

Executive Officer Accountability Policy**H-39**

LONG TITLE	Executive Officer Accountability and Discipline Policy	DATE OF ENACTMENT	15 March 2022
		LAST AMENDED	8 April 2024
REFERENCE No.	H-39	NEXT REVIEW	31 May 2025
CATEGORY	Human Resources	COMPETENT CHAMBER	CUSA Board
REVIEW COMMITTEE	Human Resources Subcommittee	DELEGATES	President/CEO Director of Operations Human Resources

1) Purpose

- a) To strengthen the accountability of executive officers as defined in section 3 of the CUSA By-Laws.
- b) To establish standards by which complaints of misconduct, workplace violence, discrimination and/or harassment against executive officers are handled.
- c) Every person has the right to freedom from harassment and discrimination in employment. CUSA prohibits discrimination or harassment based on the protected grounds listed in the Ontario Human Rights Code, and any combination of such grounds.

2) Definitions

For the purposes of this policy unless the context demands a separate interpretation:

- a) **Executive Officer** means an executive officer as defined in section 3 of the CUSA By-Laws;
- b) **Harassment** means a course of vexatious comments or actions that are known, or ought to reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning, or unwelcome. Prohibited harassment is not necessarily based on any prohibited grounds.
- c) **Workplace Violence** means the exercise of physical or psychological force by a person against a worker, in a workplace, that causes or could cause physical or psychological injury to the worker, an attempt to exercise physical or

psychological force against a worker, in a workplace, that could cause physical or psychological injury to the worker, a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical or psychological force against the worker, in a workplace, that could cause physical or psychological injury to the worker. Workplace violence includes Physical or Psychological abuse, Expressions of intent to inflict harm, Threatening activity, such as waving a fist, Using, or attempting to use, physical force against another person, Shoving, pushing, hitting, Verbal abuse, sexual abuse, and sexual violence.

- d) **Discrimination** means any form of unequal treatment based on a protected ground, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people

3) Application

- a) This policy applies to all Executive Officers of the Corporation as defined in section 3 of the CUSA By-Laws.

4) Administration

- a) This policy is administered by the CUSA Board.

5) Executive Officer Responsibilities

- a) Each Executive Officer is expected to:
- i) Adhere to the strictest moral and ethical conduct;
 - ii) Adhere by the CUSA ByLaws, the CUSA Health and Safety Manual and policies,
 - iii) Adhere by the applicable university Bylaws, codes, policies, and procedures;
 - iv) Adhere by the applicable federal, provincial, and municipal law and regulations;
 - v) Abstain from any type of act that has, or might reasonably be seen to have, an adverse effect on the reputation or the proper functioning of the Corporation;
 - vi) Abstain from committing misconduct including but not limited to:
 - (1) Abuses of their office's power
 - (2) Using their office for personal gains or personal benefits
 - (3) Acts of deception, lying and misrepresentation

- vii) Abstain from committing acts of discrimination;
- viii) Adhere by the Executive Officers Terms of Reference and job descriptions
- ix) Report any incidents of misconduct, workplace harassment and violence, experienced, or observed, involving an executive officer as soon as possible to the Board of Directors or the Director of Human Resources; and
- x) Cooperate in the investigation and resolution of matters involving executive officer misconduct, workplace harassment and violence.

6) Reporting Misconduct, Workplace Violence and Harassment

- a) A report of workplace violence and harassment must include the following details about the incident:
 - 1. Name and contact information of the person(s) who has allegedly experienced workplace harassment or violence or threatening behaviour;
 - 2. Names, contact information and position of the alleged offender(s);
 - 3. Names and contact information of potential witnesses or anyone who may be able to provide relevant information about the alleged incident;
 - 4. A detailed summary of what happened with date(s), frequency, location(s) of the alleged incident(s); and any supporting documents such as texts, emails, photos, and letters relevant to the complaint.

7) Investigation of Complaints

- a) Upon receipt of a written complaint alleging an executive officer's misconduct, workplace violence or harassment, the CUSA Board shall, by a vote requiring a simple majority, determine whether to launch a formal investigation into the allegations of misconduct, having regard to the nature and seriousness of the allegation(s) of misconduct, the Executive Officer's response and the need for further investigation.
 - i) Allegations of workplace harassment and allegations of discrimination must be the subject of a formal investigation conducted in accordance with the organization's Workplace Violence And Harassment Policy And Prevention Program.
- b) When the CUSA Board determines that a formal investigation is warranted, it shall direct the Director of Human Resources or an independent qualified third-party investigator, as appropriate in the circumstances, to conduct the investigation into the allegation of misconduct, workplace violence, discrimination or harassment.

8) Executive Officer Collaboration in Investigations

- a) The executive officer who faces allegations of misconduct, workplace violence, discrimination or harassment shall participate and fully cooperate with the investigation. The refusal or failure of an executive officer to cooperate with an investigation constitutes a serious form of misconduct for which they may be disciplined up to and including immediate dismissal.

9) Confidentiality

- a) All incidents or complaints of workplace harassment/violence and discrimination shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

10) No Reprisal

- a) No retaliation or reprisals will be undertaken or tolerated against any worker who, in good faith, complains of, reports, or participates in any investigation into allegations of workplace harassment and violence.

11) Disciplinary Action Against an Executive Officer

- a) If the CUSA Board determines that a worker has engaged in misconduct, workplace violence discrimination, or harassment, the CUSA Board may impose disciplinary measures onto the executive officer up to and including immediate dismissal.
 - i) The Board may remove any Executive Officer by resolution. The Members may also remove any Executive Officer by two thirds (2/3rds) vote.