

MEMORANDUM

To: All Western Employees

From: Western Human Rights Office

Date: September 9, 2025

Subject: Information on MAPP 1.35 - Non-Discrimination, Harassment and Sexual Misconduct Policy

Background

The University's MAPP 1.35 Policy has been amended over the past couple of years as per legislative requirements by the Ontario government.

This communication serves as information on two important changes to the MAPP 1.35 policy as per **Bill 26, *Strengthening Post-secondary Institutions and Students Act, 2022*** and **Bill 166, *Strengthening Accountability and Student Supports Act, 2024- Anti-Racism and Anti-Hate Policy***.

Bill 26 - Strengthening Post-secondary Institutions and Students Act, 2022

The *Ministry of Training, Colleges and Universities Act* was amended to add a new section setting out rules regarding sexual misconduct toward students by an employee(s) of publicly-assisted universities and colleges.

MAPP 1.35 was amended in July 2023 to reflect those legislative requirements.

Sexual Misconduct means, in relation to a student of the University:

- (a) physical sexual relations with the student, touching of a sexual nature of the student or behavior or remarks of a sexual nature toward the student by an employee of the University where,
- (i) the act constitutes an offence under the Criminal Code (Canada), or
- (ii) the act constitutes a sexual solicitation or advance made by an employee of the University as defined above under Sexual Harassment, clause (b)¹; or a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by an employee of the University in a position to confer, grant or deny a benefit or advancement to the student.

The following amendments to Bill 26 are important:

Discharge or discipline

¹ (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant, or deny a benefit or advancement to the individual and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

[Read Policy 1.35 – Non-Discrimination/Harassment/Sexual Misconduct Policy](#)



If an employee of an Institution commits an act of sexual misconduct, they may be discharged or disciplined and:

- (a) the discharge or disciplinary measure is deemed to be for just cause for all purposes;
- (b) the employee is not entitled to notice of termination or termination pay or any other compensation or restitution as a result of the discharge or disciplinary measure; and
- (c) no arbitrator, arbitration board or other adjudicator shall substitute any other penalty for the discharge or disciplinary measure imposed by the institution.

No re-employment

If an employee is dismissed by the Institution for committing an act of sexual misconduct or the employee resigns from their employment, the institution shall not subsequently re-employ the employee and;

If an institution determines that it has re-employed an individual contrary to subsection (3), the institution shall discharge the employee and clauses (2) (a) to (c) shall apply to the discharge.

Agreements

There shall be no agreement containing any term that, directly or indirectly, prohibits the Institution or any person related to the institution from disclosing that an allegation or complaint has been made that an employee of the institution committed an act of sexual misconduct toward a student of the institution, and any such term that is included in an agreement is void, except as noted below;

An Institution may enter into an agreement if a student requests the Institution do so, provided that:

- a) The student had a reasonable opportunity to receive independent legal advice
- b) There have been no undue attempts to influence the student with respect to the request
- c) The agreement includes an opportunity for the student to waive their own confidentiality in the future, and the process for doing so; and
- d) The agreement is of a set and limited duration

Bill 166, Strengthening Accountability and Student Supports Act, 2024, Policies and Rule re: racism and hate

Bill 166 requires Institutions to have policies and rules that describe how the institution will address and combat racism and hate. MAPP 1.35 was reviewed and amended accordingly in February 2025 to ensure compliance with the legislative requirements.

MAPP 1.35, Policies and Procedures lays out the definitions, reporting options and formal complaint mechanisms available to individuals in bringing forward concerns related to racism and hate on campus.

Individuals can report concerns to the Western Human Rights Office through various options such as the online reporting form, email, phone call or visiting the office in person. The Human Rights Office will meet with individuals to provide support and advice on their concerns and the options available to address the matter appropriately.

Please contact the Human Rights Office (HRO) either to report a concern you have experienced directly or have witnessed, whether related to sexual misconduct, code-based discrimination and harassment, personal harassment, sexual harassment and/or workplace harassment.

The HRO is available to provide a confidential consultation to members of the University community on any of the above-mentioned concerns. You will be advised on the steps to file a formal complaint and the process for investigation as well as alternative mechanisms to address the matter.

The HRO is available to conduct training for faculty, staff and students on the MAPP 1.35 - Non-Discrimination, Harassment and Sexual Misconduct Policy. Please contact the HRO to schedule a training session for your unit.

[MAPP 1.35 Policy](#)

[MAPP 1.35 Procedures](#)

[HRO Website](#)

[Email Human Rights Office](#)