



BY EMAIL

December 9, 2021

David Robinson,
Executive Director
Canadian Association of University Teachers

Dear Mr. Robinson,

Thank-you for your letter of inquiry regarding members of TRU's senior management team and allegations they face.

In response to your request to see individuals placed on paid administrative leave pending the outcome of an ongoing investigation, I must point out that such action falls outside the scope of the board, which is not involved in day-to-day university operations. Rather, these are decisions for management, and as I've had ongoing contact with senior executives, I can advise the following:

- Deciding to place an employee on administrative leave pending the outcome of an investigation is not a straightforward matter, and there are various factors to weigh. From a legal perspective, general considerations include: the seriousness and credibility of allegations; the ability of respondents to influence the investigation; and the length and impact of any leave. An administrative leave imposed without proper justification or for too lengthy a period will generally amount to a constructive dismissal.
- On the issue of the seriousness and credibility of allegations, it is important to remember that the investigation is being conducted by an independent third party at the request of the complainants. Consequently, neither TRU senior executives, nor the Board of Governors have specific

information that is sufficient to support further action at this time. The law — as well as agreements, policies and legislation that governs universities and TRU — requires authorities to have an adequate basis to place an individual on administrative leave. Allegations reported in media are not enough.

Placing an employee on paid administrative leave is one form of response to a situation like this. However, there are a variety of others such as reassignment, altering reporting relationships, and other changes in process which negate the need to place a person on administrative leave during an investigation. These decisions require a careful weighing of circumstances and are highly fact-driven.

I would like to assure you that TRU is not sitting idle as the independent investigation unfolds. In recent days, TRU's president has announced changes to policies to ensure that any other complaints of bullying (emotional or physical), harassment, including sexual harassment, discrimination or racism are supervised by TRU's Human Rights Officer — not by the department of People and Culture. This change is made to address perceptions regarding the efficacy of investigations overseen by a department headed by one of the individuals named in the allegations.

The board's approach to these matters has been and will continue to be careful and thorough. In line with TRU's aspirational vision for the kind of university we aim to be, the board and management are committed to exemplary measures to build a strong and positive workplace culture. Our goal is to engage people to build an environment, together, where all people are respected, treated fairly, and everyone belongs. Handling the recent anonymous complaints according to due and fair process is only one part of a strong culture.

Management advises that TRU will soon provide details regarding a new initiative designed to engage all employees in an honest, open-ended conversation about workplace culture. TRU will engage external consultants with the required skills to identify priorities, draw attention to roadblocks and identify best ways to improve culture.

We respectfully submit that TRU is doing all that is reasonable to ensure that these allegations are treated with the proportionate seriousness they warrant.

Again, I thank-you for your letter; the sharing of common concerns in cooperative and collaborative partnership with all in our community will help TRU become a stronger, more caring institution that better serves the need of everyone – whether students, faculty, or staff.

Respectfully,

A handwritten signature in black ink, appearing to read 'Marilyn McLean', written in a cursive style.

Marilyn McLean
Chair, TRU Board of Governors