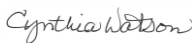
	SUBJECT: Workplace Harassment and Violence Policy	POLICY NUMBER: C1100	AUDIENCE: College-wide
	APPROVED BY: Senior Leadership Team	DATE APPROVED: August 28, 2024	DATE EFFECTIVE: August 28, 2024
	DEPARTMENT: Human Resources	SUPERCEDES POLICY DATED: November 30, 2022	DISTRIBUTION: Online
	REVIEW CYCLE: 3 Years	NEXT REVIEW:	Page 1 of 6
EXECUTIVE ASSISTANT TO THE PRESIDENT SIGNATURE:			

1. PURPOSE


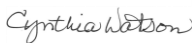
- a. The purpose of the *Workplace Harassment and Violence Policy* (“Policy”) is to affirm CCNM’s commitment to fostering a workplace where all individuals are treated with respect and dignity, and that CCNM has zero tolerance for Workplace Harassment and Workplace Violence. This Policy outlines the right of every Employee to be free from Workplace Harassment or Workplace Violence and the process through which complaints are investigated at CCNM.

2. SCOPE



- a. This Policy intends to protect all persons working at both campuses at CCNM and applies to the actions of all members of the CCNM Community, including Students, Employees, contractors, vendors, residents, patients, volunteers, and visitors.
- b. Any instances of Discrimination based on a protected ground under the *Ontario Human Rights Code* (Toronto) and the *British Columbia Human Rights Code* (Boucher) by members of the CCNM Community will be assessed and may be investigated and addressed under the *Discrimination Policy*.
- 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. “Bullying” means a repeated pattern of behaviour intended to intimidate, offend, degrade, or humiliate a particular group or person. It is also the assertion of power through aggression, targeting the competence level of the person being bullied. Although it can include physical abuse or the threat of abuse, bullying usually causes psychological rather than physical harm. Bullying can occur in person or by using an electronic or online medium, such as social media websites, online chat rooms, e-mail, or text messages.
- b. “Codes” means the *Ontario Human Rights Code* and the *British Columbia Human Rights Code*, collectively.
- c. “Community Members” means all students, faculty, staff, contractors, volunteers, patients, and visitors.
- d. “Complainant” means a Community Member who makes a complaint under this Policy.
- e. “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.
- f. “Domestic Violence” means any form of physical, sexual, emotional or psychological abuse, or threat of such abuse, between current or former spouse, current or former intimate partner, or

	SUBJECT: Workplace Harassment and Violence 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
	REVIEW CYCLE: 3 Years	NEXT REVIEW:	Page 2 of 6
EXECUTIVE ASSISTANT TO THE PRESIDENT SIGNATURE:			

- family member experience by a CCNM Employee.
- g. “Employee” means any person who is employed or engaged by CCNM in any capacity, including full-time or part-time staff, faculty members, contractors, and volunteers.
 - h. “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.
 - i. “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.
 - j. “Reprisals or Retaliation” means 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.
 - k. “Respondent” means the person whom another individual has accused of committing an act of Workplace Harassment or Workplace Violence.
 - l. “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.
 - m. “Workplace Harassment” means any persistent behaviour that involves making unwelcome vexatious comments or conduct against a CCNM Employee at CCNM, including Bullying and Workplace Sexual Harassment. To clarify, Workplace 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.
 - n. “Workplace Sexual Harassment” means any pattern of vexatious comments or behaviour directed at an Employee at CCNM due to their sex, sexual orientation, gender identity, or gender expression, which is known or should reasonably be known to be unwelcome. This includes making unwelcome sexual solicitations or advances, particularly when the person making them is in a position to offer or withhold work-related benefits or opportunities, and they know or should reasonably know that such solicitation or advance is unwelcome.
 - o. “Workplace Sexual Violence” means any act of physical force or coercion of a sexual nature against a worker in the workplace. This includes any non-consensual physical sexual acts or attempts thereof, which could cause physical or psychological harm to the worker.
 - p. “Workplace Violence” means any instance where physical force is used or attempted against an Employee at CCNM, including Workplace Sexual Violence, resulting in or having the potential to result in physical injury, including where a statement or behaviour may be perceived as a threat of physical force that could lead to injury or which give the Employee reasonable cause to believe

	SUBJECT: Workplace Harassment and Violence 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
	REVIEW CYCLE: 3 Years	NEXT REVIEW:	Page 3 of 6
EXECUTIVE ASSISTANT TO THE PRESIDENT SIGNATURE:			

that they are at risk of injury. Workplace Violence includes instances of Domestic Violence which may extend to an Employee's time while at CCNM.

4. RESPONSIBLE PARTIES



- a. All Community Members are responsible for fostering a safe and healthy work environment of mutual respect, free from Workplace Harassment and Workplace Violence. Further, all Community Members must:
 - i. refrain from engaging in Workplace Harassment and Workplace Violence, acts of Reprisal or Retaliation, or other breaches of this Policy;
 - ii. report incidents of Workplace Harassment and Workplace Violence;
 - iii. complete all required Workplace Harassment and Workplace Violence 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 preventing and discouraging Workplace Harassment and Workplace Violence, and for intervening immediately when/if they observe these behaviours.
- 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 Employees and shall take all reasonable measures necessary to prevent Workplace Harassment and Workplace Violence in a manner that is fair, unbiased, and accessible by:
 - i. assessing the risks of Workplace Harassment and Workplace Violence;
 - ii. investigating any complaints related to Workplace Harassment and/or Workplace Violence; and
 - iii. ensuring those who are found to have engaged in Workplace Harassment and/or Workplace Violence are subject to sanctions and discipline up to, and including termination of employment.

6. EMERGENCY/CRISIS REPORTING

- a. If any individual becomes aware of any security/safety/threat to any person on CCNM property, they must immediately call 9-1-1, and if at the Toronto Campus, followed by CCNM Security Services.

	SUBJECT: Workplace Harassment and Violence 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
	REVIEW CYCLE: 3 Years	NEXT REVIEW:	Page 4 of 6
EXECUTIVE ASSISTANT TO THE PRESIDENT SIGNATURE:			



- b. If CCNM becomes aware that Domestic Violence is likely to expose an Employee or Student to physical injury in the College, CCNM will take every precaution reasonable in the circumstances for the protection of the Employee or Student.

7. 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
 - 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.

8. REPORTING INCIDENTS OF WORKPLACE VIOLENCE AND/OR HARASSMENT

- a. Any Community Member who believes they have been subject to Workplace Harassment and/or Workplace Violence 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 CCNM Community Member experiencing Workplace Harassment and/or Workplace Violence 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.

	SUBJECT: Workplace Harassment and Violence 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
	REVIEW CYCLE: 3 Years	NEXT REVIEW:	Page 5 of 6
EXECUTIVE ASSISTANT TO THE PRESIDENT SIGNATURE:			

9. 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.

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

11. 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.

12. POSTING

- a. In accordance with applicable legislation, this Policy will be posted in a conspicuous place in the workplace and reviewed annually.

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



	SUBJECT: Workplace Harassment and Violence Policy	POLICY NUMBER: C1100	AUDIENCE: College-wide
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	DEPARTMENT: Human Resources	SUPERCEDES POLICY DATED: November 30, 2022	DISTRIBUTION: Online
	REVIEW CYCLE: 3 Years	NEXT REVIEW:	Page 6 of 6
EXECUTIVE ASSISTANT TO THE PRESIDENT SIGNATURE:		<i>Cynthia Watson</i>	