



#IFYOUDONTKNOWNOWYOUKNOW



University Of Toronto Mississauga
Students' Union
Local 109 of the Canadian Federation of Students

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INTRODUCTION

Our first mission as a student union is “To safeguard the individual rights of the student, regardless of race, colour, creed, sex, nationality, place of origin, or personal or political beliefs”. To further initiatives in preserving the rights of our students we have compiled this handbook with information that will educate students on the many rights they have during and beyond their post-secondary journey.

It is our duty as student leaders to ensure that your rights as a student are being meant. Several incidents have occurred in which students underwent inequitable treatment from both faculty and their fellow students. So we need to work towards an all-inclusive environment in our campus and beyond.

Although we all have rights, we all access these rights differently. The intersections of our different social locations dictate our post-secondary experience. Marginalized groups have the most difficult time obtaining post-secondary degree because of various obstacles. In the past couple of years carding has become an issue in the GTA. The two most marginalized groups which are. Aboriginals and African American youth get stopped at a ridiculously high rate. Police officer at times used aggressive tactics to card and search individuals. Know that you have a right to refuse any search from a police officer if the individual doesn't have reasonable grounds.

EMPLOYMENT RIGHTS

- Employees entitled to be paid for all the work done (including time spent at work where employers assign no tasks)
- Entitled to be paid for sick leave, maternity leave, paternity leave, vacation, and parental leave [rates set out by law]
- Entitled to unpaid time off work in certain circumstances- family emergency or jury service
- Employees that worked for at least 2 months are entitled to a 'written statement of their terms and conditions of employment'
- Right to receiving the minimum wage of Ontario
- Employees must be paid at regular intervals and given a statement showing their wages and deductions for that pay period
- Entitled to an eating period of at least 30 minutes at intervals that will result in the employee working no more than five consecutive hours without an eating period.
- Entitled to overtime pay of at least one and one-half times his or her regular rate for each hour of work in excess of 44 hours in each work week or, if another threshold is prescribed, that prescribed threshold.
- Right to equal pay for equal work [Pay Equity Act of Ontario]
- Ensures all individuals (male/female) receive equal pay for performing jobs that may be very different but are of equal value
- All the following conditions have to be met for one to be considered an intern:
 1. The training is similar to that which is given in a vocational school.
 2. The training is for the benefit of the intern. You receive some benefit from the training, such as new knowledge or skills.
 3. The employer derives little, if any, benefit from the activity of the intern while he or she is being trained.
 4. Your training doesn't take someone else's job.
 5. Your employer isn't promising you a job at the end of your training.
 6. You have been told that you will not be paid for your time.

The Employment Standards Act does not apply to an individual who performs work under a program approved by a college of applied arts and technology or a university. This exception exists to encourage employers to provide students enrolled in a college or university program with practical training to complement their classroom learning.

HOUSING RIGHTS

- A landlord must give the tenant a copy of any written lease
- A landlord must give the tenant a receipt for any rent payment, rent deposit or other charge, if the tenant asks for one.
- A landlord must give at least 90 days' notice in writing of any rent increase.

A LANDLORD IS REQUIRED TO REDUCE THE RENT WHERE:

- The utility costs go down after the landlord has increased the tenant's rent by more than the guideline based on an order from the Board that approved the increase based on utility costs,
- A capital expenditure is fully paid for; this only applies to tenants who are still living in the same rental unit they were living in when the Board approved the rent increase based on the capital expenditure, or
- The municipal property tax is reduced by more than the prescribed percentage, resulting in an automatic rent reduction.

A TENANT CAN APPLY TO THE BOARD TO HAVE THEIR RENT REDUCED IF:

- The municipal taxes or charges on the rental property go down,
- The landlord reduced or removed a service they had provided to the tenant without reducing the rent, or
- The landlord did not keep a promise they made in an agreement to a rent increase above the guideline.

RESIDENCE:

- Resident is required to vacate his/her room 24 hours after his/her last December exam.
- All Residents must remain in Good Standing as defined in the University of Toronto Mississauga (1.50 CGPA)
- When a landlord or a tenant becomes liable to pay any amount as a result of a breach of a tenancy agreement, the person entitled to claim the amount has a duty to take reasonable steps to minimize the person's losses. 2006, c. 17, s. 16.
- A landlord shall not at any time during a tenant's occupancy of a rental unit and before the day on which an order evicting the tenant is executed, withhold the reasonable supply of any vital service, care service or food that it is the landlord's obligation to supply under the tenancy agreement or deliberately interfere with the reasonable supply of any vital service, care service or food. 2006, c. 17, s. 21 (1)
- A notice under section 47, 58 or 144 to terminate a daily or weekly tenancy shall be given at least 28 days before the date the termination is specified to be effective and that date shall be on the last day of a rental period. 2006

JUSTICE SYSTEM RIGHTS

- Everyone has the right to be secure against unreasonable search or seizure.
- Everyone has the right not to be arbitrarily detained or imprisoned.
- Everyone must be promptly informed on the reasons of their arrest or detention.
- Everyone must be tried with reasonable time.
- Everyone must be presumed innocent until proven guilty through a fair and impartial hearing.
- If someone's rights or freedoms are infringed or denied, this can be used in court.
- Everyone has the right to remain silent when you're stopped by the police. Say so out loud when you wish to exercise that right.
- Everyone has the right to refuse to consent to a search.
- Everyone has the right to calmly leave if they are not under arrest.
- Everyone has constitutional rights regardless of immigrant or citizenship status.
- Everyone must show identification when driving and stopped by the police.
- Everyone does not need to show identification to the police if there are not reasonable means to suspect a crime.
- Everyone has the right to remain silent; however, if one decides to speak and lies about their name and address, they can be charged with obstructing justice or the police.
- Once you give your information to an officer, they put it into a Field Information Report (Form 208). This means all the information of a person will evidently go into the Toronto Police computer system and be there for several years.

ACADEMIC RIGHTS

- To refuse to use Turnitin.com
- To an equitable education
- To refuse fees for any materials that is paid for already by my tuition fees
- To the privacy of my grades
- To view all my final exams
- To representation by a counsel if I am charged with an academic offence
- To refuse changes to a syllabus once a course has started
- To receive a course syllabus on the first day of class
- To have access to my professors for consultation before and after a course
- To petition any mark for any test or assignment if I think that it was marked unfairly or incorrectly
- To hand in neatly, hand-written essays
- To receive at least one significant mark before the last day I can withdraw from a course
- To have no assignment worth 100% of my final grade
- To not have a term test worth 25% or more in the last two weeks of a course
- To retain intellectual property rights to my research
- To receive all my assignments once graded

POLICING RIGHTS

The police may stop you if:

- You are suspected of coming a crime
- You are seen in an act of crime
- You are driving

If detained by police you:

- Have the right to talk with a lawyer, and must legally be provided with the opportunity to do so
- Any statements made to the police can and will be used in the court of justice
- The right to remain silent

You are not legally obligated in the following instances:

- To take a breathalyzer test if suspected of drunk driving without having spoken with a lawyer
- To let police conduct searches without a warrant or unless your property has be a part of a crime report
- The police cannot search you without your consent unless you are suspected of drinking alcohol illegally, possessing an illegal weapon, or believe you possess drugs
- Required to identify yourself to the police if they ask, however lying about your identity can lead to being charged with “the obstruction of justice”

If arrested:

- You have the right to be informed and politely inquire the reason for your arrest
- You have the right to remain silent, meaning that you do not have the answer any questions asked by the officers
- Police must advise you of your right to speak with a lawyer
- Police must also tell your right to free legal services

If charged with a speeding ticket:

- You have the right to appeal in court by setting up a trial date within the first 14 days after having received the ticket

To complain about Police misconduct and instances of brutality contact:

The Office of the Independent Police Review Director (OIPRD)

- The OIPRD handles complaints against police in Ontario including the Ontario Provincial Police (OPP)

Telephone: In Toronto (416) 246-7071; toll free 1-877-411-4773; TTY 1-877-414-4773

Address: 655 Bay Street, 10th Flr., Toronto, Ontario, M7A 2T4

E-mail: oiprd@ontario.ca

Website: <https://www.oiprd.on.ca/cms/>

In any instance where you are unsure what to do, there is a free app that can be downloaded from the appstore/playstore called Legalswipe which gives you on the spot legal advice.

Sources:

A citizen’s guide to dealing with Police: <http://svan.ca/police-rights/>

Know Your Rights: A citizen’s Guide to Rights When Dealing With Police, the Canadian Civil Liberties Association (www.ccla.org)

ACCESS TO RIGHTS

On pen and paper we all have the same rights, but we need to realize that we access these rights differently. The intersections of our different social locations dictate which level of access we have to these rights. For example the disadvantages an aboriginal women faces cannot be experienced by a aboriginal man or a Caucasian women. The intersection of both marginalized groups an Aboriginal woman belongs to creates a different experience.

Marginalized groups have face many obstacles on their post-secondary journey. Our student union is attempting to fulfill its goal of making post-secondary education more accessible for everyone. Education is a right not a privilege. We are committed to our students and as our constitution states we want to achieve the goal of a system of post-secondary education which is accessible to all, which is of high quality, and which is nationally planned; which recognizes the legitimacy of student representation and the validity of students' rights.

RESOURCES AND CONTACTS

Resources

- Constitutional Rights <http://laws-lois.justice.gc.ca/eng/const/page-15.html>
- Employment Rights <http://www.labour.gov.on.ca/>
 - Housing Rights <http://www.ltbb.gov.on.ca/>
 - Academic Rights

Contacts

- Downtown Legal Services <http://downtownlegalservices.ca/>
- Canadian Labour Congress <http://www.canadianlabour.ca/>
- Ontario Human Rights Commission http://www.ohrc.on.ca/en/social_areas/housing
- UTM Vice-Principal Academic and Dean <http://www.utm.utoronto.ca/dean/of-fice-vice-principal-academic-and-dean>