures/academic-accommodations#:~:text=family%20member's%20physician.,Where%20there%20is%20a%20death%20in%20the%20family%2C%20the%20required,or%20injury%20Form%20is%20required.


The Division of Student Life - University of Toronto, and Accessibility Services - University of Toronto. “Accessibility Services at the University of Toronto St. George Campus Undergraduate Student Handbook 2020-2021.” Toronto: University of Toronto, 2020.


Other

