



Policy Grievance **SUPERSEDES VERSION**

Grievor's Name:

Windsor University Faculty Association

FILE: GR# 1065

C.A. Referenced: 2021-2025

Type of Grievance POLICY

1. Nature of Dispute:

Violation of WHPP, HR Policy, Senate Bylaw 32

2. Reference

Art. 11, 59, WHPP, HR Policy, Senate Bylaw 32, and any other articles, policies, or bylaws that may apply.

3. Facts of the Case

- Fact Pattern #1: **In the Fall of 2022, a claimant files WHPP and HR complaints against Respondent #1 and Respondent #2. WUFA did not receive either of the complaints. The harassment complaint was placed on pause while a discrimination investigation was pursued. Respondent #2 filed a countercomplaint under the WHPP. The countercomplaint has not been investigated. The University has not indicated under which policy or rationale it placed the WHPP complaint(s) on pause, and why the HR complaint was pursued as the priority. In all complaints described above, timelines under the HR and/or WHPP have been exceeded without consultation with WUFA. As of the date of this supersedes grievance, the case is still outstanding.**
- Fact Pattern #2: Despite early concerns raised by WUFA regarding timelines and violations of process, a faculty member responded to an investigation that

was carried out under Senate Bylaw 32. This was the only process communicated to the member. It was alleged by students that the faculty member demonstrated discrimination/human rights and harassment violations and procedural irregularities within the course. The allegations were made by students in the member's class. The Procedures and Discrimination Subcommittee of Senate investigated the allegations and concluded that no discrimination or harassment took place; however, the procedural claims were upheld. Subsequently, and many months after the initial allegations were made, the university notified the member that there will be another investigation carried out under the WHPP by an external investigator using the same allegations which were investigated by the Senate Procedures and Discrimination SubCommittee. WUFA was not notified by the dean of the faculty or by the University of any informal processes that were attempted to resolve the matter (prior to the Bylaw 32 process), nor was WUFA or the member notified that a harassment process would be undertaken after the Senate Bylaw 32 process was completed, nor was WUFA notified that the university wishes to engage an external internal investigator (as required under Article 11:07).

- Fact Pattern #3: A faculty member files a WHPP complaint naming multiple members as respondents. The interview process was completed although beyond the timelines in the WHPP. On April 12, 2023, WUFA was notified by the employer that the investigation was complete. ~~There has been no further update since, including that the summary of findings was not shared with WUFA, and to WUFA's knowledge, the findings were not shared with the members involved (complainant and respondents).~~ **The complainant was provided with a copy of the summary report of the external investigator by the university on March 5, 2025. No explanation was provided for the delay in communicating the results of the investigation for nearly two years.**
- Fact Pattern #4: In May 2024 a member filed a harassment complaint, which included over 10 allegations/instances of harassment. In October 2024, the member was notified by the employer that the WHPP investigation will be conducted internally by the Academic Labour Relations Advisor and Health and Safety Coordinator. ~~As of the date WUFA filed this grievance, WUFA does not have record of the employer contacting the respondent (another WUFA member) to provide the allegations or to indicate that an investigation is proceeding.~~ **The investigators met with the complainant once to discuss the 10+ allegations. The result of the investigation was that there were no findings of harassment. There was no explanation as to why the university chose to use internal investigators; when the same member was named a respondent, the investigation was conducted by an external investigator (see Fact Pattern #13 below).**
- Fact Pattern #5: A faculty member filed a harassment complaint against another faculty member, who in turn filed a countercomplaint. Academic Labour

Relations (“ALR”) informed one of the faculty members in March 2024 that the university had engaged an external investigative consultant to investigate the complaint in addition to other harassment complaints within the department, but did not include WUFA on the email or any previous emails. In July 2024, this investigative consultant submitted his report, which investigated only one allegation of harassment in the department, which was entirely unrelated to these members. In October, that same faculty member received another email from ALR asking whether they wished to proceed with the harassment complaint, again not including WUFA on the email. These emails, at odds with one another, suggest that these harassment complaints have remained uninvestigated for ten (10) months. **Fast forward to August 29, 2025, both complainant and respondent (including countercomplaints) received a letter from Academic Labour Relations indicating that there was no harassment and in some cases, it was indicated that “Even if proven, these issues would not amount to harassment. Rather, this is essentially an allegation of discrimination”. The case was closed and the university took no action to address these concerns under a discrimination lens.**

- **Fact Pattern #6: A faculty member filed a harassment complaint on November 20, 2025 against another member (the respondent). Contrary to the WHPP, the VP HR was appointed investigator under the WHPP and the informal stage of the WHPP was not pursued. Under the WHPP, an internal investigator is “i.e. senior manager or trained investigator...”. Under the WHPP, “the investigator(s) will prepare and submit a report to the Vice-President Human Resources”, suggesting that the investigator and VP HR have separate roles in the process. Timelines under the WHPP have been exceeded without consultation with WUFA. On June 29, 2026, the complainant received the Executive Summary of the Investigation from the VP HR which found that the allegations were substantiated. As of the date of filing this supersedes grievance, the Executive Summary has not been communicated to the respondent member.**
- **Fact Pattern #7: On June 3, 2025, the VP HR notified a member that a complaint was received by the University on February 14, 2025, naming them as a respondent in the WHPP complaint. An external investigator was appointed. No attempts were made for an informal resolution to the complaint. On September 5, 2025, the investigator shared the list of allegations with the member. On May 22, 2026, the member was provided with the Executive Summary of Workplace Investigation Report. As of the date of this supersedes grievance, no clear direction was given to the member or WUFA in writing regarding next steps. Timelines under the WHPP have been exceeded without consultation with WUFA.**
- **Fact Pattern #8: On April 1, 2026, a member was notified by the employer that a complaint was filed under the WHPP naming the member as a respondent. The complaint was filed on February 26, 2026. The University**

appointed an internal investigator to proceed with a formal investigation. There were no attempts to address the complaint informally, as per the Policy. On April 10, 2026, the allegations were shared with the respondent. The member provided a written response and attended the interview with the investigator in April. On June 8, 2026, the university notified the member that two of the allegations were “factually substantiated” however, no evidence was provided to support this statement; furthermore, it notes that “the conduct did not meet the technical definition of harassment under the University’s Harassment Prevention Policy. Specifically, the investigator concluded that the conduct constituted a single continuous incident rather than a “course of conduct” as required under the policy definition of harassment. Notwithstanding this finding, the investigator concluded that [the] conduct constituted serious, inappropriate workplace behaviour and fell below the professional standards expected of a faculty member at the University of Windsor. As a result, the employer chose to issue a coach and counsel letter be placed in the member’s file. The coach and counsel letter was issued on June 12, 2026 and considers progressive discipline which is contrary to the spirit of Letters of Counsel which were agreed upon between the parties. Timelines under the WHPP have been exceeded without consultation with WUFA. WUFA has expressed concerns regarding the coach and counsel letter and asked that it be retracted.

- Fact Pattern #9: On February 20, 2026, a member submitted a workplace harassment complaint to the employer. On May 12, 2026, WUFA followed up with the employer to request a status update regarding the complaint. The same day, ALR responded that they are “working internally to review it and decide on next steps”. On July 20, 2026, WUFA followed up again with ALR to request the status of this investigation. As of the date of filing of this supersedes grievance, no update has been provided to the member or to WUFA.
- Fact Pattern #10: On February 9, 2026, the VP HR acknowledged receipt of a complaint under the WHPP from a member against another member (respondent). On February 24, 2026, the VP HR notified the parties that the university will proceed with a formal investigation conducted by the VP HR. Through WUFA intervention, at the initial meeting with the respondent held March 27, 2026, questions were asked to the VP HR about why the informal process was not followed. It was determined that the file will be handed to the dean as supervisor who will meet with the complainant and respondent moving forward. As of the date of this supersedes grievance, no further action has been taken. Timelines under the WHPP have been exceeded without consultation with WUFA.
- Fact Pattern #11: On March 17, 2026, a member was notified that a complaint had been filed against them under the WHPP by a Unifor

member. On March 19, 2026, WUFA was informed that the investigators included (1) the Associate General Counsel at the University of Windsor and (2) a Chairperson from Unifor, Local 2458. WUFA objected to one of the investigators coming from the same union as the complainant and on April 10, 2026, the university confirmed that Unifor agreed to waive a joint investigation, provided the university selects an external investigator. Without prejudice or precedent, the university agreed to appoint a third party investigator to undertake this case. Timelines under the WHPP have been exceeded without consultation with WUFA. On July 16, 2026, the investigator provided the member with list of allegations.

- **Fact Pattern #12:** A member filed a complaint under the WHPP in January 2025. In February 2025, ALR notified the member that a countercomplaint has also been filed against the member and an external investigator was assigned to investigate both complaints. Result of investigation: the investigator did not make findings of workplace harassment concerning the complaint filed by the member; however, a finding of workplace harassment was made against the member as respondent. A summary of findings was provided in a letter of March 5, 2026; however, the investigator's notes and evidence to substantiate the findings were not shared with the member or WUFA. On March 11, 2026, the AVPA sent a letter to the member advising that Article 59 has been initiated based on the findings of the WHPP. The member did not provide a response under the Article 59 process. On June 11, 2026, the interim Provost and Vice President, Academic wrote to the member with their decision and recommended disciplinary action that will be taken including (1) a 3 working day suspension without pay, and (2) a requirement to review the university's Respectful Workplace Online Toolkit and other Collective Agreement provisions and that failing to do this would result in another 5 working day suspension without pay. On July 21, 2026, the University President wrote to the member advising of their acceptance of the disciplinary recommendations of the interim Provost and Vice-President, Academic. Timelines under the WHPP have been exceeded without consultation with WUFA.
- **Fact Pattern #13:** On January 30, 2025, ALR notified the member that a harassment investigation was initiated with the member being named as a respondent and that an external investigator would conduct the investigation. On May 13, 2026, the member received a letter from ALR indicating that the pattern of behaviour meets the definition of workplace harassment and that as a result of this investigation and pursuant to Article 11:09 of the Collective Agreement, the university is contemplating discipline and therefore Article 59 is being invoked. The same day, the member received a letter from the dean confirming that Article 59 has been triggered and inviting the member to provide a written response within 20 days. Timelines under the WHPP have been exceeded without consultation

with WUFA. No informal process was undertaken to attempt to resolve this issue under the WHPP. Furthermore, it is unclear why the university appointed an external investigator for this case when an internal investigator was appointed when the same member filed a complaint (see Fact Pattern #4).

- There is at least one other case involving overlap with another University of Windsor policy where timelines are becoming a concern.

In sum, there has been inconsistent applications of the WHPP over many years. For instance:

- Contrary to the requirement under the Collective Agreement (Article 11) and WHPP, the informal process is often not attempted.
- In many cases, the university has given the complainant the choice as to whether they wish to pursue an informal versus a formal process which undermines equity in the process itself.
- When pursuing a formal investigation, the university has been inconsistent in determining whether the investigator is appointed internally versus externally. In the case of internal investigators, the university has assigned the investigator role to individuals in various administrative offices including ALR, HR (VP HR and Business Partners), internal legal counsel, etc. without indication that the internal investigator has been “trained” as required under Item #8 under the WHPP.
- Timelines under the WHPP are not followed, and the university does not consult with WUFA as to the extension of any timelines as required under Item #8 of the WHPP.
- Evidence of substantiated complaints (as gathered by the investigator) have not been provided.
- Contrary to the WHPP, there has been no evidence of “follow-up” by the supervisor to ensure the workplace is safe and harassment-free as required under Item #10 of the WHPP.
- When incidents of this nature involve other bargaining units, and/or Collective Agreement provisions, application of procedures is ambiguous and or inconsistent.

4. Remedy Sought

1. A commitment from the University that whenever an investigation involving a WUFA member is undertaken, WUFA **and the respondent member** shall be provided with a copy of the allegations and all relevant materials **that was provided to the University when the complaint was filed;**

2. A commitment from the University that no investigation of WUFA members will be carried out outside of the provisions within the Collective Agreement;
3. A commitment from the University that only Article 11 shall be used with respect to workplace harassment complaints;
4. A commitment from the University that only Article 59:02 shall be used with respect to human rights complaints;
5. The University shall propose, to WUFA's satisfaction, a mechanism for incorporating investigations ~~done under Senate Bylaw 32~~ consistent with Article 59.
6. **Except in instances where a process is already evident in the Collective Agreement (eg., discrimination under Article 11, Human Rights complaints under Article 59:02, etc.), a commitment from the University that they shall use one process to address complaints that involve allegations of harassment understood in its broadest sense.**
7. All updates/revisions to the WHPP and the HR Policy are to be done in consultation with WUFA.
8. **For all cases described in this grievance, and at the conclusion of all investigations moving forward, the University shall provide to WUFA and the affected member(s) the full, unredacted investigator report, and not summaries.**
9. Such further and other relief to make the affected members and WUFA whole.

Progress

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| Step 1 | n/a |
| Step 2 | n/a |
| Step 3 | Delivered to Corinthia Natyshak, Director, Academic Labour Relations on November 19, 2024
Supersedes grievance delivered Nancy Kuntz, Academic Labour Relations Business Partner on September 10, 2026 |
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Rachel Alchs

November 19, 2024

Signature of VP Grievance

Date

A handwritten signature consisting of several overlapping loops, appearing to be a stylized 'S' or 'G'.

September 10, 2026

**Signature of VP Grievance for
Supersedes Grievance**

Date

c.c. Faculty Association