

**Policy Title: Sexual Violence, Assault and Harassment**

Category:	<input checked="" type="checkbox"/> Institutional - Board <input type="checkbox"/> Academic - Administrative <input 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:	Board Governance Committee Chair and President	Responsible Executive:	Vice President, Administration and Finance
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Date of Mandatory Review (expiry date):	October 2024 (annually)		

**1. POLICY**

1. CMCC is committed to fostering a physically and emotionally safe and respectful learning and working environment for the CMCC Community. In addressing matters relating to sexual violence, assault and harassment, CMCC is equally committed to doing so in a manner that respects all parties involved, and in a manner that is trauma-informed and, survivor-centered.
2. CMCC acknowledges that sexual violence, assault and harassment are crimes of power that impact people of all genders, but do not do so equally. Such crimes are typically perpetrated toward women, and the experience may be particularly impactful for women for whom their identities intersect with Indigenous identity, race, disability, gender identity, gender expression, and sexual orientation. As such, the contexts in which incidents of sexual violence, assault and harassment occur are often complex, and the experience of that context is equally complex. CMCC is, therefore, committed to ensuring that its response protocols, prevention and education efforts, and provision of supports are anti-oppressive and trauma informed.
3. Sexual violence, harassment and assault are unacceptable and will not be tolerated.
4. Members of the CMCC community who are reported to have committed acts of sexual violence, assault 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.

5. CMCC customarily articulates its commitment to safety and inclusion in the workplace and academic environment in all of its contracts and agreements with 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 sexual violence, assault and/or harassment against a member of the CMCC community will be held accountable under the Criminal Code of Canada and/or CMCC, should the Complainant wish to pursue action in this manner. In these cases, 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 sexual violence, assault and/or harassment.
  - b. Access supports, services, and accommodations if they are impacted by sexual violence.
  - c. A timely and thorough response to an incident of sexual violence, assault and/or harassment.
9. CMCC Community members have the responsibility to:
  - a. Not commit, encourage, or support acts of sexual violence, assault and/or harassment.
  - b. Refer members of the CMCC Community who have experienced sexual violence, assault 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 sexual violence, assault 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 sexual violence, assault and/or harassment is available in the public realm (e.g., video or information shared publicly on social media or other).

11. The Complainant has 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. CMCC recognizes that some individuals may be hesitant to disclose or report sexual violence, assault and/or harassment in cases where they have been drinking or were using drugs at the time the sexual violence, assault and/or harassment took place. The Complainant or community member acting in good faith who discloses or reports sexual violence, assault and/or harassment will not be subject to actions for violations of CMCC policies related to drug and alcohol use at the time that the sexual violence, assault and/or harassment took place.
12. It is a breach of this policy to make a Bad-Faith allegation of sexual violence, assault, and/or harassment.
13. In circumstances where reporting is required by CMCC, the Complainant and individuals affected by the incident of sexual violence, assault and/or harassment will be fully informed and supported at every step of the process, and have the right not to participate in any investigation that may occur.
14. Students and employees who experienced sexual violence, assault and/or harassment, and/or are those affected by it, will be provided with support and accommodations through the appropriate institutional office or external service provider, should their experience with sexual violence, assault and/or harassment negatively impact their ability to fully participate in their academic program or employment responsibilities. Such support will be provided to students and employees regardless of when, where or by whom they experienced an incident of sexual violence, assault and/or harassment.
15. Individuals who experienced sexual violence, assault and/or harassment will have the opportunity to obtain whatever information they believe is necessary in order for them to make an informed choice about whether or not to proceed with further reporting, a complaint, investigation, adjudication and/or alternate dispute

resolution. They may only wish to disclose their experience in order to seek support, and will not be required or pressured to file a complaint.

16. 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.
17. Supports and/or academic and workplace accommodations provided by CMCC will be individualized to the Complainant's needs, and based upon their preferences relating to continued participation in academic and workplace activity. In providing accommodations, CMCC will make every effort to do so in a manner that protects the integrity of all parties, but prioritizes the Complainant's right to full participation in the workplace and/or academic program. Such accommodations may be revised and adapted based upon the Complainant's needs should they evolve throughout the complaint resolution process.
18. The Complainant who seeks accommodations that result in an interruption to their employment or to their enrollment in their academic program shall not be financially or academically penalized by CMCC for such interruptions.
19. The Complainant will not be asked irrelevant questions during the disclosure and investigation processes, including irrelevant questions relating to the Complainant's sexual expression or past sexual history.
20. CMCC will provide the Complainant with the option to meet with individuals of a preferred gender, whenever possible.
21. CMCC reserves the right to implement interim measures during the investigation and decision-making process, where it is necessary to protect the safety of the parties and/or the community. The assessment for the need for interim measures will be undertaken by the Policy Lead(s), and a decision to implement interim measures will be made in collaboration with the appropriate institutional departments. Interim measures could include but are not limited to: alternate work scheduling or location, alternate academic scheduling, no contact orders, and campus access restrictions. In cases where interim measures are required, CMCC will make every effort to do so in a manner that protects the integrity of all parties, but prioritizes the Complainant's right to full participation in the workplace/academic program.
22. Members of the CMCC Community who are reported to have committed acts of sexual violence, assault and/or harassment (Respondent) will have the opportunity to respond to the allegations against them through a process that balances both the institution's need to hold individuals accountable and its duty of procedural fairness to all parties involved.
23. Investigations into complaints of sexual violence, assault and/or harassment may be conducted by an investigator. The Policy Lead(s) will support the complaint

resolution and investigation processes. The investigator(s) shall be authorized by the President, if applicable. Should the Respondent in the matter be the President or a member of the Board of Governors, the President or Chair of the Board of Governors, as appropriate, will assign the investigator.

24. Proceedings undertaken by CMCC to investigate and respond to a complaint of sexual violence, assault and/or harassment will be conducted in a manner that is timely, transparent to the parties involved, and in a manner that is procedurally, substantively and relationally fair. However, given the very complex nature of incidents of sexual violence, assault and/or harassment, CMCC reserves the right to make concessions relating to the timelines and/or procedures in order to minimize further trauma to the Complainant or those affected by the incident of sexual violence, assault and/or harassment. If the applicable parties do not want to meet face to face, the proceedings can be recorded.
25. Through the complaint processes, and proceedings relating to investigation, hearing and adjudication, both the Complainant and the Respondent are entitled to be accompanied by a support person. Support persons may include a friend, family member, union representative, legal counsel or other. The support person may not speak on behalf of the Complainant or Respondent. Should the Complainant not have access to a support person, CMCC can make the necessary arrangements for such a support person to be provided.
26. Retaliation or reprisals against anyone who has made a complaint, or provided information relating to a complaint of sexual violence, assault and/or harassment is prohibited. Anyone who engages in reprisals or threats of reprisals may be subject to disciplinary action.
27. CMCC will maintain annual anonymized statistics on incidents of sexual violence, assault and/or harassment, including disclosures and complaints, for the purpose of ongoing community education and any legislated reporting that may be required. This data is protected and may not be requested for the purposes of institutional or individual research.
28. Every year, CMCC will undertake review of this policy, and its related academic and administrative programs and services to ensure that they leverage opportunities to educate members of the community on issues relating to sexual violence, assault and/or harassment as a means to prevent its occurrence. Education and awareness include, but are not limited to, programs and curriculum relating to consent and rape culture, survivor support and trauma awareness, and sexual violence, assault and/or harassment reporting and complaint resolution.
29. 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 sexual violence, assault and/or harassment. Individuals with

investigative or decision-making responsibilities will undergo related training, and renew such training as deemed appropriate by CMCC.

## **2. PURPOSE**

To promote a safe and inclusive environment that is free of sexual violence, assault and /or harassment; to provide a network of on-campus and community supports; to define behaviour that constitutes the offences of sexual violence, assault and /or harassment; to 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; and, to meet legal requirements.

## **3. SCOPE**

The CMCC Community.

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

- 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
- Occupational Health and Safety Act (Schedule 4) (OHSA)
- Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace)
- Ontario Human Rights Code (“Policy on preventing sexual and gender-based harassment”)
- Personal Health Information Act (PHIPA)
- Personal Information Protection and Electronic Documents Act (PIPEDA)
- Regulated Health Professions Act, 1991
- Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment).

## **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
- Student Code of Conduct: Regulated Practice
- Withdrawal and Refund
- Workplace Violence and Harassment

## 6. DEFINITIONS

Accommodations are measures that are appropriate, reasonable, and necessary to allow the Complainant to participate fully and equally in the services available at CMCC. This may include academic and workplace accommodations; academic and workplace support; counselling; training; financial support; adjusted scheduling; and any other accommodation that Student Services or Human Resources deems appropriate.

Bad Faith Allegation is 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.

Complainant is an individual who has been subjected to sexual violence, assault and/or harassment. Although the term Complainant is used throughout this Policy, the individual who has experienced sexual violence has the right to determine how they choose to identify and recognize their own experience.

Complaint is submission of a Complaint Form by an individual who knows of an incident of sexual violence, assault and/or harassment for the purpose of determining if this matter should be adjudicated within the scope of CMCC policy(ies), and/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.

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 this 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 sexual violence, assault 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 to ensure the integrity of parties involved and to not cause further harm or trauma.

Consent is defined as the voluntary agreement of an individual to engage in sexual activity. Conduct short of a voluntary agreement to engage in sexual activity does not constitute consent (Criminal Code of Canada, Subsection 273.1(1)). No consent is obtained where:

- the agreement is expressed by the words or conduct of a person other than the Complainant
- the Complainant is incapable of consenting to the activity
- the accused induces the Complainant to engage in the activity by abusing a position of trust, power or authority
- the Complainant expresses, by words or conduct, a lack of agreement to engage in the activity, or
- where the Complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity (Criminal Code of Canada, Subsection 273.1(2)).

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.

Disclosure is when someone chooses to inform a CMCC Community member about an incident where they were subjected to sexual violence, assault 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 or CMCC wish to not pursue the matter formally.

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 sexual violence, assault 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:

- The Respondent has the opportunity to know the allegations against them, and must be afforded the opportunity to respond to such a complaint



- 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
- 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 CMCC 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 Complainant 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 sexual violence, harassment and/or assault. 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 sexual violence, assault and/or harassment.

Responsible Executive is a member of the Executive Leadership Team who shall implement, ensure compliance with, be responsible for, and continually oversee a policy

and any associated procedures within their area of jurisdiction. Policies with broad application may have more than one Responsible Executive. The Responsible Executive may be the Decision Maker or have the ability to designate an alternate to ensure objectivity.

Restorative Justice is a 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 achieve a sense of healing for the Complainant and the community. This process will work to reintegrate the offender back into the community, where appropriate. 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 an 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 of harm to self or others is undertaken by an individual who is trained to assess such a threat, and decides on the individual's risk level based upon the extent to which:

- the individual articulates thoughts or actions with intentions to harm
- the individual demonstrates levels of problems coping with current functioning
- levels of supports are available to the individual
- the individual's history of trauma and harm ideation
- the individual's attitude toward and history of treatment and support

Sexual assault describes any kind of sexual contact without mutual consent. It can include unwanted kissing, fondling, oral or anal sex, intercourse, or other forms of penetration, or any other unwanted act of a sexual nature.

Sexual harassment is defined as a course of unwanted remarks, behaviours, or communications of a sexually oriented nature and/or a course of unwanted remarks, behaviours or communications based on sex, sexual orientation, gender identity or gender expression where the person responsible for the remarks, behaviours or communications knows or ought reasonably to know that these are unwelcome.

Sexual harassment can also include coercion which is the act of using subtle pressure, drugs, alcohol, or force to have sexual contact with someone against their will. Sexual coercion is ongoing attempts to have sexual contact of some kind with another person who has already expressed that they do not want to have sexual contact.

Sexual harassment also includes making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the student and/or employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Sexual harassment may consist of unwanted attention of a sexually oriented nature such as personal questions about one's sex life, persistent requests for a "date," or unwelcome remarks about someone's hair, body shape, etc. Sexual harassment may

also consist of unwelcome remarks based on gender which are not of a sexual nature but which are demeaning, such as derogatory gender-based jokes or comments.

Sexual violence describes any sexual act or act targeting a person’s sexuality, gender identity or gender expression, whether the act is physical or psychological in nature that is committed, threatened or attempted against a person without the person’s consent. This includes, but is not limited to, sexual assault, sexual harassment, stalking, indecent exposure, voyeurism, sexual exploitation, degrading sexual imagery, distribution of sexual images or video of a community member without their consent, and cyber harassment or cyber stalking of a sexual nature.

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 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 sexual violence, assault and/or harassment and may also need support.

Witness is an individual with relevant information pertaining to the incident.

<b>New Policy Approved (date):</b>	February 23, 2018 (interim) – Administrative
<b>Policy Revision History (dates):</b>	June 16, 2018 – Board December 7, 2018 (interim) - Board Executive May 3, 2019 – Board October 2, 2023 – Board

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

## 7. PROCEDURES

### 1. Disclosure and Complaint Process

If you are considering making a complaint of sexual violence, assault and/or harassment, you should do so through the appropriate Policy Lead(s). The Policy Lead(s) are responsible for ensuring a Complaint Form is completed, signed and submitted by the Complainant. The appropriate Policy Lead(s) are as follows:

- a. For students who wish to make a complaint, the Policy Lead is the Registrar (or the alternate, the 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 the alternate, the 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 sexual violence, assault 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. 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 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. determining the jurisdiction of CMCC in proceeding with the complaint.
  - iii. determining whether the complaint is appropriately addressed under this policy, and/or should be reviewed under a different CMCC policy.
  - iv. determining whether the Complainant is interested in alternate resolution, as opposed to the completion of an investigation and decision-making process.
  - v. consulting with the appropriate offices in the assessment of the need for interim measures while the complaint is under investigation.
  - vi. assessing any limitations associated with a conflict of interest and/or institutional capacity to conduct a fair and confidential investigation.
  - vii. determining whether additional fact-finding is required, and an approach to conduct such prior to finalizing a decision on proceeding with an investigation.
- m. Once the complaint has been assessed, the Policy Lead(s) will consult with the President and apprise them of the general nature of the complaint and whether it is necessary to engage an investigator.
- n. The Policy Lead(s) will then confirm in writing through a Notice of Investigation to both the Complainant and Respondent, that an investigation will be undertaken. Customarily, no more than ten business days should

lapse before a decision to proceed with an investigation is reached and when the Notice of Investigation letter is generated.

- o. The Notice of Investigation will include the following information:
  - i. 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. 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.
- p. 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.
- q. 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.
- r. 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.
- s. The Policy Lead(s) will provide copies of all related documentation to the Investigator(s) in a timely manner.
- t. 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.
- u. 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.
  - v. The Investigator may require the attendance of witnesses for the purposes of an interview and such individuals shall be required to attend the interview.
  - w. 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.
  - x. 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.
  - y. 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. This request will be submitted to the Policy Lead(s), who will then relay the information to the Investigator and Decision Maker.
  - z. Nothing contained in this policy shall derogate from the authority of CMCC to deal with allegations of sexual violence, assault and/or harassment without the necessity of a Complainant.

## 2. Decision Making

- a. The Responsible Executive will designate a Decision Maker from the Executive Leadership Team depending on the nature of the complaint.
- b. Decisions on complaints of sexual violence, assault and/or harassment within the scope of this policy will be made by the Decision Maker.
- c. 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.

- d. Within 14 days of completing the investigation, the Investigator will provide a written Investigation Report to the Decision Maker for review and a decision.
- e. A request by either party to receive a copy of the Investigation Report will be subject to CMCC's Privacy policy and applicable legislation.
- f. The Investigator will notify both the Complainant and the Respondent of the date of submission of the Investigation Report to the Decision Maker.
- g. The Decision Maker will review the Investigation Report and may request an opportunity to meet with and ask any questions of the Investigator.
- h. 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 noted 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.
- i. 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.
- j. 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.
- k. 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.



- l. 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.
- m. 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.
  - iv. 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 this 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 days of the date the appeal was received by the Policy Lead(s).

4. Confidentiality and 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 sexual violence, assault and/or harassment. CMCC also will maintain annual statistics about the number of incidents and complaints of sexual violence, assault 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 render the process invalid, at the sole discretion of CMCC.

<b>New Procedure Approved (date):</b>	February 23, 2018 (interim) – Administration
<b>Procedure Revision History (dates):</b>	June 16, 2018 – Board September 13, 2018 December 7, 2018 (interim) – Board Executive May 3, 2019 – Board October 2, 2023

## **8. ATTACHMENTS**

Appendix 1: CMCC and Community Resources for Disclosure.

Appendix 2: CMCC and Community Resources Overview.

Appendix 3: Flow Chart of Processes under this Policy.

Appendix 4: Complaint Form.

## Appendix 1: CMCC and Community Resources for Disclosure

The following is a non-exhaustive list of disclosure options:

### CMCC Resources:

- **Emergency:** Call 911 and contact Campus Security at 647-805-1740 / 416-910-3358, if possible
- **Non-Emergency:** Student Services and/or Human Resources, as applicable

### Community Resources:

- **Police:** [York Regional Police](#)
- **Medical:** North York General Hospital; Michael Garron Hospital; Humber River Hospital
- **Support:**
  - [Mackenzie Health Domestic Abuse and Sexual Assault Care Centre](#)
  - [Support Services for Male Survivors of Sexual Abuse Program](#)
  - [The Women's Support Network of York Region](#)
  - [Ending Violence Association of Canada](#)

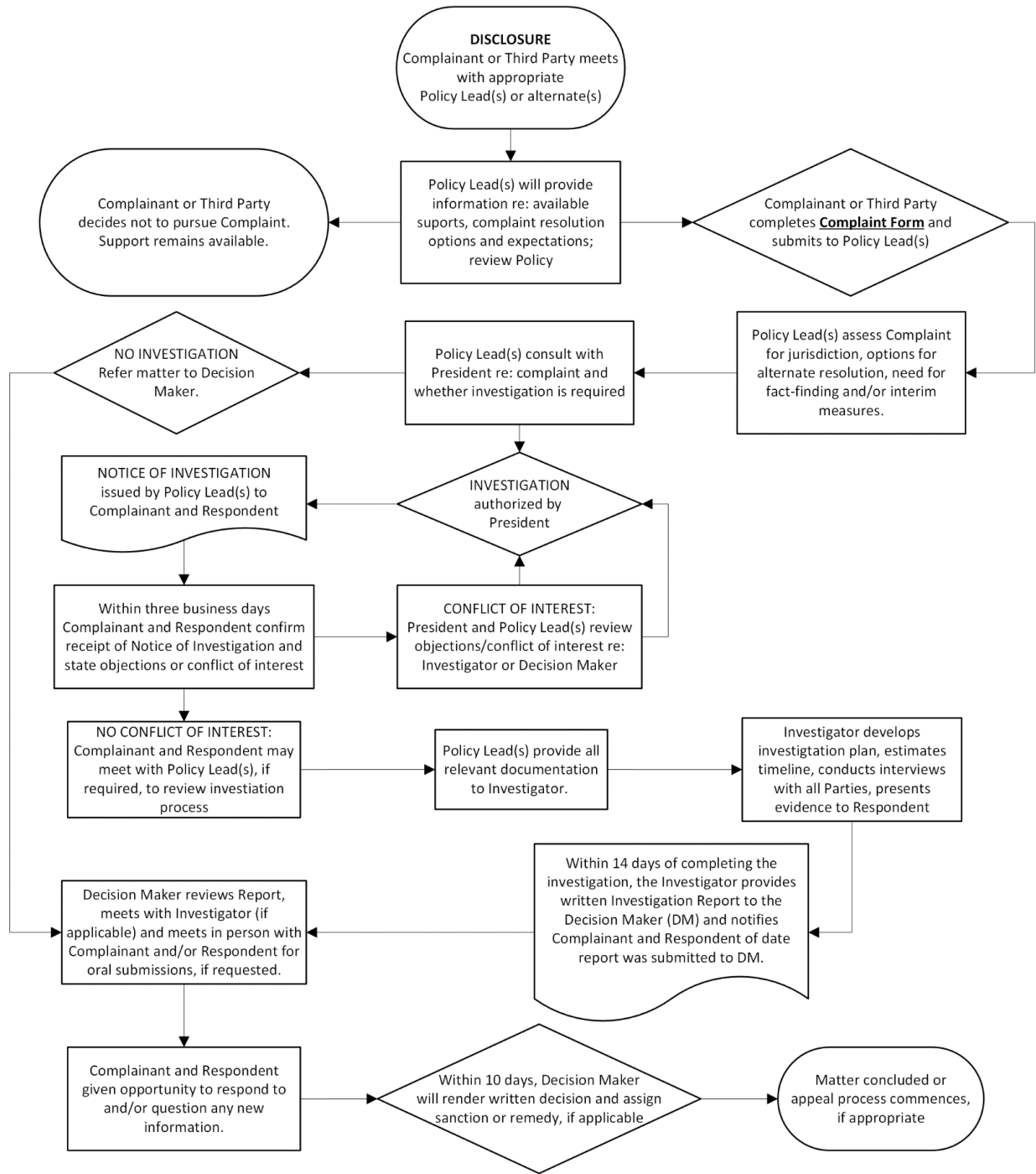
## Appendix 2: CMCC and Community Resources Overview

<b>On Campus Resources-Student</b>		
<p>Karen Rice Student Counsellor <a href="mailto:krice@cmcc.ca">krice@cmcc.ca</a> 647-417-8254</p>	<p>Jennifer O’Neill Student Success Advisor <a href="mailto:joneill@cmcc.ca">joneill@cmcc.ca</a> 647-265-2445</p>	<p>Patti Scott Registrar <a href="mailto:pscott@cmcc.ca">pscott@cmcc.ca</a> 647-417-8254</p>
<b>On Campus Resources - Employees</b>		
<p>Sharlene Browne Director, HR &amp; Employment Engagement <a href="mailto:sbrowne@cmcc.ca">sbrowne@cmcc.ca</a></p>	<p>Angie Chen Human Resources, Manager <a href="mailto:achen@cmcc.ca">achen@cmcc.ca</a></p>	
<b>Off-Campus Resources</b>		
<p><a href="#"><u>Mackenzie Health Domestic Abuse and Sexual Assault Care Centre</u></a> 905-883-1212 ext. 7395 The DASA Care Centre of York Region provides free, patient centered care for recent victims of intimate partner abuse, human trafficking and sexual assault. Care includes emergency care, examination, testing, follow up care and counselling and other services as needed. Services are provided by health care professionals who are specially trained in forensics and trauma related to abuse and assault. The centre also provides counselling and support to family members and caregiver.</p>	<p><a href="#"><u>Sexual Assault/Domestic Violence Care Centre Women’s College Hospital</u></a> 416-323-6040 The Sexual Assault/Domestic Violence Care Centre (SA/DVCC) is a comprehensive service that assists women, men, and trans people, over the age of 14, who are victims/survivors of sexual assault and domestic/intimate partner violence.</p>	
<p><a href="#"><u>Toronto Rape Crisis Line</u></a> 416-597-8808 The Toronto Rape Crisis Centre/Multicultural Women Against Rape provides a free 24 hours a day, 7 days a week crisis line service. The Crisis</p>	<p><a href="#"><u>Support Services for Male Survivors of Sexual Abuse Program</u></a> 1-866-887-0015 Get 24/7 multilingual support service for male survivors of sexual abuse, both recent and historical.</p>	

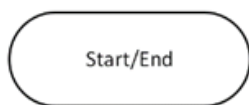
<p>Line is a private and confidential crisis intervention / support service.</p> <p>You can use the Crisis line to discuss:</p> <ul style="list-style-type: none"> <li>Your feelings</li> <li>Your health</li> <li>Going to the hospital</li> <li>Going to the police</li> <li>Going to court</li> <li>Going to health clinics</li> <li>Going to immigration appointments</li> <li>Coping strategies</li> <li>Your fears</li> <li>Your options</li> <li>Alternatives to going to police</li> <li>Anything else that you are concerned about relating to your healing journey</li> </ul>	<p>Toll-free: Male survivors of sexual abuse can access specialized services, including:</p> <ul style="list-style-type: none"> <li>A 24/7 crisis and referral hotline</li> <li>Individual and group counselling</li> <li>Peer support</li> <li>Telephone and online counselling</li> <li>Referrals to other appropriate community support services to meet other long-term needs that clients may have.</li> </ul>
<p><a href="#">Rainbow Health Ontario (Sherbourne Health)</a></p> <p>416-324-4100</p> <p>As part of Sherbourne Health, RHO creates opportunities for the healthcare system to better serve LGBT2SQ communities.</p>	<p><a href="#">Independent Legal Advice for Sexual Assault Survivors Pilot Program</a></p> <p>1-855-226-3904</p> <p>Ontario is piloting a new program that will give survivors of sexual assault access to free legal advice, regardless of how much time has passed since the incident. Survivors of sexual assault living in the City of Toronto, the City of Ottawa, and the District of Thunder Bay will be able to receive up to four hours of free, confidential advice from a lawyer. The legal advice may be provided over the phone or in person.</p>
<p>The 519</p> <p>416-392-6874</p> <p>Provides full range services to respond to the evolving needs of the LGBTQ2S+ communities.</p>	<p>Victim Services of York</p> <p>905-953-5363</p> <p>Victim Services of York offers 24/7 (crisis line) immediate assistance to victims of crime or tragic events through support and empowerment. Our agency offers a variety of services to meet individual needs such as Crisis Intervention, South</p>

	Asian Family Enrichment (S.A.F.E), Victim Quick Response Program, Transitional and Housing Support, and Community Outreach.
<a href="#">Canadian Mental Health Association York Branch</a> 905-841-3977 Short-term/walk-in counselling, urgent support services, Safe Beds, residential services.	<a href="http://www.sexualassaultsupport.ca/">Ontario Coalition of Rape Crisis Centres</a> <a href="http://www.sexualassaultsupport.ca/">http://www.sexualassaultsupport.ca/</a> Connects survivors of sexual violence and supporters with Sexual Assault Centres in any region across Ontario.
<a href="#">York Regional Police</a> 24-Hr Emergency: 911 1-866-876-5423 Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.	<a href="#">Toronto Police Service</a> 24-Hr Emergency: 911 416-808-2222 Reporting of sexual violence, VICLAS report (anonymous report for crime tracking), Sexual Assault Unit.

### Appendix 3: Flow Chart 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.)*

<b>Name:</b>			
<b>Email:</b>		<b>Phone Number:</b>	
<b>Student</b>	<b>Employee</b>		<b>Other:</b>
<b>Year of Study</b> (Students only)		<b>Job Title</b> (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.

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

<b>Received by:</b>		<b>Date:</b>	
<b>Policy Lead(s) Assigned:</b>			
<b>Decision Maker:</b>			

**To be processed under Policy:**

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