

## CMU SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY

### Scope and Application

This Policy applies to all members of CMU College of Makeup Art & Design ("**CMU**") college community including students, staff, faculty, administrators, contract service providers, contractors, officers, directors and individuals who are directly connected to any of CMU's initiatives, volunteers and visitors (collectively "**CMU Members**"). The Policy addresses to complaints of Sexual Misconduct, which includes Sexual Violence or Sexual Harassment that have occurred on CMU's campuses or at CMU sponsored events involving CMU Members. Herein, CMU defines the prohibited behaviours, and outlines CMU's investigative processes for Sexual Misconduct. This Policy is incorporated as a Schedule in CMU's Enrollment Contract for Vocational Programs and shall be made known to CMU Members as prescribed by law.

### Objectives

CMU is committed to providing CMU Members with: (i) educational and working environments free from Sexual Misconduct; and (ii) treating CMU Members who report incidents of Sexual Misconduct with dignity and respect. To this end CMU will:

1. In consultation with its students and applicable health and safety representative(s), CMU will maintain a program to implement and review this Policy and its updates;
2. Educate and train CMU Members about this Policy and how to: (a) identify situations that involve, or could progress into Sexual Misconduct; and (b) reduce the prohibited behaviours; and
3. Require all contractor service providers and contractors attending on CMU's premises or having any interaction or involvement with a CMU Member to read and agree to abide by this Policy as part of their contractual terms.

Where a complaint is made under this Policy, CMU will take all reasonable steps to address it, including:

1. Responding promptly and as is appropriate in the circumstances;
2. Providing on-campus investigation procedures and providing reasonable status updates to the complainant and respondent (the "**Parties**").
3. Assisting those who have experienced the prohibited behaviours, including by addressing them, as applicably with: (i) obtain counselling and medical care; (ii) appropriate academic and other accommodation; and (iii) obtaining information about reporting options;

### Definitions of Sexual Misconduct

This Policy prohibits Workplace Harassment and Sexual Misconduct.

Workplace Harassment is defined as:

- a. Engaging in a course of vexatious comment or conduct against a CMU Member in a workplace that is known or ought reasonably to be known to be unwelcome; or
- b. Workplace sexual harassment (see definition of Sexual Harassment below).

It does not include any reasonable action taken by CMU or its supervisors, managers, administrators, officers or directors relating to the management and direction of staff or the workplace.

Workplace Violence is defined as:

- a. The exercise of physical force by a person against a CMU Member, in his or her workplace, that causes or could cause physical injury to the CMU Member;
- b. An attempt to exercise physical force against a CMU Member, in her or her workplace, that could cause physical injury to the CMU Member;
- c. A statement or behaviour that it is reasonable for a CMU Member to interpret as a threat to exercise physical force against him or her, in a workplace, that could cause physical injury to him or her.

**CMU SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY**

Workplace Violence includes Sexual Violence (as defined below).

Sexual Violence, including Sexual Harassment, means any physical or psychological sexual act or act targeting a CMU Member's sexuality, gender identity or gender expression, whether the act is committed, threatened or attempted against the CMU Member without his or her consent. By way of example and without limiting the generality of the foregoing, Sexual Violence includes sexual assault (which is any type of an unwanted sex act done by one person to another, without that person's consent, that violates such person's sexual integrity. It can range from unwanted touching to penetration), sexual harassment or abuse, sexual exploitation, indecent exposure, voyeurism and criminal harassment (including stalking and cyber bullying).

Sexual Harassment, which can also be a form of Workplace Harassment, includes without limitation:

- a. Any sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to a CMU Member where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; and
- b. Any course of vexatious comment or conduct at CMU, its workplace or its sponsored activities, against a CMU Member because of sex, sexual orientation, gender identity or gender expression that is known or ought reasonably to be known as unwelcome, including offensive jokes or comments of a sexual nature; displaying or sharing of pornographic or sexist pictures or materials, including online and/or in emails addressed to other CMU Members; suggestive or offensive remarks; unwelcome language related to gender; remarks, jokes, innuendoes, propositions, or taunting about a person's body, attire, sex or sexual orientation; leering or inappropriate staring; bragging about sexual prowess; and physical contact such as touching, patting, or pinching, with an underlying sexual connotation.

**Reporting and Responding to Sexual Misconduct**

CMU Members are to: (a) take all reasonable steps to prevent Sexual Misconduct on CMU campus or at CMU sponsored events; and (b) report immediately to: (i) the Manager of Student Services if they are a student or (ii) the President if they are staff of any complaint that they have been subject to, witnessed or have knowledge of any Sexual Misconduct, or have reason to believe that Sexual Misconduct may occur. For clarity, this includes any Sexual Harassment of a CMU Member by another CMU Member. Where the Manager of Student Services is the alleged harasser, then CMU Members can report to CMU's President. Where the complaint is against either designated person, a complaint can be reported to the VP, Academics.

Upon receiving a written complaint under this Policy, CMU will determine on a case-by-case basis whether it is appropriate to hire an independent third party to investigate.

To the extent possible, the Manager of Student Services or CMU's President, as applicable will attempt to keep all information obtained about an incident or complaint, including identifying information about any individuals involved, confidential except where disclosure is necessary for the purposes of investigating or taking corrective action, where required by law, where CMU believes an individual is at imminent risk of self-harm or of harming another, or where there are reasonable grounds to believe that others in the CMU community are at risk. For clarity, CMU students must use this Policy and not CMU's General Student Complaint Procedure where the complaint involves Sexual Misconduct. For clarity, an investigation report under this Policy is not a "report" within the meaning of as. 25(2) of the Ontario *Occupational Health and Safety Act*.

CMU recognizes the right of a complainant to determine whether her or his complaint will be dealt with by the police, CMU, or at all. However, in certain circumstances, CMU may be required by law or its internal policies to: (i) initiate an internal or on-campus investigation; and/or (ii) inform police without the complainant's consent if it believes the safety of any CMU Member is at risk. For clarity, this means that even if a complainant decides not to lay a formal complaint or file a written complaint under this Policy, CMU may be required by law or its internal policies to initiate an on-campus investigation or inform the police of the events surrounding the complaint.

**Investigation Procedure for Reports of Sexual Misconduct**

A complaint under this Policy of Sexual Misconduct, against a CMU Member may be filed in writing, as applicable, to the Manager of Student Services or the President of CMU.

Upon receipt of a written complaint under this Policy CMU will engage in the following procedures:

- a. Determine whether the complaint should be referred immediately to the police;
- b. Meet with the complainant to determine the date and time of the incident, the persons involved, the names of any witnesses and to receive a complete description of what occurred;
- c. Determine whether a third party investigator should be retained to conduct an on-campus investigation;

**CMU SEXUAL VIOLENCE AND SEXUAL HARASSMENT POLICY**

- d. When conducting an investigation, (i) interview the complainant, any person involved in or who has knowledge of the incident or incidents related to the complaint or similar incidents; and (ii) inform the respondent and any identified witnesses of the complaint, providing details of the allegations and giving the respondent an opportunity to respond to those allegations;
- e. Provide reasonable status updates to the Parties; and
- f. Determine what disciplinary or corrective action, if any, should be taken.

**Investigating Reports of Workplace Sexual Misconduct**

Upon receipt of a written complaint of Workplace Sexual Misconduct, CMU's President will engage in the following procedures:

**Disciplinary Measures**

If CMU determines that a CMU Member has been involved in Sexual Misconduct against another CMU Member, immediate disciplinary or corrective action will be taken. In the case of a CMU student, such action may be up to and including expulsion without any reimbursement of tuition or any other CMU fees. In the case of CMU staff, such action may be up to and including termination of employment without notice or pay in lieu of notice.

In cases where criminal proceedings are initiated, CMU will reasonably assist police agencies, lawyers, insurance companies, and courts to the fullest extent possible under the law.

Where criminal and/or civil proceedings are commenced in respect of allegations of Sexual Misconduct, CMU may conduct its own independent investigation and make its own determination in accordance with its own policies and procedures.

**Making False Statements**

It is a violation of this Policy for any CMU Member to knowingly make a false or bad faith complaint of Sexual Misconduct or to provide false information about a complaint. CMU Members who violate this Policy are subject to disciplinary and/or corrective action, up to and including termination of employment for just cause or expulsion as is set out above.

**Reprisal**

It is a violation of this Policy to retaliate, attempt to retaliate or threaten to retaliate against a complainant, a witness or potential witness or any other person who has been involved in the complaint process. Such actions will be considered a separate violation of this Policy and subject to Disciplinary Measures.