



SEXUAL VIOLENCE AND HARASSMENT POLICY GUIDELINES UPDATED JANUARY 2022

POLICY OBJECTIVES

Our private career college will not tolerate sexual and gender-based harassment and trusts that all staff, students, and employees will continue to act responsibly pursuant to the policies and will assist the school in maintaining a poison-free environment free and thank all for their co-operation could progress into sexual violence against our students and how to reduce it.

PCC #115596 has developed policies and procedures to ensure that all its employees, students, partners, and clients can work in an environment free from sexual and gender-based, or workplace harassment. All persons associated with our private career college shall become familiar with this policy. Our private career college will not tolerate sexual and gender-based harassment and trusts that all staff, students, and employees will continue to act responsibly pursuant to the policies and will assist the school in maintaining a poison-free environment free and thank all for their co-operation.

PCC #115596 is committed to maintaining a fair and equal environment for all students, ages, ethnicities, religions, and sex-gender. The College is expected to be a safe place where our students, staff of PCC #115596 College feel able to work, learn and express themselves in an environment, free from sexual violence and treating those students who report incidents of sexual violence with dignity and respect.

PCC #115596 will provide a copy of the policy to our students, and educate them together with our career college management, employees, instructors about this Policy and how to identify situations that involve, or could progress into sexual violent against our students and how to reduce it.

Purpose

All members of our private career college have the right to work and study in an environment that is free from any form of sexual violence. This document sets out our policy and response protocol to sexual violence and ensures that those who experience sexual violence are believed and their rights respected, that the College has a process of investigation that protects the rights of individuals and holds individuals who have committed an act of sexual violence accountable.

Definitions

Sexual Harassment Definition:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work environment.

Sexual Harassment is prohibited by Ontario Human Rights Code and may be based on gender (including transgendered persons) or may involve the use of overt sexual language or sexual innuendo which makes an individual feel uncomfortable. Sexual harassment is different from flirting, playing around, or other types of behavior that you enjoy or welcome. Sexual harassment can be requests for sexual favors or unwelcome sexual behavior that is bad enough or happens often enough to make you feel uncomfortable, scared or confused and that interferes with your schoolwork or your ability to participate in extracurricular activities or attend classes. Sexual harassment can be verbal (comments about your body, spreading sexual rumors, sexual remarks or accusations, dirty jokes or stories), physical (grabbing, rubbing, flashing or mooning, touching, pinching in a sexual way, sexual assault) or visual (display of naked pictures or sex-related objects, obscene gestures).

Sexual harassment can happen to girls and boys. Sexual harassers can be fellow students, teachers, principals, janitors, coaches, and other school officials.

Sexual Harassment Definition

The Canadian Human Rights Commissions broadly defines harassment, some of which is sexual in nature as:

- Verbal abuse or threats;
 - Unwelcome remarks, jokes, innuendo or disrespectful comments about a person's body, clothing, age, marital status, ethnic or religious background
 - Showing offensive or disrespectful pictures
 - Practical jokes that cause embarrassment or awkwardness
 - Unwelcome invitation or request
 - Leering or other gesture
 - Condescending behavior that takes away a person's self-respect
 - Unnecessary physical contact
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- a) Sexual harassment will be not tolerated
 - b) It is the responsibility of all employees, teachers and students to refrain from acts of sexual harassment against other employees, students and other individuals with whom they have contact during the course of their duties.
 - c) Employees and students are to be given specific methods of redress to follow in the event they are subject to sexual harassment.
 - d) It is the responsibility of administrators/supervisors, at all levels, to be sensitive to the possible existence of sexual harassment and to act quickly and appropriately to put an end to it
 - e) Employees or students who have engaged in sexual harassment of others will be subject to appropriate disciplinary action.

Due to the power imbalance that often exists between the harasser and the person being harassed, and worries about what will happen if they object, people may go along with the unwelcome actions. But in these cases, it is still sexual harassment and it is still against the law.

Sexual Violence Definition

Sexual violence is defined as a sexual act committed against someone without that person's freely given consent. It 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. Acts of sexual violence include: unwanted sexual comments or advances; coercion of another person's sexuality by physical or psychological intimidation and/or the denial of another person's sexual decision-making rights. Sexual Violence is divided into the following types: Completed or attempted forced penetration of a victim. Completed or attempted alcohol/drug-facilitated penetration of a victim. Sexual violence can profoundly impact physical and mental well-being of individuals and communities.

Sexual Assault Definition

Sexual assault is a form of sexual violence and is a criminal offence under the Criminal Code of Canada. Sexual assault is any type of unwanted sexual act done by one person to another that violates the sexual integrity of that person and involves a range of behaviors from any unwanted touching to penetration. Sexual assault is characterized by a broad range of behaviors that involve the use of force, threats, or control towards a person, which makes that person feel uncomfortable, distressed, frightened, threatened, or that is carried out in circumstances in which the person has not freely agreed, consented to, or is incapable of providing consent.

Examples of Sexual Assault

- asking for sex in exchange for a benefit or a favor
- demanding a student complete a scene if student is uncomfortable
 - making unnecessary physical contact, including unwanted touching, *etc.*
 - using language that puts someone down and/or comments toward women (or men, in some cases), sex-specific derogatory names
 - leering or inappropriate staring
 - making gender-related comments about someone's physical characteristics or mannerisms
 - making comments or treating someone badly because they don't conform with sex-role stereotypes
 - showing or sending pornography, sexual pictures or cartoons, sexually explicit graffiti, or other sexual images (including on-line)
 - sexual jokes, including passing around written sexual jokes spreading sexual rumors (including on-line or by email)
 - using sexual or gender-related comment or conduct to bully someone
 - making suggestive or offensive comments or hints about members of a specific gender
 - sexual solicitation and advances (your teacher asks for sex in exchange for a passing grade)
 - a poisoned environment (pornographic images in the workplace)
 - gender-based harassment (targeting someone for not following sex-role stereotypes) violence (if inappropriate sexual behavior is not dealt with, it may move to more serious forms, including sexual assault and other violence).
 - asking for sex in exchange for a benefit or a favor violence (if inappropriate sexual behavior is not dealt with, it may move to more serious forms, including sexual assault and other violence).
 - repeatedly asking for dates, and not taking "no" for an answer
 - calling people sex-specific derogatory names
 - making sex-related comments about a person's physical characteristic or actions
 - making sexual jokes

- bragging about sexual prowess
- Bullying based on sex, gender or religion
- Sexist and homophobic name-calling, jokes and conduct may also be used as a way to bully and shun a person. In some cases, gender-based harassment may look the same as harassment based on sexual orientation, or homophobic
- using rude or insulting language or making comments toward women
- repeatedly asking for dates, and not taking “no” for an answer
- calling people sex-specific derogatory names
- making sex-related comments about a person’s physical characteristics or actions
- saying or doing something because you think a person does not conform to sex-role stereotypes

Policy

Policy Statement

Sexual assault and sexual violence are unacceptable and will not be tolerated at PCC ID #115596. We are committed to challenging and preventing sexual violence and creating a safe environment for anyone in our College community who has experienced sexual violence. The College is expected to be a safe place where members of the College community feel able to work, learn and express themselves in an environment, free from sexual violence.

All reported incidents of sexual violence will be investigated to the best of our ability and in a manner that ensures due process. The aim of this policy is to make individuals feel comfortable about making a report in good faith about sexual violence that they have experienced or witnessed.

We recognize that sexual violence can occur between individuals regardless of sexual orientation, gender, and gender identity or relationship status as articulated in the Ontario Human Rights Code.

- f) It is the responsibility of administrators/supervisors, at all levels, to be sensitive to the possible existence of sexual harassment and to act quickly and appropriately to put an end to it
- g) Employees or students who have engaged in sexual harassment of others will be subject to appropriate disciplinary action.

Due to the power imbalance that often exists between the harasser and the person being harassed, and worries about what will happen if they object, people may go along with the unwelcome actions. But in these cases, it is still sexual harassment and it is still against the law.

Process for responding to and addressing incidents and complaints of sexual violence involving students

1. Reporting and Responding to Sexual Violence

Members of the Private Career College #115596 should immediately report sexual violence incidents they witness or have knowledge of where they have reason to believe that sexual violence has occurred or may occur. Members who have experienced sexual violence are encouraged to come forward to report as soon as they are able to.

If you have experienced sexual harassment or violence you can contact 911 for emergency or report to

Toronto Police Service - Sex Crimes

40 College Street,

Toronto, Ontario M5G 2J3

416-808-7474

www.torontopolice.on.ca/sexcrimes/sas

www.facebook.com/TPSSexCrimes

www.twitter.com/TPSSexCrimes

A police officer is to conduct a thorough investigation. The Toronto Police Service will also provide you with ongoing support throughout the entire process. Their goal is to identify arrest and prosecute the person(s) responsible.

If you require medical attention, consider getting medical care at a local hospital. If possible, do not change clothes, bathe, or brush your teeth until evidence is collected. A complete medical evaluation will include evidence collection, a physical examination and treatment. Please note you will have the opportunity to opt out at any time during the medical evaluation.

- The Sexual Assault/Domestic Violence Care Centre (SA/DVCC) provides emergency service, follow-up health care and counselling to both female and male victims/survivors of recent sexual assault and intimate partner violence.
- Care is available 24 hours/day and includes crisis intervention, physical examination, documentation of injuries (including photographs), testing and treatment for sexually transmitted infections and pregnancy, forensic evidence collection for release to police (or stored at hospital), safety planning and referrals for ongoing support. Follow-up health care and counselling is also available at the SA/DVCC.
- There are 35 SA/DVCCs across Ontario. Listed below are two centers that are located in the city of Toronto. If you live outside of Toronto and wish to find a center in your area, call: **(416) 314-2447 or toll free at 1 (888) 579-2888.**

Alternatively, check out the Network of Sexual Assault/Domestic Violence Treatment Centre website: www.sadvttreatmentcentres.net.

Reporting and Responding to Sexual Violence

Students, faculty and staff of PCC #115596 will take all reasonable steps to prevent sexual violence involving our students on our career college campus by reporting immediately to the PCC #115596 if our students have been subject to, or they have witnessed or have knowledge of sexual violence involving our students, or have reason to believe that sexual violence has occurred or may occur which involves our students.

Complaints will be confidential. If a matter needs to be taken further, a complaint can be made (filing an application) with the Human Rights Tribunal of Ontario (HRTO). You will need to file this within one year of the last incident of sexual harassment. The Human Rights Legal Support Centre may help you file this application. In more extreme cases, sexual harassment is a criminal offence. It is a crime if the harassment involves attempted or actual physical assault, including sexual assault, or threats of an assault. Stalking is a crime called "criminal harassment." Where sexual harassment includes any of these things, you can contact police 911

Investigating Process

A reported allegation of harassment or sexual violence will be investigated immediately to the best of our ability. The aim of this policy is to make individuals feel comfortable about making report in good faith about sexual violence that they have experienced or witnessed. The investigation might include separate interviews with the parties involved, where necessary, as well as with individuals who may have observed or have knowledge relevant to the alleged conduct. An attempt to conduct the investigation in a discreet fashion to the extent practicable and appropriate under the circumstances.

A complaint of sexual violence may be filed under this Policy, by any student of our career college to the PCC #11596 in writing.

A complainant may ask another person to be present during the investigation.

Upon a complaint of alleged sexual violence being made the PCC #11596 will initiate an investigation, including As follows:

Anyone who has experienced sexual violence has the right to:

- be treated with dignity and respect;
- be informed about resource services and decide whether or not to access available services and choose those services they feel will be most beneficial;
- decide whether to report to campus security and/or local police;
- have an on-campus investigation with the institution's full cooperation;
- have a safety plan; and
- have reasonable and necessary actions taken to prevent further and unwanted contact with the
 - Additional information can be read here http://www.torontopolice.on.ca/publications/files/print/a_guide_for_sexual_assault_survivors
 - Persons in a position of authority including persons directing the activities of others shall take immediate action to respond to or to prevent sexual violence from occurring
 - Where the Private Career College #115596 becomes aware of incidents of sexual violence by a member of the College which occur on or off College property and that pose a risk to the safety of members of the College the College shall take all reasonable steps to ensure the safety of the College.

Right to Withdraw a Complaint

A complainant has the right to withdraw a complaint at any state of the process. However, the Private Career College #115596 may continue to act on the issue identified in the complaint in order to comply with its obligation under this Policy and/or its legal obligations.

2.1 Unsubstantiated or Vexatious Complaints

If a person, in good faith, discloses or files a sexual violence complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed.

Disclosures or complaints that are found following investigation to be frivolous, vexatious or bad faith complaints, that is, made to purposely annoy, embarrass or harm the respondent, may result in sanctions and/or discipline against the complainant.

A complaint of sexual assault or any other kind of sexual violence can be filed under this Policy by any member of the College community. For more information, please refer to the Sexual Assault and Sexual Violence Procedure,

The College will seek to achieve procedural fairness in dealing with all complaints. As such, no sanction and/or disciplinary action will be taken against a person or group without their knowledge where there is an alleged breach of this Policy. Respondents will be given reasonable notice, with details of the allegations and provided with an opportunity to answer to the allegations made against them.

All information collected as a result of a report made under the policy and procedure will be managed in accordance with the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act as applicable.

2.2. False Complaints

PCC ID #115596 recognizes that false accusations of sexual harassment or other forms of workplace harassment can have serious effects on the lives and careers of innocent people. Therefore, while harassment in the workplace will not be tolerated, neither will The PCC ID #115596 and the submission of false accusations by any person. It is a violation of this Policy for anyone to knowingly make a false complaint of sexual violence or to provide false information about a complaint. Individuals who violates this Policy are subject to disciplinary and / or corrective action, up to and including termination of employment of instructors or staff or expulsion of a student.

3. Timeliness in Reporting an Incident

Prompt reporting of incidents is important so that appropriate action can be taken.

4. Protection against Retaliation

Retaliation against an individual who submits a complaint of alleged harassment, reports harassment or assists in providing information relevant to a complaint of harassment is absolutely prohibited and a serious violation of this policy. If you feel you or any other person has been retaliated against, you should report the matter immediately to one of the persons listed at the end of this policy.

5. What to Do if You Witnessed Sexual Violence

If you witness sexual violence, and require emergency support, please call Police 911 or go to the nearest police station. If you are in need of less urgent counselling or medical support during business hours, contact the Private Career College # 115596 administration office.

6. What to Do if Someone Discloses Allegations of Sexual Violence

A person may choose to confide in someone (such as an instructor who teaches at Private Career College # 115596 or another student about an act of sexual violence.

A supportive response from Private Career College #115596 involves:

- listening without judgement and accepting the disclosure as true;
- communicating that sexual violence is never the responsibility of the survivor;
- helping the individual identify and/or access available on or off-campus services, including emergency medical care and counselling;
- respecting the individual's right to choose the services they feel are most appropriate and to decide whether to formally report to the police recognizing that disclosing can be traumatic and an individual's ability to recall the events may be limited; respecting the individual's choices as to what and how much they disclose about their experience, and making every effort to respect confidentiality and anonymity.

If disclosure is made to any faculty or staff member by a student seeking support or accommodation, the faculty or staff should refer the student to Multicultural Women Against Rape Crisis: 416-597-8808 Office to ensure that the student receives all necessary support.

As indicated above, if faculty or staff member of the Private Career College #115596 becomes aware of an allegation of sexual violence against another member of the Private Career College #115596 the faculty or staff member is required to report the alleged incident to their direct supervisor immediately. From there, the supervisor will consult other college officials as appropriate and required.

In certain circumstances, Private Career College #115596 may be required to initiate an internal investigation and/or inform the police of the need for a criminal investigation, even without the person's consent, if the College believes that the safety of other members of the College is at risk.

7. Corrective and Preventive Action

If, after investigation, it is found that this policy has been violated, the offending person will be dealt with appropriately in the judgment of the PCC ID #115596. Corrective and preventive action may include, for example, training, reassignment, or disciplinary action up to and including expulsion, termination and/or other corrective/preventive action.

8. If You Would Like to File a Formal Complaint within the College

The Private Career College #115596 is to be notified immediately in order to assist you with filing a complaint. If the alleged perpetrator is another member of the Private Career College #115596 you may file a complaint under this Policy.

9. Confidentiality

Confidentiality is particularly important to those who have disclosed sexual violence. The confidentiality of all persons involved in a report of sexual violence must be strictly observed, and the College will do its best to respect the confidentiality of all persons, including the complainant, respondent, and witnesses. However, confidentiality cannot be assured in the following circumstances:

an individual is at imminent risk of self-harm;

an individual is at imminent risk of harming another; and/or there are reasonable grounds to believe that others in the College or wider community may be at risk of harm.

In such circumstances, information would only be shared with necessary service areas/departments to prevent harm, and the name of the survivor would not be released to the public.

All information collected as a result of a report made under the policy and procedure will be managed in accordance with the Freedom of Information and Protection of Privacy Act and Personal Health Information Protection Act as applicable.

10. Length of Process

Depending on the case, it might take between a couple of months to a couple of years. This long wait may be difficult for you. It is important to get support during this time. There are community agencies that can help you through the process.

11. Harassment

If you are being harassed (including sexual harassment) where you work, you may be able to have action taken under the *Occupational Health and Safety Act*. Contact Ontario's Ministry of Labor for more information.

12. Disciplinary Measures

If it is determined by the Private Career College #115596 that if a student of our Private Career college #115596 has been involved in sexual violence, immediate disciplinary or corrective action will be taken up to and including termination of employment of instructors or staff or expulsion of a student.

In cases where criminal proceedings are initiated, the Private Career College #115596 will assist police agencies, lawyers, insurance companies, and courts to the fullest extent. Where criminal and/or civil proceedings are commenced in respect to the allegations of sexual violence, Private Career College #115596 may conduct its own independent investigation into such allegations, and will make its own determination in accordance with its policies and procedures. Where there is an ongoing criminal investigation, the College will cooperate with the local police.

13. Reprisal

It is a violation of this Policy to retaliate or threaten to retaliate against a complainant who has brought forward a complaint of sexual violence, provided information related to a complaint, or otherwise been involved in the complaint investigation process. IF STUDENTS IN GOOD FAITH, REPORT AN INCIDENT OF OR MAKE A COMPLAINT ABOUT, SEXUAL VIOLENCE, THEY WILL NOT BE SUBJECT TO DISCIPLINE OR SANCTIONS FOR VIOLATIONS OF THE PRIVATE CAREER COLLEGE'S POLICIES RELATING TO DRUG OR ALCOHOL USE AT THE TIME THE ALLEGED SEXUAL VIOLENCE OCCURED. **STUDENTS WHO DISCLOSE THEIR EXPERIENCE OF SEXUAL VIOLENCE THROUGH REPORTING AN INCIDENT OF, MAKING A COMPLAINT ABOUT, OR ACCESSING SUPPORTS AND SERVICES FOR SEXUAL VIOLENCE, WILL NOT BE ASKED IRRELEVANT QUESTIONS DURING THE INVESTIGATION PROCESS BY THE PRIVATE CAREER COLLEGE'S STAFF OR INVESTIGATORS, INCLUDING IRRELEVANT QUESTIONS RELATING TO THE STUDENT'S SEXUAL EXPRESSION OR PAST SEXUAL HISTORY.**

4. Review This policy will be reviewed 3 years after it is first implemented.

15. Collection of Student Data Private Career College #115596 shall collect and be prepared to provide upon request by the Superintendent of Private Career Colleges such data and information as required according to Subsections 32. 3 (8), (9) and (10) of Schedule 5 of the Private Career Colleges Act, 2005 as amended.

16. Resource:

Toronto Oasis Centre des Femmes Telephone 416-591-6565: or Toronto Rape Crisis Centre:
Multicultural Women Against Rape Crisis: 416-597-8808 Office

Canadian Association of Sexual Assault Centers Ontario Provincial English
Assaulted Women's Helpline Toll Free: 1-866-863-0511 #SAFE (#7233) on Bell, Rogers, Fido or
Telus mobile TTY: 416-364-8762 Telephone toll-free: 1-877-336-2433 ATS: 1 866 860-7082

Women in Crisis 1-877-268-8380 705-268-8381 Toronto Multicultural Women Against
Rape/Toronto Rape Crisis Centre (416) 597-8808 416-597-1171

Ontario Legislative Rights

The Canadian Human Rights Commissions broadly defines harassment, some of which is sexual in nature as:

- Verbal abuse or threats;
 - Unwelcome remarks, jokes, innuendo or disrespectful comments about a person's body, clothing, age, marital status, ethnic or religious background
 - Showing offensive or disrespectful pictures
 - Practical jokes that cause embarrassment or awkwardness
 - Unwelcome invitation or request
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 - j) Employees and students are to be given specific methods of redress to follow in the event they are subject to sexual harassment.
 - k) It is the responsibility of administrators/supervisors, at all levels, to be sensitive to the possible existence of sexual harassment and to act quickly and appropriately to put an end to it
 - l) Employees or students who have engaged in sexual harassment of others will be subject to appropriate disciplinary action.

Due to the power imbalance that often exists between the harasser and the person being harassed, and worries about what will happen if they object, people may go along with the unwelcome actions. But in these cases, it is still sexual harassment and it is still against the law.

Sexual harassment is against the law

In Ontario, the *Code* prohibits all forms of discrimination based on sex – and this includes sexual harassment.

The *Code* applies to five "social" areas:

- services, goods and facilities (including education)
- housing
- contracts
- employment
- membership in vocational associations such as trade unions.

The *Code* prohibits reprisal or "payback" where a person raises issues or complains of sexual harassment. Reprisal includes such things as being hostile to someone, excessive scrutiny (for example, at work), excluding someone socially or other negative behavior because someone has rejected a sexual advance or other proposition (such as a request for a date).

You do not have to object to the harassment when it happens for there to be a violation, or for you to claim your rights under the *Code*. You may be in a vulnerable situation and afraid to speak out.

Due to the power imbalance that often exists between the harasser and the person being harassed, and worries about what will happen if they object, people may go along with the unwelcome actions. But in these cases, it is still sexual harassment and it is still against the law.

When deciding if sexual harassment has happened, human rights tribunals look at the impact the conduct had on the person, and whether this had a discriminatory effect. The intention of the harasser does not matter. A lack of intent is no defense to an allegation of sexual harassment.

The *Code* protects both men and women from sexual harassment, but women are more affected than men. International human rights conventions and Canadian legal decisions have recognized sexual harassment as an abuse of power that may reinforce a woman's historic lower status compared to men. Sexual harassment can happen in all social and economic classes, ethnic groups, jobs and places in the community.

A person may be more vulnerable to sexual harassment if they identify by other *Code* grounds, such as race, sexual orientation, disability, *etc.* Also, sexual harassment can have a worse effect if it is combined with discrimination or harassment based on other *Code* grounds.

Preventing and responding to sexual harassment

Organizations and institutions operating in Ontario have a legal duty to take steps to prevent and respond to sexual harassment. Employers, housing providers, educators and other responsible parties must make sure they have poison-free environments that respect human rights. From a human rights perspective, it is not acceptable to ignore sexual harassment, whether or not someone has formally complained or made a human rights complaint.

An effective sexual harassment policy can limit harm and reduce liability. It also promotes the equity and diversity goals of organizations and institutions and makes good business sense.

All responsible parties should monitor their environments regularly to make sure they are free of sexually harassing behaviors. Taking steps to keep a poison-free environment will help make sure that sexual harassment does not take root, and is not given a chance to grow

References:

Colleges Ontario, Sexual Assault and Sexual Violence Policy and Protocol

The Ontario Coalition of Rape Crisis Centers
(<http://www.sexualassaultsupport.ca> (link is external))

The Ontario Human Rights Commission Act
<http://www.ohrc.on.ca/en/policy-preventing-sexual-and-gender-based-harassment>

You are also welcome to review videos and commercials made on this:

The one-minute TV spot — created by Leo Burnett Toronto

<https://www.thestar.com/news/queenspark/2015/03/16/edgy-ontario-ad-combating-sexual-violence-goes-global.html>

Government of Ontario <http://youtu.be/GnRsUqF5G7o>

<http://www.cbc.ca/news/canada/toronto/ontario-sexual-harassment-summit-1.3326748>

You tube video provided to show you the extreme cases in other Countries young students are dealing with. You can help create awareness to, to make our world a safer place.

<https://www.youtube.com/watch?v=cvjCeIezynM>