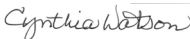
	SUBJECT: Discrimination Policy	POLICY NUMBER: C1100	AUDIENCE: College-wide
	APPROVED BY: Senior Leadership Team	DATE APPROVED: August 28, 2024	DATE EFFECTIVE: August 28, 2024
	DEPARTMENT: Human Resources	SUPERCEDES POLICY DATED: November 30, 2022	DISTRIBUTION: Online
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1. PURPOSE

- a. The purpose of the *Discrimination Policy* (“Policy”) is to affirm CCNM’s commitment to providing an intentionally inclusive learning, teaching, and working environment that is respectful and free from Discrimination for all members of the CCNM Community. This Policy outlines the right of every Employee to be free from any discriminatory action and/or conduct, in compliance with the *Ontario Human Rights Code* and the *British Columbia Human Rights Code* (collectively, “Codes”).


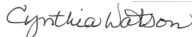
2. SCOPE

- a. This Policy intends to protect all persons at both campuses at CCNM and applies to the actions of Students, Employees, contractors, vendors, residents, patients, volunteers, and visitors.
- b. This Policy applies to incidents of Discrimination involving members of the CCNM Community both on and off college premises, including, but not limited to:
 - i. While engaging or participating in academic- or work-related activities, placements, assignments, and travel;
 - ii. At college-related social events;
 - iii. When representing the CCNM; and
 - iv. All forms of communication between Community Members, including within the cyberspace.
- c. Where anything in this Policy may conflict with any legislative provision or collective agreements, the applicable provisions of the legislative and/or the applicable provisions of the collective agreement shall prevail.


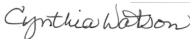
3. DEFINITIONS

- a. “Community Members” means all students, faculty, staff, contractors, volunteers, patients, and visitors.
- b. “Complainant” means a Community Member who makes a complaint under this Policy.
- c. “Discrimination” means intentional or unintentional conduct, including Discrimination-Based Harassment, which can be direct, indirect, or systemic, that imposes burdens, obligations, or disadvantages on or limit access to opportunities, benefits, and advantages to specific individuals or groups defined under the *Codes* for which there is no bona fide and reasonable justification.
- d. “Discrimination-Based Harassment” means any persistent behaviour that involves making unwelcome vexatious comments or conduct against a CCNM Community Member, including Bullying, Sexual Harassment, and Sexual Violence¹ that is related to one or more of the Protected Grounds under the *Codes*. To clarify, Discrimination-Based Harassment does not include legitimate managerial or supervisory actions, which include, but are not limited to, reasonable workplace management, performance assessments, or operational directives, as long as these actions are carried out in a professional manner without undue rudeness or causing harm.

¹ Each as defined under the Workplace Harassment & Violence Policy.

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- e. “Employee” means any person who is employed or engaged by CCNM in any capacity, including full-time or part-time employees, faculty members, contractors, and volunteers.
- f. “Frivolous/Vexatious/Bad Faith” means those actions which lack a reasonable basis, are brought with malicious intent, or are intended to harass, annoy, or cause undue burden or distress to another party. Frivolous complaints are without merit or lack supporting evidence, Vexatious complaints are repetitive and made to harass or annoy, and Bad Faith complaints or actions are made with dishonest or malicious intent, disregarding the rights and interests of others.
- g. “Manager” means the person to whom an Employee directly reports, and who holds responsibility for overseeing the Employee's work, providing performance reviews, and managing their performance development.
- h. “Protected Grounds” means the grounds protected under the Codes which prohibits actions that discriminate against people based on the following grounds, and any combination of these grounds:
 - i. Age
 - ii. Ancestry
 - iii. Citizenship
 - iv. Colour
 - v. Creed
 - vi. Criminal conviction
 - vii. Disability (including mental, physical, developmental, or learning)
 - viii. Ethnic origin
 - ix. Family status
 - x. Gender expression
 - xi. Gender identity
 - xii. Marital status
 - xiii. Place of origin
 - xiv. Political belief (British Columbia only)
 - xv. Race
 - xvi. Receipt of public assistance
 - xvii. Record of offences (in employment only)
 - xviii. Sex (including pregnancy and breastfeeding)
 - xix. Sexual orientation
- i. “Reprisal or Retaliation” means any adverse action taken against an individual for invoking this Policy, or for participating or cooperating in an investigation under this Policy, or for associating with someone who has invoked this Policy or participated in the Policy’s procedures.
- j. “Respondent” means a CCNM Community Member that is the subject of a complaint under this Policy.
- k. “Student” means any person who is enrolled in a program or course offered by CCNM, including full-time or part-time students, and exchange students.

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4. RESPONSIBLE PARTIES


- a. All Community Members are responsible for fostering an environment of mutual respect, free from Discrimination. Further, all Community Members must:
 - i. refrain from engaging in Discrimination, acts of Reprisal or Retaliation, or other breaches of this Policy;
 - ii. report incidents of Discrimination;
 - iii. complete all required Discrimination instruction and training within established timelines;
 - iv. cooperate in the investigations conducted under this Policy, including abstaining from impeding or attempting to impede investigations; and
 - v. comply with the corrective measures imposed by the College under this Policy, subject to relevant collective agreements and other appeal rights.
- b. Managers are responsible for:
 - i. preventing and discouraging Discrimination;
 - ii. protecting Employees from Discrimination; and
 - iii. intervening immediately when/if they observe any Discrimination.
- c. The Human Resources Department is responsible for:
 - i. providing training to Employees and maintaining records of training related to this policy; and
 - ii. receiving, responding, and resolving complaints under this Policy.

5. POLICY STATEMENT

- a. CCNM commits to protecting all Community Members from, and shall take all reasonable measures necessary to prevent Discrimination in a manner that is fair, unbiased, and accessible by:
 - i. investigating any complaints related to Discrimination;
 - ii. ensuring those who are found to have engaged Discrimination are subject to sanctions and discipline up to, and including termination of employment; and
 - iii. reviewing institutional structures and policies which may contribute to systemic Discrimination.

6. DISCLOSURE OF INFORMATION

- a. Any information collected at any time pursuant to this Policy shall be treated as confidential, except where disclosure is necessary to investigate the complaint, take corrective action with respect to the complaint, or disclosure is required under law. Further, confidentiality cannot be assured in the following circumstances:
 - i. an individual is at imminent risk of self-harm; and/or
 - ii. an individual is at imminent risk of harming another; and/or

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- iii. there are reasonable grounds to believe that others in CCNM or greater community may be at risk of harm.
- b. In circumstances where information must be disclosed to prevent harm, it shall only be shared on a need-to-know basis, and CCNM will only disclose the minimum amount of personal information or details necessary for these purposes.
- c. Persons involved in a complaint must and are expected to maintain confidentiality. If breaches of confidentiality occur, they will be followed-up and depending on the circumstances, may result in sanctions and/or discipline against the person responsible for the breach.

7. REPORTING INCIDENTS OF DISCRIMINATION


- a. Any Community Member who believes they have been subject to Discrimination may choose to address the situation directly, if they feel comfortable doing so through a direct conversation or in writing, where they should clearly describe the unwelcome behaviour and request its cessation.
- b. Any member of the CCNM Community experiencing Discrimination must promptly report the incident.
- c. The EDI Officer, and where applicable, the Legal Counsel, with power delegated from the Executive Director, Human Resources will be responsible for reviewing complaints, conducting consultations, and the formal resolution process, including conducting investigations.
- d. Once an investigation has been initiated, interim measures may be considered by the Human Resources Department to safeguard the integrity of the process and protect the Complainant or other CCNM Community Members, who will be notified in writing of any such measures. Interim measures will be established in consultation with Security and the Employee's Manager and as needed consultation with the President & CEO. Interim measures are not penalties and do not constitute any findings under this Policy.

8. FRAUDULENT OR MALICIOUS COMPLAINTS

- a. Disclosures or complaints that are found under this Policy to be Frivolous, Vexatious, or in Bad Faith will not be tolerated.
- b. Any individual who knowingly makes a false allegation related to this Policy will be subject to immediate disciplinary action, up to and including termination of employment or expulsion from CCNM.

9. REMEDIES AND SANCTIONS

- a. An Employee who is found to have engaged in any kind of inappropriate behaviour as outlined in this Policy, including breach of confidentiality, initiating a Frivolous or Vexatious complaint, engaging in Reprisal against an individual who has initiated a complaint under this Policy, may be subject to corrective measures appropriate for the circumstances.
- b. Any disciplinary action will be determined by the Executive Director, Human Resources in consultation with the President & CEO, and will be proportional to the seriousness of the

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behaviour or action involved in the incident and may involve counselling, a formal warning, or dismissal/expulsion.

10. PROTECTION FROM REPRISALS

- a. All individuals who pursue, participate, or cooperate in the investigation or administration process under this Policy are entitled to be free from reprisal or retaliation, or a threat of Reprisal or Retaliation, whether direct or indirect. Any person who experiences Reprisal or Retaliation, or a threat of such, must immediately bring the concern to the attention of the Executive Director, Human Resources.

CONTEXT	
Related Policies	<i>Employee Complaint Policy Employee-Student Sexual Misconduct Policy (Toronto) Employee-Student Sexual Misconduct Policy (Boucher) Workplace Harassment and Violence Policy</i>
Related Procedures	<i>Discrimination Procedure</i>
Related Forms	<i>Discrimination Complaint Form</i>