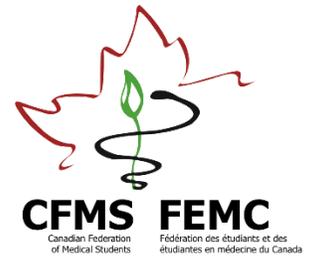


CANADIAN FEDERATION OF MEDICAL STUDENTS (CFMS)
CFMS ANTI-VIOLENCE, HARASSMENT & DISCRIMINATION POLICY

APPROVED BY THE CFMS BOARD OF DIRECTORS ON AUGUST, 30TH, 2020

Prepared by:

CFMS Finance, Audit, and Human Resources Committee (2019-2020)



Definitions

1. In this document, unless the context otherwise requires:
 - 1.1 “Board Director” refers to a member of the CFMS Board of Directors as defined by the CFMS By-laws.
 - 1.2 “Anti-Harassment Lead” refers to the VP Finance, who is the designated anti-harassment lead for the CFMS.
 - 1.3 “Finance, Audit, and Human Resources Committee” refers to the collective group of CFMS members comprising such committee as outlined in the CFMS Finance, Audit, and Human Resources (FAHR) Committee Terms of Reference, hereafter referred to as the “FAHR Committee.”
 - 1.4 “Harassment” is any behavior, comment, or action that demeans, humiliates, or embarrasses a person, and is known or ought reasonably be known to be unwelcome. It includes actions, comments, or displays. This includes but is not limited to:
 - 1.4.1 unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, gender, socioeconomic status, or other personal characteristics (“Discriminatory harassment”);
 - 1.4.2 written or verbal abuse or threats;
 - 1.4.3 practical jokes that embarrass or insult someone;
 - 1.4.4 humiliating an employee in front of co-workers;
 - 1.4.5 abuse of authority that undermines someone's performance or threatens her or his career; and/or
 - 1.4.6 psychological or sexual harassment (as defined below).
 - 1.5 “Sexual harassment” means (1) engaging in a course of conduct or comment because of sex, sexual orientation, gender identity or gender expression, where the course of conduct or comment is known, or ought reasonably known to be unwelcome; or (2) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to grant or deny a benefit or advancement to the person, and the person should or reasonably ought to know that the solicitation or advance is unwelcome. Examples include, but are not limited to:
 - 1.5.1 gender-related comments about a person's physical characteristics or mannerisms;
 - 1.5.2 unwelcome physical contact, such as patting, touching, pinching, hitting;
 - 1.5.3 suggestive or offensive remarks or innuendoes about members of a specific gender;

- 1.5.4 leering, inappropriate staring, or other offensive gestures;
- 1.5.5 unwelcome sexual remarks, invitations, or requests; and/or
- 1.5.6 displays of sexually explicit, sexist, racist, or other offensive or derogatory material.
- 1.6 “Workplace violence” is (1) the use of physical force against a person, in a workplace, that causes or could cause physical injury; (2) an attempt to exercise physical force in the workplace that could cause physical injury; or (3) a statement or behaviour that is reasonably interpreted as a threat of physical force in the workplace that could cause physical injury. Examples include, but are not limited to:
 - 1.6.1 Physical assault, which can include hitting, shoving, pushing, kicking or inappropriate physical closeness or contact;
 - 1.6.2 Threatening behaviour such as shaking fists, destroying property, throwing objects; and/or
 - 1.6.3 Verbal or written threats which can be insulting or taunting, swearing, condescending language or any expression of intent to inflict harm.

Purpose

- 2. The CFMS is committed to fostering a safe, respectful, and harassment-free work environment where everyone is treated with respect and dignity. This policy and the corresponding program outlines guidelines and processes related to harassment and workplace violence to ensure that the CFMS office, meetings, and electronic discussion forums are comfortable places for all. Harassment at the CFMS is not tolerated.

Scope

- 3. This policy applies to all CFMS members, board directors, staff, volunteers, national officers, committee chairs, visitors and all others conducting business with, or who are representing the CFMS.
- 4. This policy applies to all behavior that is in some way connected to the CFMS, including meetings of the CFMS.

Policy Statement

- 5. Filing a Complaint
 - 5.1 Prior to filing a complaint under this Policy, a person subjected to harassment, discrimination, or violence should let their objections be known to the alleged offender, directly or with the assistance of a third party.
 - 5.2 A member of the CFMS may file a complaint under this Policy by contacting the anti-harassment lead.
 - 5.2.1 If that person is involved in the complaint, the complaint should be sent to the CFMS Past-President.

- 5.2.2 If for some reason a member is unable to report harassment to someone at the CFMS, they may go to the CFMS General Manager or to the police (for a case of sexual or physical assault). They may also go directly to their university anti-harassment unit.
 - 5.2.3 The complaint may be submitted verbally or in writing.
 - 5.3 Once a person reports harassment, the anti-harassment lead will ask the person who made the complaint to provide details such as what happened, when, where, how often and who else was present, and will keep notes of this conversation.
 - 5.4 Complaints should be made as soon as possible, but no later than one year after the last incident of perceived harassment, unless there are circumstances that prevented a person from doing so. Complainants should be aware that there may be time limits for filing a complaint with the applicable provincial human rights tribunals, if the incident requires such action.
 - 5.5 The anti-harassment lead will tell the respondent that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The communication will also provide details of the allegations that have been made against him or her.
 - 5.6 Board directors, national officers, and committee chairs have a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be resolved as quickly as possible, ideally within one month of being made.
 - 5.6.1 The anti-harassment lead will advise both parties of the reasons why, if this is not possible.
- 6. Informal procedures
 - 6.1 Members may wish to proceed informally initially. Members may contact the anti-harassment lead to help communicate with the other person, or to speak to them on their behalf, without initiating a formal complaint or mediation process. The informal approach may not always be possible or successful.
- 7. The Investigation
 - 7.1 If informal procedure is inappropriate, does not resolve the issue, or one of the parties refuses, an investigation will be conducted, either by a specially trained person from within the CFMS or an external consultant.
 - 7.2 They will interview the person who made the complaint, the person the complaint was made against, and any witnesses. All employees and executive members have a responsibility to cooperate in the investigation.
 - 7.3 All people interviewed have the right to be accompanied by someone with whom they feel comfortable during any interviews or meetings. All people interviewed will be able to review their statement, as recorded by the interviewer, to ensure its accuracy. Confidentiality must be maintained at all steps, including the investigative process.

7.4 An investigation will involve:

- 7.4.1 Collecting all pertinent information from the person who made the complaint;
- 7.4.2 Informing the person against whom the complaint was filed of the details of the complaint;
- 7.4.3 Interviewing both parties, and;
- 7.4.4 Interviewing any witnesses.

7.5 The investigator will prepare a report that includes a description of the allegations, the response of the person the complaint was made against, a summary of information learned from witnesses (if applicable), and a decision about whether, on a balance of probabilities, harassment did occur. This report will be submitted to the anti-harassment lead within one week of completion of the investigation.

8. Substantiated complaints

8.1 The anti-harassment lead will inform both parties of the outcome of the investigation, in writing, ideally within a week of the report being submitted.

8.2 If the investigator decides the complaint is substantiated, the anti-harassment lead will determine whether disciplinary action and other appropriate measures will be taken.

8.3 Where the complaint involves any CFMS member, remedies and/or corrective action for a person who was harassed may include any of the following, depending on the nature and severity of the harassment:

- 8.3.1 An oral or written apology from the person found to have engaged in harassment;
- 8.3.2 Training for the individual at fault;
- 8.3.3 Removal from a committee or board;
- 8.3.4 Suspension, censure, expulsion or dismissal from CFMS; and/or
- 8.3.5 Severance of a business relationship;

8.4 Where the complaint involves CFMS staff, in addition to the remedies and corrective action listed above, corrective action may include disciplinary action, including a formal warning, suspension or termination of employment, or any other measures deemed appropriate.

9. Retaliation

9.1 Members of the CFMS can expect to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

9.2 Anyone who retaliates in any way against a person who has been involved in a harassment complaint will be subject to penalties deemed appropriate by the anti-harassment lead.

9.3 Members of the CFMS will not be disciplined for bringing forward complaints that are determined to be unfounded, provided that such complaints were raised in good faith. Frivolous or vexatious claims may result in disciplinary action in accordance with this Policy.

10. Confidentiality

10.1 The CFMS will not disclose any information about a complaint, except as necessary to investigate the complaint, to take disciplinary action, or as required by law. The discussion of a harassment complaint will be limited to those that need to know.

11. Record Keeping

11.1 The CFMS will ensure that appropriate records of complaints and investigations relating to this policy are kept in accordance with any applicable legislation.

Effective Date

12. The CFMS Anti-Harassment Policy shall be effective as of the date the Policy is approved by the Board following a review by the Governance Committee, unless another date is specified by the resolution of such approval.

Responsibilities

13. Members

13.1 All CFMS members, board directors, staff, volunteers, national officers, committee chairs, visitors and all others conducting business with, or who are representing the CFMS, have the responsibility to treat each other with respect, specifically in all matters related to the CFMS.

13.2 All individuals have a responsibility to report all actual and perceived incidents of harassment, discrimination and workplace violence (including incidents of retaliation) to the anti-harassment lead if they wish the CFMS to follow through with mediation or investigation. The choice to report should be left to the individual discretion of the person who experienced harassment.

13.3 All individuals under this policy are responsible for cooperating with a harassment investigation, and respecting the confidentiality of any investigation process.

14. Board Directors, National Officers, and Committee Chairs

14.1 Each board director, national officer, and committee chair is responsible for fostering a safe working environment, free of harassment. Board directors must set examples for appropriate behaviour, and communicate the process for investigating and resolving harassment complaints made by members.

14.2 Board directors must act on situations of harassment immediately on becoming aware of them, whether or not there has been a formal complaint through the anti-harassment lead. Board directors are responsible for taking appropriate action during a harassment investigation and ensuring they are dealt with in a sensitive and confidential manner.

15. CFMS Staff – Supervisors and Managers

15.1 It is the responsibility of every Supervisor and Manager to ensure that conduct which violates this Policy does not occur in his/her workplace. Supervisors and Managers are expected to:

15.1.1 Act respectfully towards other individuals while at work and participating in any work-related activity;

- 15.1.2 Promote a non-violent workplace;
 - 15.1.3 Identify training needs for employees;
 - 15.1.4 Ensure that employees understand who to contact regarding concerns about this Policy or when reporting an incident;
 - 15.1.5 Ensure their own physical safety if an incident of workplace violence occurs;
 - 15.1.6 Report any incident of violence towards any employee (or CFMS member) immediately;
 - 15.1.7 Ensure the security and safety of all parties during an investigation of an incident of workplace violence; and/or
 - 15.1.8 Honour the employees' right to refuse work should they feel they are exposed to a violent or potentially violent situation.
16. Assessments of the risks of workplace violence
- 16.1 CFMS will assess the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work, and will conduct reassessments as often as necessary to ensure that its policy and program continue to protect employees from workplace violence.
17. Compliance
- 17.1 The FAHR Committee shall ensure ongoing compliance with the Policy and its associated appendices.
 - 17.2 The FAHR Committee shall be immediately notified of any violation of the Policy or its associated appendices and shall recommend a resolution of the violation to the Board in-line with best governance and financial practice.
 - 17.2.1 In the event the violation exists as a result of the actions of the Board, the FAHR Committee's recommendation shall stand as the resolution decision.
18. Review
- 18.1 The FAHR Committee shall review this Policy as often as necessary, but at least annually, to ensure this Policy remains relevant and in-line with best governance practices.
 - 18.2 In the event of a discrepancy between this Policy and other CFMS documents:
 - 18.2.1 The CFMS By-laws shall supersede the CFMS Anti-Harassment Policy, Violence & Discrimination Policy.
 - 18.2.2 Discrepancies identified between this Policy and other documents shall trigger a review of the superseded document within one (1) year of identification of the discrepancy.
 - 18.3 Changes to this Policy may only be made upon recommendation of the FAHR Committee and the CFMS Governance Committee and with the approval of a simple majority of the Board.

Related Information

19. CFMS By-laws
20. CFMS FAHR Committee Terms of Reference

History

21. Originally drafted August 30, 2005
22. Reviewed by the FAHR Committee May 2020
 - 22.1 Approved and Effective: August 30, 2020
 - 22.2 Next Schedule Review: May 2021

Terms of References are subject to annual review by the CFMS Governance Committee prior to submission to the CFMS Board of Directors for adoption and publication.