



Code of Conduct

Date Approved: Oct. 19, 2016

Date Revised: Sept. 2016

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Policy # SS-5.5

Purpose

The Code of Conduct confirms the right of every College Community member to a learning and working environment that is free from discrimination and harassment in accordance with the Ontario Human Rights Code (the Code). The Code of Conduct provides guiding principles in terms of the general standard of conduct the College expects from everyone. It is used to communicate that every community member is expected to contribute to the development of a respectful environment by behaving in acceptable ways and by discouraging offensive behaviour of others. The Code ensures fairness and consistency in all matters relating to conduct.

Definitions

The following terms are defined in Appendix A to the Code:

- Alternate Dispute Resolution
- Assault
- Bullying
- College Community
- Cyber Bullying
- Discrimination
- Disruptive, Threatening or Violent Conduct
- Harassment
- Intention to Discriminate/Hate Literature
- Manager, Equity and Human Rights ("MEHR")
- Mobbing
- Natural Justice
- Poisoned Environment
- Premises
- Prohibited Grounds (of discrimination)
- Reprisal
- Sanction
- Sexual Assault
- Sexual Harassment
- Sexual Violence
- Student
- Student Misconduct
- Workplace Harassment
- Workplace Sexual Harassment

Application/ Scope

This policy applies to everyone in the College Community. It applies to conduct that occurs on properties owned or leased by the College, or where College activities or processes are taking place.



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Examples of such College related activities may include, but are not limited to the following:

- field placements,
- co-operative education work terms,
- clinical and field placements,
- off-campus internships,
- community service, College teams travelling to events off-campus,
- students' Association activity off campus or engaged in a club event,
- conference or any event where employees or students represent the College,
- any contract work for the College

Policy Statements

The College believes all members of the College Community have the right to study or work in an environment that is safe, secure and supportive, in accordance with the Code. The College shall treat students as adults who are responsible for conducting themselves in a manner that respects the rights of employees, other students, and College property.

1. A Code of Conduct offers guidance to the College Community on standards of integrity and conduct. No code can address every situation a person may encounter. As a result, people are expected to be guided by the letter and the spirit of the Code, and to exercise good judgment. In circumstances where they are unsure as to the proper course of action:
 - a. employees are to seek guidance from their immediate supervisor;
 - b. students are to seek guidance of any of the following:
 - Faculty member
 - Program coordinator
 - Chair or Dean
 - Student advisor
 - Student government representative.

Respect in the Workplace

2. The College expects all College Community members to foster an environment that reflects the College's values of Respect to enhance every experience for the greater good, as well as the value of Excellence to drive quality through accountability.
3. Employees are expected to promote and support a respectful, inclusive and safe work environment where everyone is treated with respect and dignity.
4. Employees are to act with transparency and impartiality to make sound unbiased, decisions in order to avoid any perception of conflict of interest. This would include ensuring that they do not benefit personally or professionally from any decision made within the context of their job, or allow outside



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interests to conflict with the employee's position at the College, use the assets of the college for personal gain or supervise a family member.

5. Nothing in this policy is meant to prevent persons from respectfully expressing their views within an academic context while respecting the law, respecting academic freedom and respecting management, union, employee, student and human rights.

For Students

6. Students will be subject to disciplinary action up to and including suspension or expulsion from the College if they engage in Student Misconduct.
7. Refer to Procedures for Student Misconduct.

For Employees

Knowledge of College Policies and Regulations

8. Employees need to be aware of and comply with the legislation and regulations that affect how they carry out their duties, including those of other countries when traveling out-of-country on College business.
9. Employees are expected to be familiar with the College policies relevant to their responsibilities and conduct themselves in a manner consistent with those policies.

Professional Behaviour

10. Employees are expected to act in a professional manner which includes meeting obligations, being truthful, being cooperative with College administration, maintaining integrity in their work and civility in their conduct and communications.
11. Employees are expected to present themselves in a professional manner including appropriate dress and personal appearance in keeping with the nature of the work they performed and the public image of the College they represent.
12. Employees are expected to contribute to a healthy and safe workplace by complying with all safety legislation and/or policies and by taking all reasonable precautions to ensure their own safety and that of others.
13. Employees are expected to ensure that their conduct does not jeopardize the good order and proper functioning of College operations and that they do not use College property or assets for anything other than legitimate College business, in accordance with policies pertaining to Conflict of Interest.



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14. Breaches of College policies, including the Code of Conduct, may result in disciplinary action up to and including termination.

Responsibilities and Accountability

15. Every member of the College Community is responsible for the proper functioning of the Code.
16. Every College employee is responsible to report conduct that contravenes the Code to their supervisor.
17. Every person has the right to communicate concerns related to potential breaches of the Code without reprisal or threat of reprisal.
18. Every person has the responsibility to cooperate in efforts to resolve concerns raised under the Code, and shall have the right to do so without reprisal or threat of reprisal.
19. Nothing in the Code is meant to conflict with the College's obligations to its employees under its various collective agreements or employment contracts.
20. The Manager, Equity, Human Rights (the "MEHR") and Accessibility is responsible for the following:
 - a. receiving complaints or concerns related to potential breach of the Code;
 - b. gathering preliminary information in order to assess a concern brought to the MEHR's attention;
 - c. advising members of the College Community about matters related to the application and interpretation of the Code;
 - d. offering interventions such as Alternate Dispute Resolution, but does not include personal counselling;
 - e. referring individuals to policies, procedures, supervisors, external resources as appropriate;
 - f. disclosing information to appropriate persons of authority under appropriate circumstances, while maintaining discretion and privacy of personal information, as appropriate. Examples when the MEHR would disclose include but are not limited to the following:
 - i. where disclosure is required by law or by other College policies;
 - ii. where a child is believed to be in need of protection;
 - iii. where the MEHR has a reasonable belief that the safety or security of individuals may be at risk;
 - iv. where there may be a crime involved;
 - v. where an individual refuses to make a formal complaint, but the MEHR reasonably believes there may be a risk to others in the College Community that requires further assessment;
 - vi. where the MEHR receives multiple reports of concerning behaviour from different individuals about a person where the MEHR reasonably believes there requires further assessment;



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- g. where appropriate, may be assigned to carry out a formal investigation of an alleged Code breach;
 - h. providing education and awareness on matters related to the Code with students, employees and supervisors;
 - i. reporting statistics about the activity of the Equity Office.
21. The MEHR is not responsible for determining and imposing disciplinary action. See paragraph 22.d below.
22. Supervisors are accountable for the following within their area of responsibility:
- a. receiving and acting on complaints and concerns from students and employees;
 - b. receiving and acting on information and advice from the MEHR regarding concerns related to the Code;
 - c. ensuring that students and employees cooperate with processes related to the Code;
 - d. holding students, employees and management accountable.
23. The Director, Human Resources is responsible for the following:
- a. holding the MEHR accountable;
 - b. advising supervisors and College administrators regarding the Code and its processes;
 - c. assigning a formal investigator (internal or external);
 - d. assisting supervisors with the implementation of decisions flowing from their accountability under the Code;
 - e. reporting to senior College administrators on matters appropriate to their level of accountability.

Related Procedures

Sexual Assault/Sexual Violence Protocol
Procedures for Student Misconduct
Workplace Violence Prevention
Procedures under the Code of Conduct (to be named and created)

Related Policies

Conflict of Interest Policy
Health and Safety Policy
Sexual Assault/Sexual Violence Policy
Workplace Attire Policy
Workplace Violence Prevention Policy
Workplace Harassment Procedures

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Appendix A to the Code of Conduct

DEFINITIONS:

ALTERNATIVE DISPUTE RESOLUTION: is a process that parties can use to reach their own agreement without going to court or trial or through a collective agreement grievance procedure in order to resolve a conflict. This can include mediation, facilitation, and other dispute resolution techniques.

ASSAULT: is an act that threatens physical harm to a person, whether or not actual harm is done.

BULLYING: is the repeated unfavourable treatment of a person by another or others which may be considered unreasonable and inappropriate. It includes behaviour that could be expected to intimidate, offend, degrade, humiliate, undermine or threaten. It may include physical or psychological behaviour where strength (including strength of personality) and/or a position of power is misused by a person in a position of authority or by a person who perceives that they are in a position of power or authority.

Bullying may be Overt or Covert.

Examples of Overt Bullying may include:

- abusive behaviour towards another person such as threatening gestures or actual violence including, pushing, hitting, finger pointing, or standing close to an individual in an aggressive manner
- aggressive or abusive or offensive language, including yelling, threats, insults and name calling
- constant unreasonable and unconstructive criticism
- Pressure to become involved in anti-social or criminal behavior

Examples of Covert Bullying may include:

- deliberate exclusion, isolation or alienation of an employee from normal work interaction, or a student from normal academic interaction
- placing unreasonable work demands or unreasonably assigning demeaning work
- undermining another, including encouraging others to "gang up" on the person
- deliberately withholding information that a person needs to exercise her or his role or rights
- unreasonable refusal of help
- unreasonably removing areas of responsibility
- Threats to withdraw funding, scholarships or advancement opportunities for reasons unrelated to performance
- Unreasonably preventing a person from expressing herself/himself

Bullying does not include legitimate, constructive and fair criticism of an employee's or student's performance/behaviour or the legitimate exercise of academic expression in teaching and research, freedom of thought and inquiry. An assertive management style is acceptable provided that employees



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and students are treated with respect and dignity. See also relevant collective agreements for further explanation, where applicable.

COLLEGE COMMUNITY: includes employees, students, members of the Board of Governors, members of committees established by the College, volunteers, contractors, and individuals providing service or research, individuals who use/rent College facilities, visitors, applicants, and/or guests.

CYBER BULLYING: Cyber bullying occurs when a person is deliberately bullied, harassed, humiliated, threatened, embarrassed, or targeted by another person through the use of the internet, cell phones, pagers, personal digital devices, computers or other digital technology whether or not they are made over the college's computer system. Some examples of this are in the form of e-mail, instant messaging (IM), chat rooms or bash boards, pagers, blogs, discussion board postings, vote/polling boards, etc.

Cyber bullying can be:

- Threats sent or published online
- Negative comments via text, email, IM, etc.
- Rumours posted on websites or spread online (whether they are true or not)
- Creating a fake profile of another person
- Private photos spread online that you did not authorize
- Unwanted sexual remarks
- Hate speech

Examples are:

- Sending messages containing insults or threats directly to a person
- Spreading hateful comments about a person electronically
- Stealing passwords and sending inappropriate messages using an assumed identity
- Using social media to target any person
- Posting inappropriate videos on social media

DISCRIMINATION: is one or a series of action(s) or any improper or inappropriate behaviour for which there is no bona fide and reasonable justification; and has the effect or purpose of imposing burdens, obligations or disadvantages on persons or groups of persons based on the Prohibited Grounds, and/or that result in the unfavourable, adverse or preferential treatment which negatively affects or could negatively affect the employment status of an employee or the academic status of a student, or the provision of any college service.

Examples include but are not restricted to:

- Refusal to provide goods, services or facilities
- Exclusion from employment or employment benefits
- Refusal to work with, study with or teach someone
- Failure to provide physical access

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DISRUPTIVE, THREATENING OR VIOLENT CONDUCT: any behaviour that is violent in nature and results in the assault of another person; or the threat of another person or group of persons with physical harm; or causing another person or group of persons to have reasonable grounds to fear physical harm; or an act which threatens or violates the rights and safety of any member of the College community; or interferes with the learning/working/social environment.

HARASSMENT: any one or series of vexatious comments and/or conduct towards a person or group of people that is known or ought reasonably to be known to be unwelcome, unwanted, offensive, intimidating, hostile or inappropriate. The comments or conduct may or may not be based upon one of the Prohibited Grounds and may have the effect or purpose of unreasonably interfering with a person's work or academic, athletic or artistic performance or of creating an intimidating or hostile environment for work or study. Single acts of sufficient severity may also constitute harassment.

Examples include but are not restricted to:

- Gestures
- Remarks
- Criticism unrelated to academic/work performance
- Jokes
- Taunting
- Innuendo
- Offensive Graffiti
- Threats
- Display of offensive materials
- Verbal or physical assault
- Shunning or exclusion related to the Prohibited Grounds
- Abuse of academic penalties
- Hazing
- Stalking

INTENTION TO DISCRIMINATE/HATE LITERATURE - means any notice, sign, symbol, emblem or other representation that expresses or implies discrimination or an intention to discriminate (inciting hatred) against any identifiable group.

The Ontario Human Rights Code specifically prohibits the expressed intent to discriminate or infringe rights, or intent to incite others to discriminate or infringe rights, under the Human Rights Code.

It is a violation of this policy, to publish, display, transmit (by any medium), knowingly retrieve or distribute before the public or direct to an individual, or cause to be published, displayed, transmitted or distributed within the College or through the use of College resources, with the intent of inciting others to discriminate (inciting hatred against any identifiable group), any hate literature. Communicating statements, other than in private conversation, which wilfully promote hatred against any identifiable group is an offense under the Criminal Code.

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MANAGER, EQUITY AND HUMAN RIGHTS (“MEHR”): The manager for the Centre for Equity acts as the advisor on all equity related inquiries or complaints by offering advice and opportunity to consult on all subjects related to human rights. The advisor will mediate when appropriate.

MOBBING (sometimes referred to as swarming): It can be the repeated, malicious mistreatment of a person by two or more people. It may include overt behaviour or could instead be covert.

- Overt behaviour could include physical and or direct verbal confrontation, such as physically surrounding, crowding or engulfing them
- Covert behaviour include using rumour, innuendo, making inappropriate jokes, and public slander.

NATURAL JUSTICE: means that a complaint will be heard by an unbiased decision-maker. It also calls for adequate notice to be given to a person about allegations put forth against them so that they have a reasonable opportunity to prepare and present their response.

POISONED ENVIRONMENT: is a form of discrimination. It may be created by comments or actions of any persons regardless of her/his position or status. These offensive comments or actions spoil the work, study, housing or other environment. The poisoned environment forms an unequal term or condition of employment, study and/or accommodation, based on a prohibited ground, and is therefore a violation of the right to be free from discrimination. The comment or conduct must be of a significant nature or degree and have the effect of 'poisoning' the work or study environment. A complainant does not have to be a direct target to be adversely affected by a negative environment. It includes any conduct or comment that creates and maintains an offensive, hostile, or intimidating climate for study or work. This may include, but is not limited to: exposure to graffiti, signs, cartoons, remarks, exclusion, or adverse treatment.

PREMISES: means buildings and lands owned, leased, operated, controlled or supervised by the College.

PROHIBITED GROUNDS of discrimination under the Ontario Human Rights Code are: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability. For the purpose of living accommodation, this list also includes receipt of public assistance.

REPRISAL: Any adverse action against anyone for acting in compliance with the Code, for seeking the application of the Code or for participating in a process arising from the Code.

SANCTION: a penalty that acts to ensure compliance to recommendations and/or findings from a formal complaint investigation based on the Code.

SEXUAL ASSAULT: is any type of unwanted sexual act done by one person to another that violates the sexual integrity of the victim, and involves a range of behaviours from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviours that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed,

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frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of consenting to.

SEXUAL HARASSMENT: means conduct of a gender-related or sexual nature when:

- I. Submission to such conduct is made, whether explicitly or implicitly, a term or condition of a person's employment or educational progress; or
- II. Submission or rejection of such conduct is used as the basis for an employment or academic decision affecting that person; or
- III. Such conduct has the effect or purpose of reasonably interfering with a person's work or academic, athletic or artistic performance or of creating an intimidating or hostile environment for work or study.

Depending on its severity, one action may constitute sexual harassment.

Examples include but are not restricted to:

- sexual assault, verbal abuse or threats of a sexual nature, demeaning gestures, remarks and jokes; slurs, taunting, innuendo based on gender or sexual orientation;
- unwanted physical contact;
- unwelcome sexual invitations, requests, or demands for sexual favours;
- implied or expressed promise of reward or benefit in return for sexual favours;
- implied or expressed threat or act of reprisal if sexual favours are not given;
- leering;
- inappropriate comments about clothing, body, appearance or activities;
- unwanted questions or comments about one's private life, sexual orientation, marital or family status;
- the display of sexually offensive material;
- solicitation;
- unwanted attention.

SEXUAL VIOLENCE: is a broad term that describes any violence, physical or psychological, carried out through sexual means or by targeting sexuality. This violence takes different forms including sexual abuse and sexual assault.

STUDENT: means a person who is registered in a course of study through the College and engaged in any academic work which may lead to the recording and/or issue of a mark or grade. Employees of the college may also be students at the College.

STUDENT MISCONDUCT: includes behaviour that: disrupts the teaching learning process, or interferes with the well-being of other students or employees, or causes damage to College property.

Student Misconduct also includes the following, but is not limited to:

- Assault
- all forms of Bullying



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- all forms of Discrimination, including contributing to a Poisoned Environment
- Disruptive, Threatening or Violent Conduct
- Harassment
- Mobbing
- Sexual Assault
- Sexual Harassment
- Sexual Violence
- Workplace Harassment
- Workplace Sexual Harassment

Student Misconduct also includes, but is not limited to:

1. Furnishing with intent, false information to any College official, faculty member or officer.
2. Disruption or obstruction of teaching or learning activities, including those College-directed functions on-campus or off-campus.
3. Theft, attempted theft or mischief related to the property of the College, or the property of a member of the College community.
4. Assault, verbal abuse, threats, intimidation, harassment and/or other conduct, which result in members of the College community feeling threatened or in danger.
5. Any act which endangers the mental or physical health, safety, or the rights of a student or employee of the College, or of clients served by the students during their field work, clinical experience or co-operative education work term.
6. Failure to comply with directions of College officials or agents or law enforcement officers acting in the performance of their duties, and/or failure to identify one's self to these persons when requested to do so.
7. Carrying or possession of explosives, weapons, or dangerous chemicals on College premises, except where required for academic purposes
8. Conduct which is disorderly, lewd or indecent.
9. Unauthorized use of electronic or other devices to make an audio, video, photographic or digital record of any person while on College premises without his or her prior knowledge and effective consent when it is reasonable to believe that the recording or the nature in which it is played, shown, distributed or displayed is likely to cause distress to any person. As an example, this includes secretly taking pictures of another person in a gym, locker room, or rest room.
10. Breach of peace on College premises or at functions sponsored by the College or the student government.
11. Counselling, prompting, or otherwise aiding others in unacceptable acts.
12. Forgery of document(s), permit(s) or instrument(s) of identification, or tampering with official records.

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13. Possession of, or trafficking in, a controlled substance as defined in the Controlled Drugs and Substances Act.
14. Contravention of provincial liquor laws or any policies of the College governing the possession, distribution, and/or consumption of alcoholic beverages.
15. Being under the influence of either alcohol or a controlled substance to the degree that a student:
 - a. may injure himself or herself, others, or property;
 - b. be a nuisance or disturbance to others in the vicinity;
 - c. is in such a condition that it is reasonable to believe that he or she is incapable of taking the necessary measures to assure their own safety or the safety of others.
16. Theft or other abuse of computer facilities and resources, including but not limited to:
 - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty member, or College Official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the College computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation of the Cambrian College Information Technology Acceptable Use Policy.
17. The breach of any policy or procedure that applies to students.

WORKPLACE HARASSMENT: as defined in the *Occupational Health and Safety Act*

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- b) workplace sexual harassment.

NB: The more detailed definition of "HARASSMENT", above, may also be applied to "WORKPLACE HARASSMENT"

WORKPLACE SEXUAL HARASSMENT: as defined in the *Occupational Health and Safety Act*



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- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b) 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 worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

NB: The more detailed definition of "SEXUAL HARASSMENT", above, may also be applied to "WORKPLACE SEXUAL HARASSMENT".