
	<b>SUBJECT:</b> Employee-Student Sexual Misconduct Policy	<b>POLICY NUMBER:</b> HR-20-P	<b>AUDIENCE:</b> All CCNM Community Toronto
	<b>APPROVED BY:</b> Senior Leadership Team	<b>DATE APPROVED:</b> May 27, 2026	<b>DATE EFFECTIVE:</b> May 27, 2026
	<b>DEPARTMENT:</b> Human Resources	<b>SUPERCEDES:</b> October 4, 2023	<b>DISTRIBUTION:</b> Online (CCNM Website)
	<b>REVIEW CYCLE:</b> Three years	<b>NEXT REVIEW:</b> May 2029	Page 1 of 5
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## 1 POLICY



- 1.01 CCNM is committed to providing a safe, respectful, and supportive learning and working environment free from Sexual Misconduct.
- 1.02 This Policy establishes CCNM's approach to preventing, addressing, and responding to Sexual Misconduct involving Students, and ensuring that all Community Members approach cases of Employee-Student Sexual Misconduct in a consistent, fair, trauma-informed, and timely manner.
- 1.03 This Policy is established and implemented following recommendations of Ontario's *Strengthening Post-secondary Institutions and Students Act (2022)*; *Ministry of Training, Colleges, and Universities Act*, RSO 1990, c.M19, *O.Reg 131/16: Sexual Violence at Colleges and Universities* (collectively the "Acts") and all other associated requirements governing sexual violence policies, including trauma-informed processes and student rights protections.
- 1.04 CCNM will make this Policy publicly available and provide information to Students and Employees regarding available supports and services; how to make disclosures and reports; and available complaint resolution options.

## 2 SCOPE

- 2.01 This Policy shall apply to all Community Members at CCNM's Toronto campus, regardless of their position or status within CCNM, whenever their conduct has a real and substantial connection to CCNM, including conduct:
  - i. On campus;
  - ii. Off campus where related to CCNM activities;
  - iii. Through electronic or digital means related to CCNM activities.
- 2.02 This Policy applies to all Employee-Student relationships, including consensual relationships.
- 2.03 Nothing in this Policy prevents CCNM from taking action under other policies, codes of conduct, or fulfilling legal obligations.

## 3 DEFINITIONS

- 3.01 "Complainant" means the person who Discloses or Reports an allegation of Sexual Misconduct under this Policy. This may be the survivor or victim of the alleged Sexual Misconduct or another Community Member.
- 3.02 "Community Members" includes Students, Employees, patients, visitors, committee members, board of governors, student groups, and other stakeholders formally recognized by CCNM.
- 3.03 "Consent" means:
  - a. Voluntary, affirmative, and ongoing agreement;
  - b. Must be actively given and can be withdrawn at any time;
  - c. Cannot be obtained through abuse of a position of power, trust, or authority;
  - d. Cannot be given where there is incapacity.
- 3.04 "Disclosure" means someone reveals to another Community Member that they have been subject to Sexual Misconduct.
- 3.05 "Employee" means any person who is employed or engaged by CCNM, including full-time or part-time


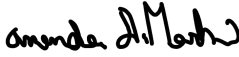
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employees, paid or unpaid, faculty members, contractors, and volunteers. For clarity, Employee does not include student clinic interns.

- 3.06 “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.
- 3.07 “Procedural Fairness” means the principle of ensuring fairness and transparency in the procedures used to address Sexual Misconduct complaints. It means that all parties involved in a complaint are provided with a fair and impartial process that respects their rights. This includes being informed about the complaint, having an opportunity to present their version of events, and being treated in an unbiased manner throughout the investigation and resolution process.
- 3.08 “Reprisal/Retaliation” means any adverse action taken against an individual in response to their involvement in a Sexual Misconduct complaint or their exercise of rights protected under this Policy. This includes actions such as intimidation, threats, adverse employment decisions, or any form of negative treatment.
- 3.09 “Report” means a formal notification of an incident of alleged Sexual Misconduct to someone at CCNM accompanied by a request for action. A Report does not have to be made by the victim/survivor of the alleged Sexual Misconduct.
- 3.10 “Respondent” means Community Member that is the subject of a Sexual Misconduct complaint.
- 3.11 “Sexual Misconduct” includes any conduct of a sexual nature occurring within a relationship of power imbalance, including between an Employee and a Student, and includes:
  - a. sexual assault;
  - b. Sexual Violence: means any sexual act or act targeting a person’s sexuality, gender identity, or gender expression, whether physical or psychological in nature, that is committed, threatened, or attempted without consent, and causes harm.
  - c. sexual exploitation;
  - d. sexual harassment;
  - e. stalking;
  - f. indecent exposure;
  - g. voyeurism;
  - h. the distribution of a sexually explicit photograph or video of a person to one or more persons other than the person in the photograph or video;
  - i. the attempt to commit an act of Sexual Misconduct; and
  - j. the threat to commit an act of Sexual Misconduct.

Further, Sexual Misconduct means in relation to a Student, any physical sexual relations with the Student, touching of a sexual nature of the Student or behaviour or remarks of a sexual nature toward the Student by an CCNM Employee where the act:

- k. constitutes an offence under the *Criminal Code*;

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- l. is defined as sexual misconduct or sexual violence under the Acts;
  - m. infringes the rights of the Student under human rights legislation to be free from sexual solicitation or sexual advances or to be free from a reprisal or threat of reprisal for the rejection of a sexual solicitation or advance;
  - n. violates any law related to sexual harassment or sexual assault, including but not limited to sexual harassment, sexual assault, and sexual exploitation;
  - o. contravenes any other policy, rule, or other requirement of CCNM respecting sexual relations between Employees and Students; or
  - p. occurs without the explicit and consent of all parties involved.
- 3.12 “Student” means any person who is enrolled in a program or course offered by CCNM, including full-time or part-time students, student clinic interns, and international students.

#### 4 RESPONSIBILITY


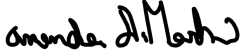
- 4.01 All Community Members are responsible for creating a safe learning environment for Students, free from any form of Sexual Misconduct.
- 4.02 The Human Resources department shall ensure that Employees are aware of this Policy and their obligations and rights hereunder.
- 4.03 CCNM shall ensure a copy of this Policy is published on the CCNM website and accessible to all Community Members.
- 4.04 CCNM will provide ongoing education and training to Employees and Students on:
  - a. Sexual Misconduct; and
  - b. Consent
- 4.05 Employees must maintain appropriate professional boundaries and avoid engaging in any conduct or behavior that may exploit or take advantage of their position of authority, trust, or influence. Any conduct or behavior that violates this Policy will not be tolerated.
- 4.06 Students involved in an instance of Sexual Misconduct retain the right not to Report an incident of or not make a complaint about Sexual Misconduct, request an investigation is not undertaken, and choose not to participate in any investigation. However, despite a Student request, CCNM may continue with an investigation and/or inform necessary authorities if required to meet its ethical and legal duties, or there is a serious risk of harm.

#### 5 POLICY

- 5.01 Consensual Employee-Student relationships where a relationship predates CCNM:
  - a. The Employee must immediately disclose the relationship to their direct Manager/Supervisor;
  - b. The Manager/Supervisor must immediately inform the Executive Director, Human Resources;
  - c. The Employee must not be in a position of academic, supervisory, evaluative, or authoritative power over the Student. CCNM may implement reasonable conflict mitigation measures (e.g. reassignment).
- 5.02 A Student making a Complaint or Disclosure:
  - a. Will be provided with resolution options and, if appropriate, accommodation, and will not be

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- required or pressured to make a Report.
- b. Will not be required to report to the police;
  - c. May choose informal resolution, formal complaint, or no action;
  - d. Will receive information about supports regardless of reporting decisions;
- 5.03 However, despite a Student's request when making a complaint or Disclosure, CCNM may continue with an investigation and/or inform necessary authorities where doing so is required to meet ethical or legal obligations, or there is in imminent risk to safety.
- 5.04 Under this Policy, CCNM will accept anonymous disclosures. However, this may inform risk assessment and preventative actions and may limit the ability to investigate.
- 5.05 Any information collected at any time pursuant to this Policy shall be treated as confidential, except where disclosure is necessary to ensure procedural fairness in an investigate of 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:
- a. an individual is at imminent risk of self-harm; and/or
  - b. an individual is at imminent risk of harming another; and/or
  - c. there are reasonable grounds to believe that others in CCNM or greater community may be at risk of harm.
- In such circumstances, information would only be shared with necessary persons to prevent harm.
- 5.06 Interim measures may be taken, e.g. schedule changes, no-contact directives, temporary suspension or reassignment, campus access restrictions. However, these are non-disciplinary and precautionary, and do not constitute a finding of guilt.
- 5.07 CCNM will ensure that all physical and electronic records and documents related to the investigation and complaint resolution process under this Policy are kept in a secure location within the Human Resources Department.
- 5.08 Persons involved in a complaint must 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.
- 5.09 In all instances, the institution will:
- a. Ensure the safety of the victim; and
  - b. As appropriate, provide emergency numbers for on and off campus security, law enforcement, medical assistance, mental health services, and any other appropriate services.
- 5.10 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 violations of this provision shall be subject to disciplinary and/or corrective action, up to and including termination. 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.
- 5.11 Further, any Community Member who reports an incident of Sexual Misconduct or participates in an investigation related to such an incident, shall not be subjected to disciplinary action or sanctions for minor violations of any CCNM policies, including the *Drug and Alcohol Abuse Policy* as such actions relate to the complaint.

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- 5.12 Any processes undertaken pursuant to this Policy will be based on the principles of administrative fairness. All parties involved will be treated with dignity and respect.
- 5.13 CCNM will keep anonymized reports summarizing:
- a. Disclosures and Reports;
  - b. General outcomes; and
  - c. Prevention initiatives.

### Context

Internal Documents	<a href="#">Workplace Violence, Harassment, and Sexual Harassment Policy</a>
Legislation, standards, and regulations	<a href="#">Sexual Violence and Misconduct Policy Act</a> <a href="#">Private Training Regulation under the Private Training Act</a>