

Policy Title: Workplace Violence and Harassment

Category:	<input type="checkbox"/> Institutional - Board <input type="checkbox"/> Academic - Administrative <input checked="" type="checkbox"/> Institutional - Administrative <input type="checkbox"/> Employment - Administrative		
Approved by:	<input checked="" type="checkbox"/> Board <input type="checkbox"/> President		
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Policy Sponsor:	Vice President Administration and Finance	Date last reviewed:	May 25, 2023
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1. POLICY

1. CMCC is committed to fostering a physically and emotionally safe and respectful learning and working environment for students, staff, faculty and visitors. CMCC does not tolerate any act of workplace violence and/or harassment or any conditions that support workplace violence and/or harassment.
2. CMCC employees and students shall:
 - a. Be responsible for creating and maintaining an environment that is free from workplace violence and/or harassment.
 - b. Be aware of and recognize behaviours that could be considered workplace violence and/or harassment.
 - c. Participate in applicable training required by CMCC and Ontario legislation in relation to prevention, mitigation, and education on workplace violence and/or harassment.
3. An employee or student who subjects an individual to workplace violence and/or harassment will be subject to [disciplinary action](#). Others who subject an employee or student to workplace violence and/or harassment will be subject to consequences that are appropriate in view of their relationship to CMCC. Members of the CMCC community who are reported to have committed acts of workplace violence and/or harassment may be held concurrently accountable under the authority of the Criminal Code of Canada should the Complainant wish to pursue action in this matter. CMCC may, at its own discretion, defer internal

proceedings relating to such complaints pending the outcome of criminal proceedings. The institution will continue to provide support to both the Complainant and the Respondent in accordance with this policy.

4. Management is to take every precaution reasonable for employee/student protection if they become aware, or ought reasonably to be aware, of a possible exposure to workplace violence and/or harassment or that domestic violence would likely expose an employee or student to physical injury in the workplace.
5. CMCC shall customarily articulate its commitment to safety and inclusion in the workplace and academic environment in all of its contracts and agreements with external service providers, contractors, partners and collaborators.
6. Individuals or organizations with whom CMCC has a contract or agreement who conduct themselves in a manner that undermines the institution's commitment to safety and inclusion, and/or that jeopardizes the actual or perceived physical or psychological safety of CMCC students and/or employees, will be held accountable in accordance with relevant institutional policy.
7. Individuals with no affiliation with CMCC who are reported to have committed acts of workplace violence and/or harassment against a member of the CMCC community will be held accountable under the Criminal Code of Canada and/or CMCC, should action be pursued in this manner. In these cases, those individuals making the complaint ("Complainants") are still entitled to access [support](#) through CMCC.
8. CMCC community members and visitors have the right to:
 - a. A campus and community that is safe and inclusive and does not condone, tolerate, or ignore workplace violence and/or harassment.
 - b. Access supports, services, and accommodations if they are impacted by workplace violence and/or harassment.
 - c. A timely and thorough response to an incident of workplace violence and/or harassment.
9. CMCC community members and visitors have the responsibility to:
 - a. Not commit, encourage, or support acts of workplace violence and/or harassment.
 - b. Refer members of the CMCC community who have experienced workplace violence and/or harassment to support services within the appropriate institutional department.
 - c. Cooperate fully with this Policy, in accordance with relevant contractual obligations and relevant collective agreements.

10. Incidents of workplace violence and/or harassment will be reported only with the Complainant's consent, and to the authorities of the Complainant's choosing, unless otherwise required by CMCC. In such circumstances, the minimum amount of information needed to allow such concerns to be addressed, or such requirements to be met, will be disclosed. Such circumstances of required disclosure by CMCC include:
 - a. an individual is at risk of harm to self or to others.
 - b. there is a risk to the safety of the CMCC and/or the broader community.
 - c. disclosure is required by law; for instance, suspected abuse of someone under the age of 16, or to comply with the Occupational Health & Safety Act, or with the Ontario Human Rights Code.
 - d. evidence of the disclosed incident of workplace violence and/or harassment is available in the public realm (e.g., video or information shared publicly on social media or other).
11. Members of the CMCC community are to refer all workplace violence and/or harassment including any allegations, actions or complaints they learn about, to support services within the appropriate institutional department.
12. It is a breach of this Policy to make a bad faith allegation of workplace violence, and/or harassment.
13. Retaliation against anyone who has made a complaint or provided information regarding a complaint of workplace violence and/or harassment is prohibited. Anyone who engages in reprisals or threats of retaliation may be [disciplined](#).
14. CMCC will investigate and deal with all complaints or incidents of workplace violence and/or harassment in a fair and timely manner. Information about a complaint or incident will not be disclosed except to the extent necessary to: protect workers and students, investigate the complaint or incident, take corrective action or as otherwise required by law.
15. Complainants have the right to determine what and how much information they choose to disclose, and the extent to which they wish to participate in any investigation.
16. CMCC will provide [support](#) to employees and students who are Complainants of workplace violence and/or harassment.
17. CMCC is committed to ensuring that information related to policies, procedures and support services is broadly communicated to all members of the CMCC community, and that such information is readily available through individuals identified as Policy Lead(s) in this policy.

18. CMCC is committed to ensuring that individuals involved in the administrative and complaint resolution processes associated with this policy are informed in matters relating to workplace violence and/or harassment. Individuals with investigative or decision-making responsibilities will undergo related training, and renew such training as deemed appropriate by CMCC.

19. The policy and procedures are subject to annual review.

2. PURPOSE

To promote a safe and inclusive environment that is free of workplace violence and/or harassment for all members of the CMCC community. To provide a network of on-campus and community supports. To define behaviour that constitutes the offences of workplace violence and/or harassment, and provide procedural guidelines so that Complainants and Respondents know how to access support, understand options and implications of a complaint resolution process, and potential outcomes. To meet legal requirements.

3. SCOPE

All CMCC students, employees, members of the CMCC community, visitors, and individuals representing organizations with contractual relationships with CMCC.

4. INFORMATION AND COMPLIANCE PLANS (not a comprehensive list)

CMCC is committed to providing a safe working and learning environment in which everyone is free from workplace violence and harassment. This commitment includes allotting the time, attention, and authority necessary to ensure a safe and healthy working and learning environment for all members of the CMCC community.

- Chiropractic Act, 1991
- College of Chiropractors of Ontario
- [Criminal Code of Canada](#)
- Freedom of Information and Protection of Privacy Act (FIPPA)
- Health Information Protection Act
- International Student Program Requirements, 105
- Personal Health Information Act (PHIPA)
- Personal Information Protection and Electronic Documents Act (PIPEDA)
- [Occupational Health and Safety](#) Act
- Occupational Health and Safety Amendment Act Bill 168: Violence and Harassment in the Workplace
- Occupational Health and Safety Amendment Act Bill 132: Sexual Violence and Harassment Action Plan Act

- [Ontario Human Rights Code](#)
- Regulated Health Professionals Act (1991)

5. RELATED POLICIES (not a comprehensive list)

- Access to CMCC
- Access to CMCC Clinics
- Accessibility – Integrated Regulations: Employment Standards
- Accommodation for Students with Disabilities
- Code of Conduct
- Collective Agreement, CMCC & CUPE Local 4773
- Deferral of Academic Requirements
- Discipline – Employees
- Discipline – Students
- Health & Safety
- Leaves
- Privacy
- Program Completion – Graduate Studies Chiropractic Residency Programs
- Program Completion – Undergraduate
- Sexual Violence, Assault and Harassment
- Student Code of Conduct – Regulated Practice
- Withdrawal and Refund
- Workplace Harassment and Sexual Violence Commitment Statement

6. DEFINITIONS

Bad Faith Allegation: an allegation, disclosure, or report brought with an improper motive such as deceit, ill will, hostility, malice, or personal animosity.

CMCC Community consists of policy stakeholders, including the Board of Governors, administrators, faculty, staff, students, clinic patients, volunteers, visitors, contract workers and others engaged in sanctioned activities of the institution.

Complaint is submission of a Complaint Form by an individual who knows of an incident of workplace violence and/or harassment for the purpose of determining if this matter should be adjudicated within the scope of CMCC policy(ies), or through authorities under the Criminal Code of Canada. The individual receiving the Complaint Form will provide detailed information and ensure that the Complainant understands complaint

resolution options, what to expect for all parties, supports available through CMCC and through external organizations.

Complainant is an individual who has made a complaint about another individual whom they believe committed an act of violence and/or harassment against them.

Confidentiality: Ensuring confidentiality is critical to creating an environment and culture where individuals feel safe to disclose, and to seek support and accommodation. CMCC is committed to ensuring such within the scope of this policy, and will do so using every reasonable effort to balance confidentiality with its legal responsibility to provide a work and study environment free from workplace violence and/or harassment. CMCC does so in accordance with associated legislation and the provisions of applicable employee collective agreements. Personal information will be shared only on an as needed basis so as to ensure the integrity of parties involved and to not do further harm or trauma.

The Decision Maker is the designated individual who will review investigation reports, determine whether the policy has been violated based upon the investigation, and determine or recommend the appropriate action for CMCC to take based upon the findings. For the purposes of this policy, the Decision Maker is the Vice President, Administration & Finance (alternate: Vice President, Academic).

Disclosure is when someone chooses to inform a CMCC community member about an incident where they were subjected to workplace violence and/or harassment or when they became aware of such an incident. This disclosure may then lead to a complaint and potential subsequent action under the policy, or it may not proceed any further, should the Complainant not wish to pursue the matter formally.

Domestic violence is a pattern of behaviour used by one person to gain power and control over another with whom they have had an intimate relationship. This pattern of behaviour may include physical violence, sexual, emotional, and psychological intimidation, verbal abuse, stalking, and even using electronic devices to harass or control. Anyone can be a complainant of domestic/intimate partner violence, regardless of gender, age, race, religion, sexual orientation, economic status or education. The abuser may be a current or former spouse or partner, relative or friend.

Duty of fairness: CMCC has a duty to be fair with respect to the process by which investigations and decisions are taken, that may result in findings of workplace violence and/or harassment, violation of CMCC policy, and potentially the Criminal Code of Canada. Such findings could potentially impose serious consequences against a member of the CMCC community who has engaged in such behavior. As such, the following elements of procedural fairness will be upheld to the greatest possible extent within the full scope of this policy without doing further trauma or harm to the Complainant:

- a. The Respondent has the opportunity to know the allegations against them, and must be afforded the opportunity to respond to such a complaint.
- b. Both the Complainant and the Respondent have the right to appear in person and make oral presentations to both an Investigator and the Decision Maker, and ask questions with respect to evidence presented before a decision is made.

- c. Either party can choose to not exercise the right to appear and make oral presentations, and not have that negatively impact the evidence.

Extenuating circumstances are circumstances that are beyond the control of a party. They may be unexpected and could include, but are not limited to, illness or injury to themselves or others. In order to be considered, circumstances related to illness or injury must be comprehensively validated in terms of their limitation on academic/working functioning and student/employee well-being by a health care professional who is licensed within the specific scope of practice. For circumstances not related to illness or injury, other supporting documentation must be provided on request.

Interim measures are temporary measures put in place to protect the parties, the community, and the integrity of the process during the investigation and decision-making process. Such measures are without prejudice to the ultimate outcome of the investigation. Consequences for violating interim measures will be clearly communicated at the time they are applied. Examples of interim measures that might be considered include, but are not limited to: restrictions to access campus or parts of campus; no contact order; learning/workplace modifications or restrictions; changes in employment/learning reporting structures; changes to class and/or section enrollments; termination of patient care; trespass notice. Where the Respondent is an employee and any interim measures implemented by the college affect the Respondent's terms and conditions of employment, the normal procedures of any relevant collective agreement will apply to the implementation of the interim measures.

Investigator is a competent person/agency with the appropriate skills, training and/or experience who will be appointed to conduct the investigation. The Investigator will either be someone who is a member of the CMCC community or a person/agency who is external to CMCC, as appropriate to the circumstance.

Policy Lead for students is the Registrar (alternate: Student Success Advisor); the Policy Lead for employees is the Director, Human Resources & Employee Engagement (alternate: Human Resources, Manager). The Policy Lead(s) are responsible for supporting the complaint as well as the person(s) alleged to have violated CMCC policy(ies) and/or the Criminal Code of Canada.

Reprisals are any act of retaliation that occurs because an individual has complained or provided information about an incident of workplace violence and/or harassment. Reprisal also includes, but is not limited to intentionally pressuring a person to ignore or not report such an incident and/or intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a Complaint under this policy.

Respondent is an individual who has been alleged to have perpetrated an act of workplace violence and/or harassment.

Restorative Justice: process that is premised on holding the confirmed offender accountable in a meaningful way that serves to repair the harm caused by the offence and achieving a sense of healing for the Complainant and the community. This process will work to reintegrate the offender back into the community. This process will be carried out by qualified persons and range from mediation to separating the parties on

campus or where applicable, terminating relationships with contractors, members of the community or patients.

Risk of harm to self or others: individuals who have experienced trauma are often at increased risk of harm to self (e.g. threat of physical harm or suicide) or to others (e.g. threat of physical violence). The assessment of risk to harm to self or others is undertaken by an individual who is trained to assess such a threat, and who determines the individual's risk level based upon the extent to which:

- a. The individual articulates thoughts or actions with intention to harm.
- b. The individual demonstrates levels of problem scoping with current functioning.
- c. Levels of support are available to the individual.
- d. The individual's history of trauma and harm ideation.
- e. The individual's attitude toward, and history of treatment and support.

Support Person can be anyone *other* than a witness or other person that is party to the matter at hand and subject to the discretion of the person conducting the interview. Should the either party not have access to a support person, CMCC can make the necessary arrangements for such a support person to be provided.

A third-party is an individual who has become aware of and reported an incident covered by this policy. This could be a student, friend, or an employee. They may be significantly affected by the disclosure of workplace violence and/or harassment and may also need support.

Vexatious means annoying, irritating, and distressing behaviour without a legitimate purpose.

Witness is an individual with relevant information to provide about the incident.

Worker, in this policy, is any employee (including temporary workers, contractors, consultants, unpaid work experience students and volunteers), student and/or Board member.

Workplace is any land, premises, location or thing at, upon, in or near which a worker works or a student studies. The workplace does not end when the worker leaves the physical space. The workplace extends to the online world.

Workplace harassment (OHSA s. 1(1)) means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known, to be unwelcome. Harassment is humiliating or demeaning, offensive, insulting, intimidating, hurtful and malicious. It is not the original intent that matters, but the effect. It is behaviour in the form of words, gestures, or actions that have a negative context, deliberately diminish a person's dignity or harm their physical or psychological wellbeing.

Workplace harassment may include inappropriate messages or hurtful comments on social media that are discriminatory, misogynist, or that incite violence.

A reasonable action taken by a manager relating to the management and direction of workers or the workplace is *not* workplace harassment. A reasonable action taken by a faculty member or education manager relating to direction of a student or workplace is *not* workplace harassment.

Workplace harassment may constitute sexual harassment. Please refer to CMCC's policy on Sexual Violence, Assault and Harassment.

Non-exhaustive examples of workplace harassment include:

- a. offensive or intimidating comments or jokes.
- b. ongoing attempts at intimidation like bullying or aggressive behaviour, as well as less direct behaviour, like sending inappropriate emails.
- c. displaying or circulating offensive pictures or materials.
- d. inappropriate staring.
- e. isolating, making fun, unwelcome/derogatory remarks, innuendos of an employee based on any prohibited grounds under the Ontario Human Rights Code.

Workplace violence (OHS s. 1 (1)) means:

- a. the exercise of physical force by a person against a worker in a workplace, that causes or could cause physical injury to the worker.
- b. an attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker.
- c. a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace violence may constitute sexual violence. Please refer to CMCC's policy on Sexual Violence, Assault and Harassment.

Non-exhaustive examples of workplace violence include:

- hitting or pushing a worker
- verbally threatening to physically injure a worker
- written threats, notes or emails
- shaking a fist at a worker
- wielding a weapon
- Attempting to run down an employee using a vehicle or machinery

New Policy Approved (date):	Respect in the Workplace – October 1999
Policy Revision History (dates):	Non-Discrimination and Harassment – May 29, 2008 Workplace Violence and Harassment – June 10, 2010 Workplace Harassment and Sexual Violence – December 8, 2016 Workplace Violence and Harassment – November 8, 2018 August 29, 2019 March 31, 2022 May 25, 2023

-----**END OF POLICY**-----

7. PROCEDURES

1. Disclosure and Complaint Process

It is imperative for the safety of all members of CMCC that incidents of workplace violence and/or harassment (whether directly or indirectly affected) be disclosed immediately to the appropriate Policy Lead. The Policy Lead(s) are responsible for ensuring a Complaint Form is completed, signed and submitted by the Complainant, if deemed appropriate.

- a. For Students who wish to make a complaint, the Policy Lead is the Registrar (or to the alternate: Student Success Advisor).
- b. For Employees and members of the Board of Governors who wish to make a complaint, the Policy Lead is the Director, Human Resources & Employee Engagement (or to the alternate: Human Resources, Manager).
- c. The alternates may be called upon when there is a conflict of interest, lack of availability, or other reason for which the Policy Lead(s) as designated is not appropriate.
- d. If the employee making the complaint is a member of a bargaining unit with which CMCC has a collective agreement, the employee is entitled to be accompanied by a bargaining unit representative.
- e. The Policy Lead(s) receiving the complaint will provide detailed information and ensure that the Complainant understands complaint resolution options, what to expect for all parties, and supports available through CMCC and through external organizations.
- f. The Policy Lead(s) may continue to be a CMCC-designated support contact should the Complainant wish to pursue their complaint further within the scope of CMCC policy(ies) or through other complaint resolution avenues.

- g. CMCC students or employees who receive disclosures of workplace violence, and/or harassment from another CMCC student, employee, or other individual (concerning a CMCC incident) may make a third-party disclosure on behalf of the Complainant. The third-party must consult with the appropriate Policy Lead(s) on how to provide support and advice to the Complainant. The third-party will be provided information on supports, services, accommodations, interim measures, and the procedures under this policy.
- h. Complaint Forms are customarily submitted by the Complainant but may be submitted by a third-party with knowledge or information that may be pertinent. It is only in exceptional circumstances where Policy Lead(s) receiving the complaint would complete the Complaint Form on behalf of the Complainant.
- i. The Complaint Form will include:
 - i. name of the Complainant or third-party filing the complaint.
 - ii. name of the Respondent (if known).
 - iii. a description of the particulars including but not limited to date(s), time and location where the incident(s) occurred.
 - iv. names of potential witnesses.
 - v. copies of supporting documents when available (e.g., emails, social media postings).
 - vi. other information if needed.
- j. The Complainant is entitled and encouraged to bring a support person to any meetings.
 - i. The support person may not speak on behalf of, or provide information specific to the complaint.
 - ii. If any an employee is a member of a bargaining unit with which CMCC has a collective agreement, the employee is entitled to be accompanied by a bargaining unit representative.
- k. The Policy Lead(s) will not advocate for any individual or group, and cannot take sides on a complaint. Their role is to listen, clarify details, provide information regarding process, and assess appropriate next steps, in all stages of the process.
- l. Once a Complaint Form is received by the Policy Lead(s), they will undertake an assessment of the appropriate next steps in responding to the complaint, including:

- i. determining whether a complaint has been made through any other internal or external process as well as through this policy.
- ii. a determination of the jurisdiction of CMCC in proceeding with the complaint.
- iii. a determination of whether the complaint is appropriately addressed under this policy, and/or should be reviewed under a different CMCC policy.
- iv. a determination of whether the Complainant is interested in alternate resolution, as opposed to the completion of an investigation and decision-making process.
- v. a consultation with the appropriate offices in the assessment of the need for interim measures while the complaint is under investigation.
- vi. an assessment of any limitations associated with a conflict of interest and/or institutional capacity to conduct a fair and confidential investigation.
- vii. a determination of whether additional fact-finding is required, and an approach to conduct such prior to finalizing a decision on proceeding with an investigation.
- viii. determining whether a complaint has been made through any other internal or external process as well as through this policy.
- ix. a determination of the jurisdiction of CMCC in proceeding with the complaint.
- x. a determination of whether the complaint is appropriately addressed under this policy, and/or should be reviewed under a different CMCC policy.
- xi. a determination of whether the Complainant is interested in alternate resolution, as opposed to the completion of an investigation and decision-making process.
- xii. a consultation with the appropriate offices in the assessment of the need for interim measures while the complaint is under investigation.
- xiii. an assessment of any limitations associated with a conflict of interest and/or institutional capacity to conduct a fair and confidential investigation.
- m. a determination of whether additional fact-finding is required, and an approach to conduct such prior to finalizing a decision on proceeding with an investigation:
 - i. the name and contact information of the investigator(s).

- ii. summation of the allegations.
- iii. confirmation of the right of the Complainant and the Respondent to a support person or representative during the investigation.
- iv. any interim measures that will be in place during the investigation.
- v. a link to the electronic copy of this policy.
- vi. name and contact information for a CMCC person designated to provide support to each party.
- vii. role of the investigator(s).
- viii. next steps and estimated time frame for the investigator(s).
- ix. name and title of the Decision Maker on the complaint.
- n. Within three business days of the date of the Notice of the Investigation, both the Complainant and the Respondent shall confirm receipt of the notification and state any perceived conflicts of interest or objections.
- o. Should a conflict of interest be declared relating to the Decision Maker, an alternate shall be appointed in accordance with Section 2 of the procedures. Such a request will be reviewed by the Policy Lead(s) and the President.
- p. Prior to the first investigation meeting, the Policy Lead(s) will provide an opportunity for either party to address any questions they have about the process, to explain their rights in the process, and to determine the outcome, if applicable, that the Complainant is seeking.
- q. The Policy Lead(s) will provide copies of all related documentation to the Investigator(s) in a timely manner.
- r. The Investigator(s) will develop a plan identifying the issues in the case, who will be interviewed, which questions will be posed, and which documents/exhibits will be requested for review. The Investigator conducts all interviews, including those with the Complainant and Respondent and any witnesses. Interviews may be recorded with the interviewee's written consent for the purpose of facilitating accuracy in the investigator's record. Any such recordings will be retained for the duration of the investigation, and then destroyed before submission of the investigation report. Written confirmation of the destruction of such recordings will be provided to the interviewee.
- s. The Investigator(s) will meet with all parties separately, and may need to meet with each party several times over the course of the investigation. The Complainant and Respondent will have the opportunity to provide the Investigator with additional information, documents, exhibits, names of

- witnesses or other submissions or evidence that they believe are relevant to the complaint.
- t. The Investigator may require the attendance of witnesses for the purposes of an interview and such individuals shall be required to attend the interview.
 - u. The Investigator(s) will ensure that both the Complainant and the Respondent have had a full opportunity to review and respond to material aspects of the allegations, and the evidence upon which the Investigator will rely.
 - v. Within 14 days of completing the investigation, the Investigator will provide a written Investigation Report to the Decision Maker. The Investigation Report will include not only the findings of the investigation, but also copies of all statements, exhibits and associated appendices.
 - w. At any point during the investigation process, the Complainant may request alternative resolution or withdraw their complaint, prior to the provision of the Investigation Report to the Decision Maker (Vice-President, Administration & Finance or VPA). This request shall be submitted to the Policy Lead(s), who will then relay the information to the Investigator and Decision Maker.
 - x. Nothing contained in this policy shall derogate from the authority of CMCC to deal with allegations of workplace violence and/or harassment without the necessity of a Complainant.

2. Decision Making

- a. Decisions on complaints of workplace violence and/or harassment within the scope of this policy shall be made by the Vice-President, Administration & Finance. Should the Vice-President, Administration & Finance be unable to make such a decision, either by conflict of interest, lack of availability, or other reason, the role of alternate Decision Maker shall be delegated to another member of the Executive Leadership Team.
- b. Should the respondent in the matter be a member of the Executive Leadership Team, the Decision Maker shall be the President. Should the Respondent in the matter be the President or a member of the Board of Governors, or other person for whom there is a conflict of interest, the President or Chair of the Board of Governors, as appropriate, will determine the appropriate individual to be the Decision Maker.
- c. Within 14 days of completing the Investigation, the Investigator will provide a written Investigation Report to the Decision Maker for review and decision.
- d. A request by either party to receive a copy of the Investigation Report will be subject to CMCC's Privacy policy and applicable legislation.

- e. The Investigator will notify both the Complainant and the Respondent of the date of submission of the investigation report to the decision maker.
- f. The Decision Maker will review the Investigation Report and may request an opportunity to meet with and ask any questions of the Investigator.
- g. The Decision Maker will ensure that both the Complainant and the Respondent are afforded an opportunity to make in-person oral submissions prior to rendering a decision. Any such meetings will be transcribed by the Policy Lead(s) so as to document any new evidence presented that does not appear in the investigation report. Should new information be presented by any party during such meetings, the Complainant and Respondent will be given respective opportunity to respond to or question new information, in person or in writing, before a decision is rendered. The Complainant will not be required to appear before the Decision Maker in the presence of the Respondent.
- h. Within 10 business days of reviewing the Investigation Report and completing all requested meetings with parties involved and reviewing all additional written submissions or questions, the Decision Maker will render a written decision and where applicable, assign an appropriate sanction or remedy, and therein identify the timeline for such and the associated CMCC person responsible for monitoring compliance.
- i. Examples of sanctions or remedies may be found in the Student Discipline policy and/or Employee Discipline policy. These may range from, but are not limited to: dismissal, expulsion, restorative justice process, note on file, restitution and community service.
- j. In determining a sanction or remedy, the Decision Maker may consider the following:
 - i. the sanction or remedy sought by the Complainant.
 - ii. the principle of progressive discipline and CMCC's role as an educational institution.
 - iii. the regulated professional context of CMCC's academic programs.
 - iv. the nature and the severity of the incident.
 - v. any other relevant factors.
- k. The written decision to the Respondent will provide a summary of the investigation results, the decision and the reasons for the decision, and details of any applicable sanctions.

- I. The Complainant will be informed in writing of the results of the investigation, and of any corrective action that has been taken, or that will be taken as a result of the investigation.

3. Appeals

Either the Complainant or the Respondent may appeal the written decision by making an appeal in writing. During the period under which an appeal is subject to review, the terms and conditions of the decision will remain in force.

- a. A written appeal must be submitted to the relevant Policy Lead(s) within 10 business days of the date of the original decision. The appeal must include both an explanation for the request and the alternative action being sought.
- b. When the individual appealing the decision is an employee whose employment is governed under a collective agreement, the right to appeal the decision is through the grievance and arbitration process of the applicable collective agreement.
- c. In reviewing an appeal outside of the collective agreement, appeals will be considered on the following grounds:
 - i. the claim of a substantial procedural error in the application of the policy.
 - ii. the presentation of substantive new evidence that could not have reasonably been presented earlier.
 - iii. the claim that the Decision Maker's finding is inconsistent with the evidence the claim that the remedies/sanctions are not reasonable.
- d. Appeals will be reviewed by the President.
 - i. In cases where the Decision Maker was the President (refer to section 7.2.c) and the individual is appealing that decision, the appeal will be reviewed by Executive Committee of the Board of Governors.
- e. If an appeal is submitted by one party, other parties to the case will be notified of such and will be invited to make a written submission for consideration when the appeal is under review. In reviewing the appeal, the person making a decision on the appeal may review the investigation file, the original findings and remedies/sanctions as determined by the Decision Maker, and any other relevant documents or information. The person making the decision on the appeal may also interview the parties. A decision on the appeal will be provided, in writing, within 15 business days of the date the appeal was received by the Policy Lead(s).

4. Confidentiality & Reporting of Statistics

- a. Records relating to complaints and investigations may be held in perpetuity, or as required by law, by the Policy Lead(s) responsible for the complaint.
 - b. Counselling records, when applicable, will be retained in accordance with the policies and procedures regulating the practice of the counsellor.
 - c. In cases where the Respondent is found guilty of the allegation(s) against them, a copy of the written decision will be retained in the corporate files, and accordingly.
 - i. If the Respondent is a student, a copy will be retained on the student's academic file.
 - ii. If the Respondent is an employee, a copy will be retained on the employee's record. If the employee is a member of a bargaining unit with which CMCC has a collective bargaining agreement, the retention period may be limited by the collective agreement.
 - d. CMCC will maintain annual statistics about the supports, services, and accommodations, in addition to information about programs and initiatives relating to workplace violence and/or harassment. CMCC also will maintain annual statistics about the number of incidents and complaints of workplace violence and/or harassment reported under this policy. Such statistics and information about the implementation and effectiveness of this policy, will be provided annually to the Board of Governors, reviewing the preceding year. CMCC shall take reasonable steps to ensure the information provided in the annual report does not disclose personal information within the meaning of the Freedom of Information and Protection of Privacy Act.
5. A failure to adhere to the dates or time requirements as set out in this Policy shall not, at the sole discretion of CMCC, render the process invalid.

6. Risk Assessment

CMCC will conduct a risk assessment of the workplace environment to identify any issues related to potential violence that may affect its operation, and will institute measures to control any identified risks to employee or student safety. This information will be provided to the Joint Health and Safety Committee (JHSC).

The risk assessment may include a review of records and reports: e.g., security reports, employee/student incident reports, employee/student surveys, health and safety inspection reports, first aid records, or other related records. Specific areas that may contribute to risk of workplace violence and/or harassment may include, but are not limited to:

- contact with the public

- exchange of money
- shipping and receiving doors, and
- working alone or at night

Research may also include a review of similar workplaces with respect to their history of violence.

CMCC will communicate information relating to a person with a history of violence where:

- Employees or students may reasonably be expected to come into contact with the person in the performance of their job duties or studies; and
- There is a potential risk of workplace violence and/or harassment as a result of interactions with the person with such a history

CMCC will only disclose personal information that is deemed reasonably necessary to protect the employee or student from physical harm.

New Procedure Approved (date):	
Procedure Revision History (dates):	Non-Discrimination and Harassment – May 29, 2008 Workplace Harassment and Sexual Violence – December 8, 2016 Workplace Violence and Harassment – November 8, 2018 August 29, 2019 May 25, 2023

8. ATTACHMENTS

Appendix 1: CMCC and Community Resources for Disclosure.

Appendix 2: CMCC and Community Resources Overview.

Appendix 3: Flow Charts of Processes under this Policy.

Appendix 4: Complaint Form.

Appendix 1: CMCC and Community Resources for Disclosure

IF YOU ARE THE VICTIM OF, OR WITNESS TO A VIOLENT INCIDENT AT WORK,
AS SOON AS SAFELY POSSIBLE CONTACT –

Emergency: Call 911 and contact Campus Security at 647-805-1740 / 416-910-3358.

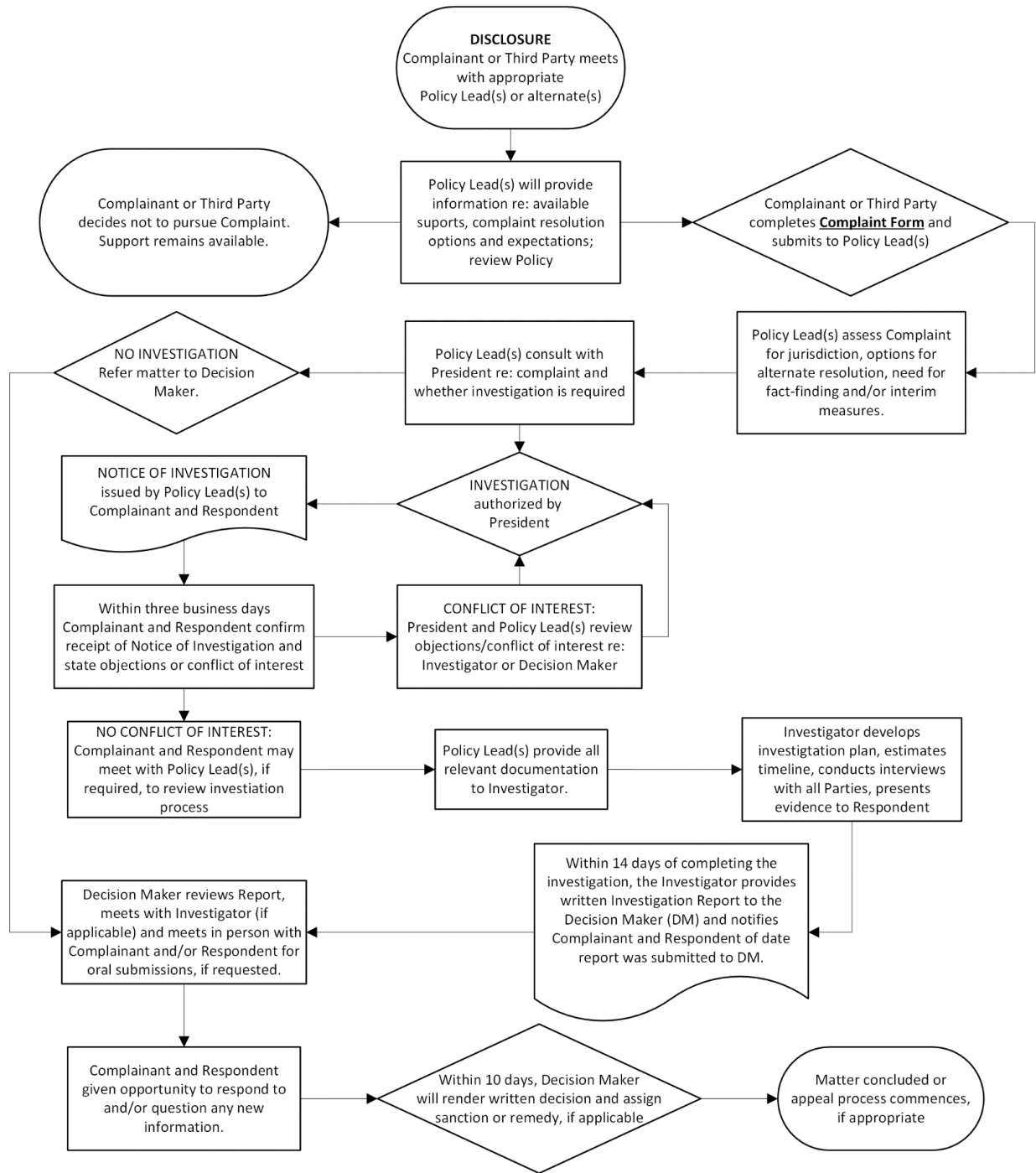
Non-Emergency: Student Services (Students) or Human Resources (employee).

Appendix 2: CMCC and Community Resources Overview

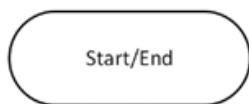
On Campus Resources – Students	
Karen Rice Student Counsellor krice@cmcc.ca 647-417-8254	Patti Scott Registrar pscott@cmcc.ca 647-417-8254
On Campus Resources – Employees	
Sharlene Browne Director, HR & Employment Engagement sbrowne@cmcc.ca	Angie Chen Human Resources, Manager achen@cmcc.ca
Off Campus Resources	
<u>Assaulted Women’s Helpline</u> Ontario: 1-866-863-0511 GTA: 416-863-0511 24/7 Crisis counselling and referrals to shelters, legal advice and other help. Support is available in over 200 languages, including 17 Indigenous languages	<u>Domestic Violence Treatment Centers</u> Hospital-based emergency care for people who have recently experienced sexual and/or domestic violence. Care can include access to specialized medical care and counselling.
Victim Support Line 27/7 Toll free: 1 888 579 2888 Greater Toronto Area: 416-314-2447 Provides services to victims of crime across Ontario, in most languages spoken in the province. Victims of crime and their families have access to a wide range of services, including counselling, financial assistance and other supports. Or, <u>chat online</u> Monday to Friday from 7 a.m. to 9 p.m. Eastern Time	<u>Canadian Mental Health Association</u> <u>York Branch</u> 905-841-3977 Short-term/walk-in counselling, urgent support services, Safe Beds, residential services.
<u>The 519</u>	<u>Victim Services of York</u>

<p>416-392-6874</p> <p>Provides full range services to respond to the evolving needs of the LGBTQ2S+ communities.</p>	<p>905-953-5363</p> <p>Offers 24/7 (crisis line) immediate assistance to victims of crime or tragic events through support and empowerment. Offers a variety of services to meet individual needs such as Crisis Intervention, South Asian Family Enrichment (S.A.F.E), Victim Quick Response Program, Transitional and Housing Support, and Community Outreach.</p>
<p><u>York Regional Police</u></p> <p>24-Hr Emergency: 911</p> <p>1-866-876-5423</p>	<p><u>Toronto Police Service</u></p> <p>24-Hr Emergency: 911</p> <p>416-808-2222</p>

Appendix 3: Flow Charts of Processes under this Policy



Legend



Information: This form must be submitted for all complaints made under the following policies:

- [Student Complaints](#)
- [Sexual Violence, Assault and Harassment](#)
- [Workplace Violence and Harassment](#)
- Other policies as necessary

SECTION I – COMPLAINANT INFORMATION *(To be completed by Complainant or designate.)*

Name:			
Email:		Phone Number:	
Student	Employee	Other:	
Year of Study (Students only)		Job Title (Employees only)	

SECTION II – COMPLAINT *(To be completed by Complainant or designate.)*

Please describe the nature of the complaint. Use additional paper if required. Include the following:

- Date(s) and time(s) of incident(s)
- Location(s) of incidents(s)
- Individual(s) involved

SECTION III – WITNESSES *(To be completed by Complainant or designate.)*

Please provide name(s) and contact information for any witnesses to the alleged incident.

	Name of Witness	Witness Email	Witness Phone #
1.			
2.			
3.			
4.			
5.			

SECTION IV – DESIRED OUTCOME *(To be completed by Complainant or designate.)*

Please briefly describe the remedy sought from this complaint or desired outcome.

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SECTION V – AUTHORIZATION *(To be completed by Complainant only.)*

I confirm that the above information is complete and accurate. I understand that all Complaints and related details are to be kept confidential.

Complainant Signature:		Date:	
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SECTION VI – OFFICE USE ONLY *(To be completed by Policy Lead.)*

Received by:		Date:	
Policy Lead(s) Assigned:			
Decision Maker:			

To be processed under Policy:

	Student Complaints
	Sexual Violence, Assault and Harassment
	Workplace Violence and Harassment
	Other: