

Respectful Campus Policy

Responsibility	Human Resources	Review Period	1-2 years
Approving Body	Board of Governors President's Council	Initial Approval Date	October 25, 2003
Advisory Body	Various, including consultations with the University Community	Latest Approval Date	October 18, 2025
Status	Complete	Next Review Due Date	June 2027

Introduction

Canadian Mennonite University (CMU) is a learning community rooted in the Anabaptist faith tradition. In keeping with the University's mandate and our collective conviction that all people are created in the image of God, it is essential that each member of the University Community – including faculty, staff, students, volunteers, independent contractors, and guests on campus - treat one another with dignity, honour, and respect.

CMU is committed to fostering and maintaining a safe, inclusive, and respectful environment for all individuals within the University Community. Every individual has the right to work and learn in an environment that is free from Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, and Violence.

Cultivating a culture of mutual respect and safety is foundational to the University's mission and commitments. CMU will not tolerate or condone any form of Discrimination, Harassment, or Violence under any circumstances. These commitments are grounded in and supported by the *Canadian Human Rights Act*, the *Manitoba Human Rights Code (C.C.S.M. c. H175)* ("The Code"), and the *Workplace Safety and Health Act (M.R. 217/2006)*.

Definitions

All capitalized words are defined in Appendix B: Glossary of Terms.

Scope

This policy and related Resolution and Complaint Procedures apply to all members of the University Community, including:

- All University employees (faculty, staff, sessionals, student employees)
- All University students
- All University volunteers
- All members of the Board of Governors and CMU Council
- All University independent contractors and anyone participating in University-related activities

This policy applies to any activity, event, or undertaking that is connected to the University including, but is not limited to:

- On any CMU campus, on its grounds, in its buildings, and travel abroad destinations.
- During University-related activities, whether on or off-campus, such as work or study assignments, student placements, practica, social functions, research, conferences, training, or travel.
- In virtual settings using CMU electronic technology or systems, including email, platforms, telephone, or IT resources.
- In online spaces when incidents of Misconduct involve or impacts members of the University Community.

- In any other location where incidents of Misconduct have a clear connection to the University and/or its members.

Policy Development

This policy was developed, reviewed, and updated through consultation with CMU staff, faculty, and external professional resources. Revisions to policy statements require the approval of both President's Council and Board of Governors. Updates to Resolution and Complaint Procedures may be made by Human Resources as deemed appropriate (without formal approval) to ensure the safety of the University Community and the effective implementation of this policy.

Principles and Commitments

As a community guided by faith, learning, and service, CMU is committed to cultivating and maintaining a safe, inclusive, and respectful working and learning community. This commitment is grounded in the shared responsibility of all members of the University Community to uphold the dignity, rights, and integrity of one another.

The following principles and commitments guide the implementation of this policy:

- CMU is committed to ensuring, as far as reasonably practicable, that no member of the University Community is subject to Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, or Violence.
- All members of the University Community are entitled to work and learn in an environment that is free from Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, and Violence.
- All members of the University Community are expected to treat one another with mutual respect and dignity.
- CMU will not tolerate or condone Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, or Violence and will hold individuals accountable if found in violation of this policy.
- Retaliation, or the threat of retaliation, against anyone who exercises their rights under this policy or interferes with a resolution or complaint process is prohibited. Any retaliation or threat of retaliation will be grounds for a Complaint under this policy. It is a breach of this policy to engage in any act of retaliation against a Complainant, a Respondent, any witness, or anyone else pursuing a right or remedy or participating in a proceeding pursuant to this policy and/or the Resolutions and Complaint Procedures.
- CMU is committed to ensuring the safety of those who have been affected by Misconduct and will offer support, resources, and Accommodations to individuals in such a circumstance. Support, resources, and Accommodations will be offered in a manner that is dignified, confidential, respectful, and responsive to individual circumstances. CMU encourages individuals who have been affected by Misconduct to seek support (see Appendix A).
- CMU understands that Misconduct can have a serious impact on an individual's physical and psychological wellbeing. Individuals who disclose or make a Complaint will be treated with compassion, dignity, and respect. CMU recognizes an individual's right not to initiate or participate in any process or investigation conducted by the University.
- An individual's experience of Misconduct may be affected by factors including, but not limited to, age, ancestry, racialization, ethnicity, religion, sexual orientation, socio-economic status, ability, gender identity, and gender expression. The individual's identity is a key consideration in assessing Accommodation requests. Further, the University's initiatives aimed at raising awareness and addressing Misconduct will be designed with the diversity of the University Community in mind.
- CMU strives to use restorative justice practices in responding to Informal and Formal Resolution processes and Complaints, while recognizing that these practices may not be appropriate in all

circumstances depending on the nature and complexity of the situation. Participation in such processes will always be voluntary for both the Complainant and the Respondent.

- CMU will monitor and evaluate this policy and its implementation on an ongoing basis to ensure legal compliance, alignment with best practices, and responsiveness to the evolving needs of the University Community.

Responsibilities

Creating and sustaining a safe, healthy, and respectful working and learning environment is a shared responsibility of all members of the University Community.

CMU, as the Employer, is responsible for:

- Fostering, maintaining, and promoting a safe, inclusive, and respectful work and learning environment.
- Ensuring, as far as reasonably practical, that every member of the University Community is not exposed to workplace-related Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, and Violence.
- Ensuring that all concerns and Complaints are taken seriously, investigated promptly, and resolved appropriately in a manner that protects privacy and procedural fairness, and ensures individuals are treated with dignity and respect.
- Protecting individuals from reprisal who, in good faith, report Misconduct.
- Providing support, Accommodations, and resources to all members of the University Community.
- Reviewing this policy regularly to maintain relevance, effectiveness, and alignment with legislation and the University's mission and commitments.
- Taking appropriate corrective action in response to substantiated Complaints, including remedial, educational, or disciplinary measures as required.
- Providing training, education, and resources to ensure all members of the University Community are aware of their rights and responsibilities.
- Ensuring confidentiality up to the extent possible necessary to resolve the matter, take corrective action, proceed with a Complaint, or as required by law. Encouraging open dialogue and constructive resolution of interpersonal conflict in ways that reflect CMU's commitment to peacebuilding and reconciliation.

All Members of the University Community are responsible for:

- Treating one another with dignity, respect, and fairness and contributing to a respectful working and learning environment.
- Refraining from engaging in or condoning Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, or Violence.
- Reporting concerns and Complaints to Human Resources, a direct supervisor, or a member of the Student Life team (for student-to-student matters) if they experience or witness Misconduct.
- Cooperating in investigations while maintaining confidentiality and professionalism.
- Participating in training and awareness initiatives that promote respect, equity, and workplace safety.

Discrimination

Discrimination, as defined by the Human Rights Code, refers to the differential or adverse treatment of an individual or group that is based on one or more of the Protected Characteristics under human rights legislation.

Discrimination occurs when a person or group is treated unfairly through actions, behaviours, decisions, or omissions because of their actual or perceived membership in a protected group, resulting in a

disadvantage that is not justified by a bona fide and reasonable cause. A key principle in identifying Discrimination is the effect it has on an individual or group, not the intent behind it.

Discrimination may be direct (overt, deliberate) or indirect (systemic, subtle). It includes behaviours, omissions, or institutional policies that negatively affect individuals or groups on the basis of a protected characteristic. It also includes the failure to reasonably Accommodate an individual's needs related to a Protected Characteristic.

The Code prohibits Discrimination based on the following Protected Characteristics:

- Ancestry, including race and colour
- Nationality or national origin
- Ethnic origin or background
- Religion or creed, or religious belief, religious association, or religious activity
- Age
- Sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy
- Gender identity or gender expression
- Sexual orientation
- Marital or family status
- Source of income
- Political belief, political association, or political activity
- Physical or mental disability, including reliance on a service animal, a wheelchair, or any other remedial application or device
- Social disadvantage

Harassment

Harassment is objectional and offensive behaviour (whether verbal, written, physical, or visual) that is demeaning, degrading, humiliating, or intimidating and is a form of Discrimination when it is based on one of the Protected Grounds.

Harassment is behaviour that is known or reasonably ought to be known to be unwelcome or inappropriate, and that creates a hostile, intimidating, or offensive working or learning environment. It may be direct or indirect, obvious or subtle, physical, psychological, or sexual in nature. It can involve repeated incidents that extend over a period of time or can be of a single instance that has a lasting, harmful effect on an individual.

As defined by the Workplace Safety and Health Act, Harassment is:

- Any vexatious behaviour in the form of hostile, inappropriate and unwanted conduct, verbal comments, actions, or gestures that affect a worker's dignity or psychological or physical integrity and that results in a harmful workplace.
- The improper use of the power or authority inherent in a person's position to endanger a worker's job, undermine a worker's job performance, threaten the economic livelihood of the worker or negatively interfere in any other way with their career.

Harassment may include, but is not limited to:

- Verbal, non-verbal, or written abusive behaviour (e.g., unwelcome comments, jokes, threats, manipulation, control)
- Insulting, offensive, or derogatory (e.g., mean, embarrassing) comments, jokes, or gestures
- Unwelcome and unnecessary physical contact (e.g., touching, patting, pinching, pushing, shoving)
- Creating or tolerating a toxic work environment (e.g., spreading rumours or gossip)

- Microaggressions or subtle acts of exclusion (e.g., brief, indirect, everyday slights, indignities, put-downs, insults)
- Misuse of authority (e.g., conduct that undermines job performance, threatens job security, or negatively interferes with an individual's dignity or career progression)
- Stalking or inappropriately following a person
- Sexual innuendo or insinuation, unwanted and inappropriate invitations or requests of a sexual nature
- Visual displays or sharing of offensive images, pictures, materials, videos
- Cyber harassment/cyber stalking (e.g., emails, text messages, displaying graphic images)
- Interfering with or vandalizing (i.e., damaging) personal property

What Is Not Harassment?

- Respectfully expressing differences of opinion
- Disagreements or conflicts that do not involve inappropriate behaviour and are not based on one of the Protected Characteristics
- Reasonable actions taken by supervisors to help manage, guide, assign tasks, set expectations, or direct employees
- Appropriate constructive performance feedback, performance reviews, coaching, or issuing discipline by an immediate supervisor
- Physical contact within job requirements that are necessary for performing job duties using accepted industry standards

Personal and Psychological Harassment (“Bullying”)

Personal and Psychological Harassment, also known as Bullying, is defined as repeated or sustained conduct, verbal comments, actions, or gestures that adversely affect an individual's dignity, psychological or physical integrity, or overall well-being.

Behaviour may be intended or perceived to offend, intimidate, degrade, isolate, humiliate, or undermine an individual or group of people.

Personal and Psychological Harassment may include, but is not limited to:

- Personal ridicule, malicious gossip, humiliation, or intimidation
- Exclusion or social isolation
- Persistent criticizing, undermining, belittling, or unjustifiable blaming
- Misuse of authority (e.g., undermining or deliberately impeding an individual's work, unwarranted punitive actions)
- Intruding on a person's privacy by pestering, spying, or stalking
- Tampering with a person's belongings or work equipment
- Deliberate obstruction of an individual's work or professional development

Sexual Harassment

Sexual Harassment is Harassment of a sexual nature based on sex, sexual orientation, gender identity, or gender expression, and includes an incident, series, or pattern of objectional and unwelcome sexual solicitations or advances.

Sexual Harassment also includes comments or conduct of a sexual nature that create or permit a sexualized or sexually charged environment reasonably expected to cause insecurity, discomfort, offense, or humiliation to a person or group of people.

As defined by The Code, Sexual Harassment includes:

- A series of objectional and unwelcome sexual solicitations or advances
- A sexual solicitation or advance made by someone in a position of authority
- A reprisal or threat of reprisal for rejecting a sexual solicitation or advance

Sexual Harassment may include, but is not limited to:

- Offensive or humiliating behaviour that is related to a person's sex, sexual orientation, gender identity, or gender expression
- Behaviour of a sexual nature that creates an intimidating, unwelcome, hostile, or offensive work environment
- Behaviour of a sexual nature that could reasonably be thought to put sexual conditions on a person's job or employment opportunities
- Unnecessary or unwanted physical contact
- Persistent questions, insinuations, or spreading gossip about a person's private life, such as their sexuality, gender identity, expression, or sex life
- A display of pornographic or other sexual materials in the form of degrading pictures, graffiti, cartoons, or sayings
- Repeated or persistent unwelcome flirtations, advances, or propositions
- An act of leering, staring, or making sexual gestures
- A sexual advance with actual or implied work or education-related consequences

For all incidents of Sexual Harassment, the Sexual Violence Policy shall apply.

Violence

Violence is the attempted or actual exercise of physical force against a person that causes or could cause harm or injury. It also includes any threatening behaviour or attempt that gives a person reasonable cause to believe that physical force will be used against them, which could cause physical or psychological harm or injury.

Violence may include, but is not limited to:

- Physical attack or aggression (e.g., hitting, shoving, pushing, kicking, throwing objects)
- Threats or intimidating behaviour whether verbal, non-verbal, or written
- Verbal abuse, including swearing or shouting offensively at a person
- Contact of a sexual nature
- Attacking or threatening to attack someone with any type of weapon
- Property damage and vandalism

Accommodation

A respectful campus is one in which all members of the University Community have equitable access to participate, contribute, and thrive. In accordance with The Code, CMU recognizes its legal and ethical duty to provide Reasonable Accommodation to individuals based on Protected Characteristics, and in particular, to those who have experienced any form of Discrimination, Harassment, or Violence.

This Duty to Accommodate reflects the CMU mission of justice, reconciliation, individual dignity, and well-being. Accommodation is a proactive and responsive measure designed to remove barriers, restore safety, and ensure full participation in the work and learning environment.

CMU acknowledges that individuals who have experienced Misconduct may require additional support or changes to their work, academic, or living conditions in order to regain a sense of security, dignity, and access. Requests for Accommodation will be handled in a timely manner with compassion, respect, and confidentiality.

Examples of Accommodation may include, but are not limited to:

- 1) Limiting or eliminating direct contact between the Complainant and Respondent
- 2) Making temporary changes to schedules, physical space, reporting relationships, or modes of participation in work or study
- 3) Providing access to support services, academic or workplace adjustments, or other measures deemed appropriate based on individual circumstances

Every reasonable effort will be made to implement requested accommodations. However, any accommodation that results in a restriction on the Respondent's rights or access will require the approval of the Director of Human Resources, the Vice President Student Life and Campus Operations (for student-related matters), or the relevant Vice President – unless the Respondent voluntarily agrees.

Confidentiality and Anonymity

Confidentiality is a key principle in fostering an environment where individuals feel safe to disclose experiences, seek support, and request Accommodations. CMU is committed to creating and maintaining a culture that upholds privacy, dignity, and trust for all parties involved in a resolution process or Complaint. This includes a commitment to maintaining the confidentiality of both the Complainant and the Respondent, who will be treated with fairness, respect, and procedural integrity throughout any process.

Information about Complaints, investigations, and resolution processes shall be kept confidential to the extent necessary. There are, however, limits to confidentiality under certain circumstances, such as, but not limited to:

- When an individual is assessed to be at imminent risk, risk of self-harm, or harming another
- When members of the University Community or anyone else may be at risk of harm
- When it is necessary to either take corrective action or investigate the Complaint
- When an action is required by law
- When evidence of behaviour is available in the public realm (e.g. video shared publicly on social media)

It is important to distinguish confidentiality from anonymity. While confidentiality ensures that information is handled discreetly and shared only on a need-to-know basis, anonymity means that a person's identity is not known. CMU will respect requests for anonymity wherever possible; however, individuals should understand that the ability to take action may be limited if a person chooses to remain anonymous.

Timeliness

CMU is committed to addressing all incidents and Complaints in a timely and responsive manner. Matters will be resolved as soon as reasonably possible without undue delay.

- Every effort will be made to contact the Complainant and outline next steps within five (5) business days of receiving a Report or Complaint.
- When an investigation is initiated, every effort will be made to gather and review context/evidence, interview relevant individuals, document findings, and conclude the process within thirty (30) business days. This timeline may vary depending on the complexity of the case or other extenuating circumstances.
- Throughout the process, regular communication and updates will be provided to both the Complainant and Respondent to ensure transparency and clarity.
- Incidents of Violence should be reported as soon as possible, and preferably within twenty-four (24) hours of the incident, in accordance with the University's responsibility to maintain a safe campus under the Workplace Safety and Health Act.

The University recognizes that individuals may come forward with information about historical instances of Misconduct. Such instances are taken seriously and will be received with care and respect. While the University will make every effort to support those impacted and to respond appropriately, it acknowledges that the passage of time may limit the availability of evidence and, consequently, the range of possible disciplinary or remedial actions.

Documentation and Retention of Records

CMU will maintain documentation of Complaints received including documentation on any actions taken in response to recommendations arising out of the Complaint processes. The Director of Human Resources is responsible for maintaining records regarding incidents where staff and faculty are involved. The Vice President Student Life and Campus Operations is responsible for maintaining records of student-to-student incidents.

All records and related documents shall be kept confidential in a secure area separate from the respective employee file, as per applicable legislation standards. Any requests for information regarding the University's activities under this policy can be made in writing to the Director of Human Resources (i.e., when activities involve employees or volunteers) or the Vice President Student Life and Campus Operations (i.e., when activities involve students).

Retaliation

CMU will not tolerate any threats or other forms of intimidation of reprisal or retaliation against anyone who discloses, makes a Complaint, is involved in a Complaint, or who reports in good faith. Any threats or others form of intimidation will face disciplinary action, up to and including termination.

False Complaints

All reports and Complaints will be taken seriously. However, if it is determined that a Complaint was made maliciously or knowingly false, the individual who made the Complaint may be subject to disciplinary action; this does not include Complaints that were reported in good faith but later found to be unproven or unsubstantiated.

External Rights

This policy is not intended to discourage or prevent a Complainant or Respondent from exercising their legal rights. All members of the University Community have the right to contact and/or file a Complaint with the Manitoba Human Rights Commission, seek assistance from SAFE Work Manitoba, including the option to file a Workplace Safety Report, or contact the Winnipeg Police Service.

Resolution and Complaint Procedures

Any member of the University Community who has experienced or witnessed Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, and/or Violence, is encouraged to take action in a manner that feels safe and appropriate to them. Individuals may choose between an Informal and Formal Resolution process, each intended to support healing, accountability, and the restoration of respectful relationships. CMU is committed to ensuring access to support, guidance, and information, throughout each process, with a focus on fairness, confidentiality, and care.

CMU respects the choice of the individual impacted to choose the response or resolution path they feel is most appropriate. No one will be forced to pursue a resolution process or file a Complaint. However, CMU may initiate an investigation or take action when it reasonably believes there is a risk to the safety of an individual, the community's safety, or when is required by law (see Confidentiality and Anonymity).

If the Complainant or Respondent is a minor, CMU is legally required to notify parents/guardians and Child and Family Services. In such instances, CMU may also investigate and take necessary administrative or disciplinary actions to address the situation.

Resources are available to individuals in an Informal Process and/or Formal Resolution process. Please see Appendix A.

Informal Resolution

Informal Resolution is a voluntary, confidential, and flexible process intended to address concerns of Misconduct through open and respectful dialogue, conflict resolution, or other collaborative approaches. The goal of Informal Resolution is to foster mutual understanding, repair harm where possible, and restore respectful working or learning relationships.

Informal Resolution may be appropriate when all parties are willing to engage in good faith, and the concern can be addressed without formal sanctions. It should be recognized that not all situations may be suited for Informal Resolution, particularly those involving (but are not limited to) serious or ongoing Misconduct, significant power imbalances, or safety concerns. In such cases, a Formal Resolution process may be recommended or required (see Confidentiality and Anonymity). Human Resources can assist individuals in understanding their options.

Whenever appropriate, members of the University Community are encouraged to make every reasonable effort to resolve matters informally. Individuals are encouraged to first raise their concern directly with the person involved whom they have been impacted by, if they feel safe and comfortable in doing so. This may include:

- Clearly expressing the impact of the behaviour
- Requesting that the behaviour stop, and/or
- Seeking mutual understanding

In situations where direct communication does not feel appropriate and/or assistance is preferred, Human Resources or an immediate supervisor can provide more formal coaching, support, or guidance on how to approach this kind of conversation. Informal Resolution options with support from Human Resources or an immediate supervisor may include, but are not limited to:

- One-on-one coaching to equip the Complainant to approach the Respondent directly
- Facilitated conversation:
 - Involving the Complainant and Respondent
 - Involving the Complainant and Respondent with support persons
- HR or immediate supervisor having a private conversation with the Respondent

- Sharing an impact statement through writing a letter or email

Participation in the Informal Resolution process must be voluntary for all individuals involved. No one will be compelled to take part, and any individual may choose to withdraw at any time without consequence.

Engaging in Informal Resolution does not prevent the Complainant from filing a Complaint under the Formal Resolution and making a Complaint is not dependent on first attempting an alternative method.

Formal Resolution

Formal Resolution is a structured, impartial process initiated when a member of the University Community submits a Complaint regarding Misconduct. It is typically used in cases involving serious, repeated, or unresolved concerns, or when Informal Resolution is not appropriate or has been unsuccessful.

This process seeks to uphold accountability, procedural fairness, and the safety and dignity of all members of the University Community. Formal Resolution may involve mediation, investigation, and/or recommendations for corrective, remedial, or disciplinary measures.

Initiating a Complaint

Any member of the University Community may file a Complaint.

Members of the University Community may submit a Complaint to Human Resources and seek immediate assistance. Depending on the context, individuals may choose to engage in the following ways:

- For Complaints involving individuals acting within their capacity as a CMU employee (faculty, staff, sessional instructors, or student employees), volunteer, independent contractor, or guest may consult their direct supervisor in coordination with Human Resources.
- For student-to-student Complaints, individuals may consult a member of the Student Life team, the Director of Student Community Life, or the Vice President Student Life and Campus Operations, and will follow the process as outlined in the Student Community Guidelines.
- If the Complaint involves Human Resources, individuals may submit the Complaint to any CMU Vice President.

All Complaints will be handled with care and discretion, maintaining the highest degree of confidentiality possible, and involving only those directly responsible for addressing the matter. As part of the Complaint process, Human Resources may consult with relevant Vice Presidents as needed to support/discern the resolution process. These individuals may act in an advisory capacity, and every effort will be made to involve the fewest number of individuals necessary.

The Complainant may bring a support person (who may be internal or external to the University), and/or be accompanied by a legal representative at the Complainant's expense to any meeting or proceeding related to the decision-making process of a Complaint.

All Complaints must include the name and contact information of the person making the Complaint and may be reported in writing, over email, or verbally. The Complaint may be recorded and submitted by a support person, if the Complainant agrees that the statement accurately overviews their Complaint. The Complaint must be signed (or verified if verbal) by the Complainant.

A Complaint must contain the following information to the best of the Complainant's ability:

- Context and details of the incident
- Date and time of the incident
- All parties and witnesses involved in the incident

- What has occurred since the incident
- Any other pertinent information

Complaint Process

Upon receiving a Complaint, Human Resources (or the relevant supervisor) will initiate a response process to address the reported Misconduct. Human Resources will collaborate with the Complainant to determine the most appropriate course of action to address the Complaint, ensuring that the Complainant is not pressured into participating in any process they do not wish to pursue.

As part of the Complaint process, Human Resources will:

- Acknowledge receipt of the Complaint in writing and meet with the Complainant to review the details, clarify any questions, and understand the resolution the Complainant is seeking
- Provide the Complainant with a copy of the Respectful Campus Policy
- Advise the Respondent of the Complaint and provide a copy of the Respectful Campus Policy
- Inform both the Complainant and Respondent of their right to be accompanied by legal counsel or a support person of choice during any stage of the process where their participation is required or permitted
- Meet with the Respondent to document their response to the Complaint, clarify any questions, review the process, and advise of their option to submit a written response
- Provide the Complainant a copy of the Respondent's response
- Maintain written records of all meetings and communications related to the Complaint, to be securely filed at the conclusion of the process
- Advise the Complainant that they may request an Accommodation(s) from Human Resources at any point during the resolution process

Special Considerations:

- If a Complaint involves a CMU Vice President, it will be directed to the President.
- If a Complaint involves the President, it will be directed to the Chair of the Board of Governors.
- If a Complaint involves a member of the Board of Governors, it will be directed to the Chair of the Board of Governors.
- If a Complaint involves the Chair of the Board of Governors, it will be directed to the Vice Chair of the Board of Governors.

Mediation

As appropriate and possible, mediation will be offered to the Complainant and Respondent involved in the Complaint prior to proceeding with an investigation. Mediation is a confidential process facilitated by an internal or external third party, aimed at achieving a mutually agreeable outcome or resolution. Participation is voluntary, and the Complainant or Respondent may decline without consequence. The outcome will be documented. If mediation is unsuccessful, the Formal Resolution process will continue, and an investigation may be conducted.

The following process will apply:

- A mediator with appropriate experience and skills will be appointed or engaged by the University.
- The mediator will be provided with all relevant documentation, including the Complaint, the Respondent's response, and any supporting materials.
- The mediator will first interview the Complainant and Respondent separately, to assess the appropriateness for mediation and to prepare the parties for a facilitated conversation.

Investigation

If mediation is not appropriate or is unsuccessful, and an investigation is determined to be necessary, it will be conducted by an internal or external investigator. The following guidance and process will apply:

- An investigator with appropriate experience and skills will be appointed or engaged by the University.
- Investigators appointed are expected to act objectively and shall disclose any potential conflicts of interest if they may be unable to maintain impartiality. CMU reserves the right to choose an alternative investigator if there is reason to believe a conflict of interest exists.
- The investigator will be provided with all relevant documentation, including the Complaint, the Respondent's response, relevant policies, a terms of reference document, a mandate document, and any other supporting materials.
- The investigator will interview the Complainant, Respondent, and any relevant witnesses, including individuals identified by both parties.
- Before finalizing the report, the investigator will provide the Complainant and the Respondent with a summary of their respective interviews, offering the opportunity to review, confirm accuracy, and clarify any points as needed.

At the conclusion of the investigation:

- The investigator will submit a summary report to Human Resources (or relevant position as it pertains to the Complaint), which will include:
 - Summaries of statements from the Complainant, Respondent, and witnesses (identifying details will be excluded to maintain confidentiality).
 - A summary of the process and key timelines in the investigations.
 - An indication of which key evidence was considered credible and reliable
 - A conclusion as to whether, on a balance of probabilities, a violation of the policy has been committed, including identification of which individual caused or contributed to the violation.

If it is determined that no violation has occurred, Human Resources will provide a summary and/or the investigation report (either in original or redacted form), within 30 working days of receiving the investigation report, to the Complainant and the Respondent and all such other individuals as Human Resources reasonably believes necessary to protect or restore the reputation of the Respondent. The outcome will be documented, and no discipline, sanctions, or other consequences will be imposed.

When determining whether to provide an investigation report, a redacted investigation report, or a summary of an investigation report, Human Resources will consider whether the investigation report contains private information, including but not limited to personal health information, or sensitive content, including but not limited to the details of an incident of Sexual Harassment.

In each case the summary or investigation report will include, at a minimum, a summary of any evidence provided by the recipient and enough information for the recipient to understand the essential nature of the Complaint and whether or not a violation was found to have occurred. Such information will be provided in accordance with The Freedom of Information and Protection of Privacy Act and The Personal Health Information Act.

If the Complainant undertakes legal action related to the matter before the investigation is completed, the investigation will be suspended pending the outcome of the legal process.

Outcomes and Remedies

If the investigative report is found substantiated, Human Resources will provide a summary and/or the investigation report (either in original or redacted form), a within thirty (30) days of receiving the investigation report to:

- The Complainant
- The Respondent
- The relevant Vice President or President to decide and implement sanctions, disciplinary actions, or remedial measures
- Any other person required in order to comply with legal, regulatory, or contractual obligations

For Complaints and investigations that are found substantiated, the Director of Human Resources alongside the relevant Vice President and/or President will determine what, if any, sanctions, disciplinary action, or remedial measures are appropriate and will prepare a disciplinary report that will include sanctions imposed and the reasons for the decision. In determining possible sanctions, they will consider:

- The nature and severity of the Misconduct
- The impact on the Complainant and others involved
- Whether the Respondent has accepted responsibility
- Any prior Misconduct
- The safety and well-being of the University Community

Possible sanctions may include, but are not limited to:

- Education or counselling
- A formal written warning
- Restriction or denial of University services or privileges, employment, including prohibition of, or limitations on specific access to or use of University services and premises
- A behavioral contract – a set of specific behavioral expectations, terms and conditions that are developed with and signed by the Respondent. The contract will clearly outline the expectations being placed on the Respondent, and that any breach of the contract may result in more serious sanctions
- Suspension from employment, studies, or on-campus housing
- Academic expulsion
- Termination of employment
- Any other action deemed appropriate based on the circumstances

Conflict of Interest

Internal or external mediators or investigators appointed in the event of a Formal Resolution process are expected to act objectively and shall disclose any potential conflicts of interest if they may be unable to maintain impartiality. CMU reserves the right to choose an alternative mediator or investigator if there is reason to believe a conflict of interest exists.

Interim Measures

As part of the Complaint process, Human Resources (or the Vice President of Student Life and Campus Operations when the Complaint involves students) may choose to impose interim measures on the Respondent in order to ensure the safety of the University Community. Interim measures may be imposed as a result of an Informal or Formal Resolution process and are to be as minimally restrictive as possible. The Complainant will be made aware of any imposed Interim Measures.

Interim measures may include, but are not limited to:

- A requirement not to have contact with specified individuals
- Limited access to specified areas at specified times

- Limited access to specified areas at all times
- Monitoring or supervision
- Change in work responsibilities
- Change in University residence
- Change in class schedule
- Any other condition, restriction or requirement that is deemed appropriate and proportionate to the situation

Advice and Referral

This policy is not intended to discourage or prevent a Complainant or Respondent from exercising their legal rights. All members of the University Community have the right to contact and/or file a Complaint with the Manitoba Human Rights Commission, seek assistance from SAFE Work Manitoba, including the option to file a Workplace Safety Report, or contact the Winnipeg Police Service.

Where appropriate, or when the Complaint falls outside the jurisdiction of this policy, Human Resources (or Vice President Student Life and Campus Operations when the Complaint involves students) will also inform the Complainant of alternative means of resolving Complaints, such as administrative action or processes external to the University.

Appeals

Respondents have the right to appeal any decision arising out of a Complaint process. Appeals by Respondents from any member of the University Community may be made to the CMU President in writing within thirty (30) days of receiving the decision. The decision of the President is considered final.

Appendix A – Resources

Any person who has experienced or witnessed Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, or Violence is encouraged to share their experience and/or make a Complaint to Human Resources, a direct supervisor, or a member of the Student Life team (for student-to-student matters).

Contact Information for CMU Resources

Accurate contact information will be maintained on the Staff and Student Hub.

Additional Resources

An individual may also report instances of Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, and Violence to a local crisis center or to legal authority:

- Klinik
 - Drop-in line: 204-784-4067
 - Sexual assault crisis line: 204-786-8631
 - Crisis line: 204-786-8686
- Suicide Crisis Line
 - 9-8-8
- Canadian Mental Health Association (CMHA)
 - 204-982-6100
- WRHA Mobile Crisis Service
 - 204-940-1781
- Winnipeg Police Service, Non-Emergency Line:
 - 204-986-6222
- Manitoba Human Rights Commission:
 - 204-945-3007
 - Website: <https://www.manitobahumanrights.ca>
 - Email: hrc@gov.mb.ca
- Workplace Safety and Health (WSH) Client Services:
 - 1-855-957-SAFE (7233) or toll-free 204-957-SAFE (7233)
- When placing a call to WSH individuals may remain anonymous
 - Website: https://www.gov.mb.ca/labour/safety/rep_unsafe.html
 - Email: wshcompl@gov.mb.ca

Appendix B – Glossary of Terms

Definitions:

Accommodation: Changes or adjustments made to policies, practices, environments, or expectations to enable individuals or groups with Protected Characteristics to fully participate in work, academic, or campus life.

Complaint: A formal report made by the Complainant under the Formal Resolution process who has experienced or witnessed Misconduct.

Complainant: A member of the University Community who has brought forward a Complaint.

Discrimination: Differential or adverse treatment of an individual or group based that is based on one or more of the protected characteristics under human rights legislation.

Duty to Accommodate: The University's legal obligation to take reasonable steps to eliminate disadvantages to individuals or groups protected under The Code. This includes addressing, removing, or modifying working conditions, learning environments, living arrangements, or academic requirements to meet the specific needs arising from a Protected Characteristic. The duty must be filled to the point of undue hardship, considering factors such as health and safety, operational requirements, and cost.

Formal Resolution: A structured, impartial process initiated when a member of the University Community submits a Complaint regarding Misconduct. It is typically used in cases involving serious, repeated, or unresolved concerns, or when Informal Resolution is not appropriate or has been unsuccessful. Formal Resolution may involve mediation, investigation, and/or recommendations for corrective, remedial, or disciplinary action.

Harassment: Objectional and offensive behaviour (whether verbal, written, physical, or visual) that is demeaning, degrading, humiliating, or intimidating and is a form of Discrimination when it is based on one of the Protected Characteristics.

Informal Resolution: A voluntary, confidential, and flexible process intended to address concerns of Misconduct through open and respectful dialogue, conflict resolution, or other collaborative approaches. The goal of Informal Resolution is to foster mutual understanding, repair harm where possible, and restore respectful working or learning relationships.

Misconduct: Any inappropriate, disrespectful, or harmful behaviour, practice, or action that violates this policy and/or undermines the dignity, safety, or well-being of University Community members. Misconduct includes, but is not limited to Discrimination, Harassment, Personal and Psychological Harassment, Sexual Harassment, Violence, Retaliation, or other actions addressed under this policy.

Personal and Psychological Harassment (Bullying): Repeated or sustained conduct, verbal comments, actions, or gestures that adversely affect an individual's dignity, psychological or physical integrity, or overall well-being.

Protected Characteristics: Under The Code, individuals and groups are protected from Discrimination based on the following characteristics: ancestry including race and colour, nationality, ethnic origin, religion, age, sex including pregnancy and gender identity, gender-expression, sexual orientation, marital or family status, source of income, political belief, physical or mental disability, and social disadvantage.

These characteristics cannot be used as a basis for discriminatory treatment in employment, education, housing, or services.

Respondent: A person against whom an accusation of Misconduct is made, whether or not a formal proceeding has commenced.

Sexual Harassment: Harassment of a sexual nature based on sex, sexual orientation, gender identity, or gender expression, and includes an incident, series, or pattern of objectional and unwelcome sexual solicitations or advances.

Stalking: Is a crime called criminal harassment. Stalking consists of repeated behaviour that is carried out over a period of time, and which causes a person to reasonably fear for their safety.

University Community: Anyone who studies in any CMU program, lives, works, or volunteers on the CMU campus (including Menno Simons College programs at the University of Winnipeg, which may be subject to UW policies, depending on the situation), or serves on the CMU Board or Council. The University Community includes staff, faculty, students, sessional instructors, independent contractors, volunteers, guests, or anyone who is acting in a capacity defined by their relationship to the University.

Violence: Attempted or actual exercise of physical force against a person that causes or could cause harm or injury. It also includes any threatening behaviour or attempt that gives a person reasonable cause to believe that physical force will be used against them, which could cause physical or psychological harm or injury.

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